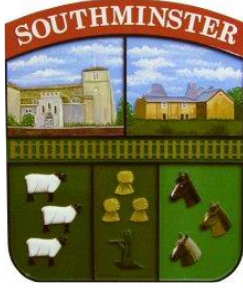


Signed by Cllr Harrold 16<sup>th</sup> September 2024



## **SOUTHMINSTER PARISH COUNCIL**

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### **Minutes**

#### **The Extraordinary Meeting of Southminster Parish Council 22<sup>nd</sup> July 2024 at 19.00, held at Community Hall 2, King George V Playing Field, Station Road Southminster Essex.**

**Present:** Cllr Harrold, Cllr Mische, Cllr Cleary, Cllr Fluker, Cllr Wyn-Davies and Cllr Wilcox.

**In Attendance:** J Jeffery (Parish Clerk/RFO) and 17 members of the public.

**24/197 Apologies for absence.**  
Cllr McKee and Cllr Pratt.

Cllr Harrold commended the Flower Show for a fantastic event which was held on Saturday 20<sup>th</sup> July 2024.

**24/198 To receive and approve Minutes of the Parish Meeting held 15<sup>th</sup> July 2024.**

The minutes were deferred to next meeting to allow for Cllr Fluker's amendments to be made.

**24/199 To receive and note any declarations of interest:**

To disclose the existence and any nature of any Disclosable Pecuniary Interests. Other Registrable Interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting.)

There were no declarations of interest made.

**24/200 Public Session – Opportunity for Members of the Public to speak**

A resident asked why the meetings are not being recorded as per resolution of council, The Clerk informed that until a Sound Recording Policy is adopted by Southminster Parish Council meetings cannot be recorded. The Performance, Governance and Audit Committee will be meeting on Wednesday 24<sup>th</sup> July 2024 to discuss the creation of the policy.

A resident asked if all meeting paperwork could be printed double sided and in black and white to save on costs.

A resident asked if there was any update on the three large planning applications which had previously been refused by Maldon District Council, Cllr Fluker informed there was no update, but appeals are expected.

A resident expressed concerns regarding the legality of hiring a public field to Combat Academy Ltd.

Cllr Harrold responded that the public field had not been included in any agreement with Combat Academy Ltd or any other third party. Cllr Wilcox informed Southminster Parish Council maintain

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control of the field, Southminster Parish Council would adjudicate if an issue was to arise over priority usage of the football pitches.

A resident expressed concerns regarding the proposal of hiring the football container from Combat Academy Ltd for use by Southminster United FC. How would future disputes be managed, Cllr Harrold responded that the agreement in place between Combat Academy Ltd and Southminster United FC would last for one year commencing 1<sup>st</sup> August 2024 and would be reviewed.

A resident commented that there was no public consultation before issuing the lease of Community Hall 1 to Combat Academy Ltd, Cllr Harrold responded that no public consultation was sought when Parish Council owned buildings were leased to other third parties.

A resident asked why Matters Arising no longer appears on the agenda, Cllr Harrold informed that Matter Arising was removed from the agenda many years ago as it was deemed that it elongated the meeting.

#### **24/201 Adoption of Agreement to Rent Community Hall One.**

Cllr Fluker gave a background that he had been working on the lease agreement with Cllr Harrold and Cllr Wilcox, however, Cllr Fluker felt uncomfortable with some of the terms of the agreement and had decided to step away from the working group on the basis that the use of the football pitches was not being properly protected for the benefit of existing users. Cllr Harrold commented that Cllr Fluker had made twenty-five changes to the original draft lease. Cllr Fluker responded that the fact he had made twenty-five changes to the draft lease which were agreed by those involved proved they were valid amendments. Cllr Wilcox commented that the twenty-five amendments had been accepted by the working group, therefore the comment made by Cllr Fluker is a mute comment.

