



## Minutes of the full Parish Council Meeting held on the 25<sup>th</sup> September 2023 at 7.30pm at Mistley Village Hall

### Councillors Present:

- Councillor B Burton
- Councillor J Chaplin
- Councillor S Coiley
- Councillor P Cunningham
- Councillor R Frost (Vice Chairman of the Council)
- Councillor F Kent
- Councillor I Leveridge
- Councillor P Nutter

### In Attendance:

- Mr. J Wedge– Locum Clerk
- District and County Councillor C Guglielmi
- District Councillor T Barrett
- Three Members of the Public

*Councillor Frost the Vice Chairman of the Council chaired the Meeting.*

1. **Welcome and Apologies for Absence** – Councillor Frost welcomed everyone to the Meeting. Apologies for absence were received from Councillors Cambridge (annual leave) and Howell (annual leave). These were accepted by the Council.
2. **Declarations of Interest and Dispensations** – The following declarations of interest were made. (There were no dispensations).

<u>Name of Councillor</u>	<u>Details of Interest</u>	<u>Minute Number</u>
Councillor Kent	Pecuniary Interest – Allotment Tenant	Minute Number 7 a) Allotment Working Party
Councillor Frost.	Personal Interest – Member of the Rugby Club.	Minute Number 18 – Parish Council Assets.
Councillors Coiley, Frost, Kent, Leveridge, and Nutter.	Personal Interests – Trustees of The Welcome Home Trust.	Minute Number 18 – Parish Council Assets.
Councillors Chaplin, Coiley, and Cunningham.	Personal Interests – Trustees of Mistley Village Hall Management Committee.	Minute Number 9 a) – Schedule of Accounts for payment.

3. **Public Voice** – A Members of the Public thanked the Council for the work it had organised to clear a local footpath.
4. **District and County Councillors Reports** – The District Councillors written report and the County Councillor’s written report were received and noted. (Copies on website). Councillor C Guglielmi was asked for up-dates on the following matters:
  - A lay by in Clacton Road
  - Weeds / Kerbs
  - Signage
  - Potholes
  - Overgrown Hedges
 Councillor C Guglielmi gave answers to each of these matters and undertook to progress each matter where possible.

5. **Minutes of the Parish Council Meeting held on the 14<sup>th</sup> August 2023** – These Minutes were received, considered, and approved following the vote. (Proposed by Councillor Frost and seconded by Councillor Coiley). (Copy in Minute Book and on website).
6. **Update/Matters Arising from Previous Minutes held on the 14<sup>th</sup> August 2023** – There were no new updates or matters arising.
7. **Councillors Reports on Working Party Meetings/Other Meetings/Site Meetings–**
- a) **Allotment Working Group** – (Councillors Burton, Chaplin, Coiley, Kent) –
- **Written Report** - The Council received and noted this - It was agreed following the vote, (proposed by Councillor Chaplin and seconded by Councillor Burton), that Councillor Leveridge will join this group.
  - **Rules and Regulations** – The Council considered these in relation to wildflowers. The legal advisor from the National Allotments Association (NAS) has advised the following: The limits on wildflowers would purely be dependent on what rules the tenancy agreement says. The law provides that plots should be “wholly or mainly” used for the growing of fruit and veg for feeding the tenant and their family. As such, the Association would typically expect less than half the plot to be used for wildflowers, structures, paths, etc. The NAS recommend typically having a cultivation target of 75% and advise that it could be that there is a specific rule for wild areas that have around 5% to 10% on average of wildflower areas. There was a discussion about the type of flowers to include and the proportion to allow to be grown on plots. It was agreed to come back to this matter at the next meeting,
  - **Railway Allotments** – The Council received an update regarding the gate latch, paths, cutting back of overgrown vegetation, and the repair of the fence and it was agreed following the vote, (proposed by Councillor Coiley and seconded by Councillor Burton) that a proper risk assessment would be carried out.
  - **Car Park at Hopkins** – The proposal for a gate or chain to be installed was considered and it was agreed that further work on the practical aspects of how to implement this is required before it could be approved. A quotation for £80 to cut the grass was also discussed. It was agreed following the vote, (proposed by Councillor Chaplin and seconded by Councillor Burton) that this quotation be approved.
  - **Plot Upkeep** - The Clerk was asked to remind all tenants to tidy their plots and commence winter digging.
- b) **Grounds & Tree Maintenance Working Group** – (Led by Councillor Nutter with other Councillors/Residents/Other Volunteers and the Council’s Warden) –
- **Written Report** - The Council received and noted the written report.
  - **Tree Management Policy** – The Council received, considered the proposed policy and agreed to defer a decision on adopting it as Councillor Nutter said it required a substantial re-write.
  - **Mistley Tree Planting Project** – The Council noted the Orchard Project where fruit trees will be planted at the River Reach Allotments and the new Playing Field at Furze Hill.
- c) **Signage Working Group** – (Councillors Burton, Chaplin, and Howell) –
- **Mistley Heath** – The Council considered the request for signage and discussed the installation of bollards to assist with parking issues. After discussion Councillors Burton and Chaplin agreed to canvass nearby residents’ views to see if a consensus could be established on the way forward.
  - **Noticeboards** – The Council noted its existing notice boards located currently at High Street (outside old Post Office), Harwich Road/Rigby Avenue, New Road, and Trinity Road/Trinity Close. Following the vote, (proposed by Councillor Chaplin and seconded by Councillor Burton), the Council agreed that there should be 4 new Noticeboards at:
    - High Street (outside old Post Office)
    - Harwich Road/Rigby Avenue
    - Trinity Road/Trinity Close
    - Mistley Heath
- d) **Other Meetings/Site Meetings** – There were no additional meetings to report on.
8. **Essex County Council’s Bus Network Consultation 2023** – (Closes 5<sup>th</sup> October 2023)
- **Consultation** – The Council considered the request by a local resident to respond to the [Bus Network Consultation 2023 - Essex County Council - Citizen Space](#). They noted that the Clerk has been in contact with Lawford Parish Council and Manningtree Town Council about the

consultation. Members were asked to provide the Clerk with any comments so that a joint response could be formulated.

- District and County Council Members – The Council considered and agreed with the request from a local resident to ask our District and County Council Members to support bus services.
- Parish Councillor Representative – The Council considered the request by a local resident to affix the name and contact information of a nominated Parish Councillor to bus stops to assist with channelling bus service complaints to Essex County Council Public Transport. It was agreed that as the Council was not responsible for bus stops and so this request was not feasible.

**9. Financial Matters – (The Council reclaims VAT). (The Council has the General Power of Competence under the Localism Act 2011 ss 1 to 8).**

- a) Schedule of Accounts for Payment – The schedule was received, considered, and agreed following the vote, for payments since