Cllr Fluker informed that there is a rider above the signatures which leaves Southminster Parish Council in a vulnerable position, Cllr Wilcox responded the rider is there to protect all parties and that Southminster Parish Council would act as an adjudicator should the need arise.

Cllr Fluker said the rider says "The tenant will have priority option on the hiring, on a fair and reasonable basis, of the football pitches. Payment for hire will be made direct to the landlord at the rate charged by the Council. Any adjudication between parties to hire the football pitches will be made by the landlord" In his mind this means the tenant of Community Hall One has a 'priority option on hiring on a fair and reasonable basis'. Fair and reasonable are difficult to determine and if the Tenant exercised his right the council could find itself in a difficult position. Cllr Wilcox confirmed again it was a mute comment.

Cllr Cleary informed he understands why Cllr Fluker left the working group and has concerns around the contract.

Cllr Fluker asked that all comments are recorded in the minutes.

Cllr Fluker asked if the improvements carried out under sections 20 and 25 and that the Council has discharged its obligation properly – Cllr Harrold informed they had been.

Cllr Fluker proposed that the given the agreement had been signed by the Clerk and the Chairman it should be adopted as is, seconded by Cllr Cleary under duress.

A recorded vote was requested, against the resolution Cllr Cleary and Cllr Fluker, for the resolution Cllr Harrold, Cllr Wilcox, Cllr Mische and Cllr Wyn-Davies.

**RESOLVED: It was agreed to adopt the Agreement to rent Community Hall One to Combat Academy for Sports Ltd.**

#### **24/202 Football Pitch Hire - Season 2024/2025**

To discuss pitch hire for 2024/2025.

To discuss use of pavilion for training sessions.

To discuss the purchase of goal posts.

To discuss and pass any resolution as necessary.

Signed by Cllr Harrold 16<sup>th</sup> September 2024

Cllr Harrold informed a constructive meeting had been held with Howard Mackler, Jozef Dymond representing Southminster United FC and Cllrs Harrold, Cleary and Mische.

Agreement as follows:

Firstly, we can confirm pitches for

5 a side, under 8's

7 a side under 9's (Girls)

9 a side, under 11s and under 12's

11 a side, under 13's and Ladies can all be accommodated at all times required

There is capacity to add in Burnham Ramblers FC, however, Cllr Harrold stated that we need to be mindful of wear and tear on the pitches during the winter months.

Southminster United FC commented that should Burnham Ramblers use any youth football pitches they would need to provide their own goals.

1. Southminster Parish Council to provide 2 x sets of 11 a side goals and nets x 4, which will be stored in Gordon Harvey's container.

2. Southminster United to provide 5 a side, 7 a side and 9 a side goals and nets

3. Combat Academy have proposed that to resolve the dispute over ownership of equipment and for Southminster United to have a base and storage container at King George V Memorial Field, Combat Academy are willing to hire the football container at a cost of £25 per week or £100 per calendar month and relinquish any possible ownership that they have over the equipment stored within. Southminster United FC agreed £100 per calendar month as a compromise.

4. Combat Academy are willing to liaise with Southminster United FC to open their facility to provide a tuck shop and toilets for games and training.

Cllr Fluker said that any activities carried out in the building should align with permitted use under the agreement.

5. If the Combat Academy does not open, then they will be allowed to open the Pavilion.

6. Barriers to be shared three ways – Southminster Parish Council for events, Southminster United for advertising revenue and matches and Combat Academy as and when needed. All parties to work together, no priority with regards to barriers and all to be stored in the football container. Barriers to be used by Southminster United FC on Sundays to promote sponsors.

7. Juan F to drop keys to Howard when he picks up from Southminster Primary school on Thursdays and Howard or a representative for Howard to drop the keys through the letter box of the Parish Rooms on Sunday after the football finishes. The pavilion can be used for toilet facilities but there will be no cleaning over the weekend.

8. Should new goals be purchased that we speak to Mark Harrod with regards to the sizing goals to fit.

Cllr Harrold informed Members that Southminster St Leonards FC are prepared to sell their existing goals posts which need repair at a cost of £1000.00, with repairs estimated approximately £700.

Signed by Cllr Harrold 16<sup>th</sup> September 2024

Two new sets of goals complete with nets will be at a cost of £2851.82 plus vat. Cllr Fluker proposed the purchase of two sets of new goals and nets, with the potential of new sockets if needed, seconded by Cllr Mische.

Cllr Cleary proposed allocation of pitch fees to be discussed with Southminster United FC for reconciliation of payment of goals, making the cost neutral.

**RESOLVED:** Members agreed to purchase Two new sets of goals complete with nets ~~will be~~ at a cost of £2851.82 plus vat, with the potential of new sockets if required.

#### **24/203 Events Committee. Formation and terms of Reference**

To discuss and pass any resolution as necessary.

The Clerk prepared a draft Terms of Reference for the Events Committee, Cllr Fluker also prepared draft Terms of Reference which had been circulated amongst Members.

Cllr Fluker proposed forming an Event's Committee to replace the Events Working Group and the acceptance of the July 24 Terms of Reference prepared by himself in conjunction with TOR provided for by the Clerk, subject to reviews by the Committee and the Performance, Governance and Audit Committee, seconded by Cllr Wilcox.

**RESOLVED: That an Events Committee is formed as formal committee of Council. Both sets of Terms of reference would be considered by the Events Committee with the final version going to the PGA Committee for approval. The matters of finance and administration by the Clerk were agreed in principal.**

#### **24/204 Christmas Lights Sponsorship**

Cllr Fluker and Cllr Wyn-Davies to update.

To discuss and pass any resolution as necessary.

Cllr Wyn-Davies informed the unmetered supply certificate had been issued in March, Stress testing and basic attachments had been carried out in May, All Paperwork had been sent to Essex County Council, July.

All background works have been completed and are now awaiting approval.

Cllr Wyn-Davies informed there are 19 Christmas light columns, Cllr Wyn-Davies and Cllr Fluker to work together on sponsorship and bring an update to September 2024 meeting.

#### **24/205 Maldon District Council contribution to High Street Public Conveniences.**

Cllr Fluker to give an update.

Members to discuss and pass any resolutions as necessary.

Cllr Fluker informed that Maldon District Council are considering withdrawing finance for the High Street Public Conveniences. The Clerk informed there is a legacy letter in the files at the office, Cllr Fluker asked that a copy is sent to him.

Cllr Fluker proposed a press release regarding the proposed withdrawal of funding from Maldon District Council, seconded by Cllr Cleary.

Cllr Fluker to prepare a press release.

**RESOLVED: Cllr Fluker to prepare and submit press release regarding withdrawal of funding to be considered by Maldon District Council for the High Street Public Conveniences.**

#### **24/206 To discuss purchase of Memorial Tree for Cllr John Anderson**

Cllr Harrold to update.

Members to discuss and pass any resolution as necessary.

Cllr Harrold informed there is a budget of £3,500 allocated to Jubilee Woods cost centre for the purchase of a memorial tree and bench, Cllr Harrold will gather costings with a view to planting in November 24.

Cllr Fluker proposed that Cllr Harrold carried the project forward, seconded by Cllr Mische.

Signed by Cllr Harrold 16<sup>th</sup> September 2024

**RESOLVED: Cllr Harrold to gather costings for a memorial tree and bench and to carry project forward with a view to planting in November 2024.**

**24/207 Flower Show replacement container**

To discuss the purchase and installation of a replacement container.

To discuss and pass any resolution as necessary.

Members asked the Clerk to contact Buck Rogers with a view to removing the existing container.

Cllr Harrold Proposed a spend of £5028.00 for two x twenty feet containers, to be sited on pads, with a timeline of as soon as possible, seconded by Cllr Wilcox.

**RESOLVED: Two x twenty feet containers to be sited on pads at a cost of £5028.00**

**24/208 Events attended by Members**

To receive an update.

Cllr McKee attended the URC Community Hub event

Cllr's Fluker, Harrold, Mische and Wyn-Davies attended Southminster Primary School

Cllr's Harrold, Mische, Cleary, Fluker, Wyn-Davies and Wilcox attended Southminster Flower Show.

**24/209 Playground – King George V Memorial Field**

To receive an update on works still needed to be carried out.

To discuss and pass any resolution as necessary.

Cllr Harrold informed that cradle sets are to be purchased, another quote is to be obtained.

Cllr Fluker asked for an update on the new textile bins, The Clerk informed that two new bins have been sited and Southminster Parish Council will receive a payment of £300 per bin per year.

**24/210 Any matters that the Chair considers urgent.**

Item 24/176 15<sup>th</sup> July 2024 meeting, Cllr Harrold asked for Members to consider which account the carry over figure will be deposited to.

Cllr Fluker proposed the carry over figure of £47,819.00 be deposited in the Natwest 95-day notice account, seconded by Cllr Wilcox.

**RESOLVED: The carry over figure of £47819.00 will be deposited in Natwest 95-day notice account.**

**24/211 Public Session– opportunity for members of public to speak:**

A resident asked what the money received from the textile bins will be used for, Cllr Harrold informed that it would be shown as an income, and possibly used for King George V Memorial Field.

A resident asked where the proposed memorial tree and bench will be sited and if a maintenance budget had been proposed for the next three years to nurture the tree., Cllr Harrold responded that there is a wildflower bed at Jubilee Wood adjacent to the picnic tables.

A resident asked for an update on the new medical centre, Cllr Fluker informed St Peter's Hospital will eventually transfer all clinics to health hubs, Danbury, South Woodham Ferrers and eventually Southminster.

Cllr Fluker informed that the land was sold to the developer Dec 2023/Jan 2024, it is hopefully that the ground will be broken before January 2025.

A resident asked if the provision of public toilets at King George V Memorial Field would be reinstated. Cllr Harrold informed that in previous years he had obtained quotes for a vandal proof toilet, however, Members at that time voted against.

Members agreed to revisit the previous information, Cllr Harrold will report at a future meeting.

Signed by Cllr Harrold 16<sup>th</sup> September 2024

Southminster United FC asked for it to be confirmed that should Burnham Ramblers FC use the football pitches that they would need to provide their own youth goals. Members agreed that Burnham Ramblers would need to provide their own goals.

A discussion was had regarding planning permission and the timescale for the new community building. Cllr Harrold informed that the Strategic Development Committee would be meeting soon and will report back to the September meeting.

A resident asked who was funding the improvements to Community Hall 1 and the MUGA upgrade, Cllr Harrold informed that the tenant, Combat Academy Ltd were funding the improvements and that the lease is for five years or when the new build is commence whichever is sooner. Cllr Harrold informed that there will be no recompense from Southminster Parish Council.

A resident informed that she had seen the Parish Warden clearing the MUGA, The Clerk informed that she had spoken with the Parish Warden and reminded him after she was aware this had happened, that it is now the responsibility of the new tenant. However, The Parish Warden had glass from the MUGA as it was a health and safety issue with preschool children using the area.

Cllr Fluker asked that the new tenant provides insurance documents for Community Hall One, Muga and container leased from Southminster Parish Council. The Council agreed that the MUGA was unsafe and either needed to be cordoned off or repaired immediately as in its current form it was dangerous and presented a health and safety issue. Whilst liability rested with the tenant of Com Hall 1 the Council had an overarching responsibility as the landlord. It was agreed the Clerk would write to the tenant accordingly

A resident asked that minutes from a parish council meeting held two months prior are amended to show that she had been informed Southminster United FC would have priority over pitch usage. No Council Members recollected the comment, and it was not officially recorded, the minutes have already been signed, however, Members will note the comment.

**24/212**            **Date of the next meeting:**  
Monday 16<sup>th</sup> September 2024.

**24/213**            **Exclusion of Press and Public:**

To determine a proposal that the press and public should now be excluded from the meeting in accordance with The Local Government Act 1972, ss100.

Proposed by Cllr Fluker, seconded by Cllr Wyn-Davies

**RESOLVED: The press and public should now be excluded from the meeting in accordance with The Local Government Act 1972, ss100**

**24/214**            **Update from Solicitor regarding SUFC Holdings Ltd**

The cost to send a Solicitor's letter of claim is £660.00, this has been brought back to Members due to being above the Clerk's spending limit. However, Cllr Fluker commented that as it was a resolution of Council this should have been actioned sooner.

Cllr Fluker proposed that a letter of claim is sent to SUFC Holdings Ltd with a response required within two weeks, should there be no response within two weeks, Southminster Parish Council will apply for a County Court Judgement against SUFC Holdings Ltd (Ben Howells), seconded by Cllr Harrold.

Cllr Fluker asked that the Clerk when writing to the solicitor's adds the following, whilst we are satisfied with the service you are providing, a member proposed once settled contacting the law society to have your fee 'taxed'.

Signed by Cllr Harrold 16<sup>th</sup> September 2024

**RESOLVED: A letter of claim is sent to SUFC Holdings Ltd with a response required within two weeks, should there be no response within two weeks, Southminster Parish Council will apply for a County Court Judgement against SUFC Holdings Ltd (Ben Howells).**

**24/215 Renewal of lease/Review of Charges - Car Park building – All Raw**

Cllr Fluker asked that given the current lease expired on 25<sup>th</sup> August 2021 why the Council had not reviewed the lease then or at some time later. By not doing so the Council had potentially lost a lot of income as a result.

The Clerk responded it was an oversight.

Cllr Wilcox proposed that Cllr Fluker hold a meeting with the tenant, seconded by Cllr Wyn-Davies, Cllr Fluker to ask the tenant for their proposals The Clerk will share tenant details with Cllr Fluker.

**RESOLVED: Cllr Fluker to hold a meeting with the tenant, Cllr Fluker to ask the tenant for their proposals and report back to Council**

**24/216 Renewal of lease/Review of Charges – Community Hall 2 – Southminster Preschool.**

To discuss and pass any resolution as necessary.

Cllr Fluker proposed the renewal of the Preschool lease for two years. Southminster Preschool have requested that exclusivity of the building is considered.

The Clerk will write to Maldon District Council to inform that Community Hall 2 is no longer available for polling. The Clerk was asked to gather costings for hire of URC hall and Memorial Hall for Council meetings and submit to Cllr Fluker before the end of the week.

Cllr Fluker will negotiate with Southminster Preschool on behalf of Southminster Parish Council and report back.

Resolved: Once the cost implications of the Council changing its location for meetings is known Cllr Fluker will meet with the tenant to discuss their needs. Clerk to provide Cllr Fluker with the details of the tenant.

**24/217 Pavilion Electrics**

To discuss quotes received.

To discuss and pass any resolution as necessary.

Members considered the quotes received; Cllr Harrold proposed acceptance of the quote from M Freedman Electrical Ltd for £1952.40 inclusive of VAT, seconded by Cllr Mische.

Cllr Fluker stated that before the contract is awarded the contractor must supply details of their industry standard accreditation for working on commercial buildings. It was agreed that third party accreditation was not acceptable. The Contractor would have to supply their insurance details including 3<sup>rd</sup> Party Liabilities prior to starting any works.

**RESOLVED: Subject to the provision of the correct certificates and insurance documents The quote from M Freedman Electrical Ltd for £1952.40 inclusive of VAT is accepted and they are instructed to carry out the works asap**

**24/218 Close of business.**

Meeting closed at 9.35pm.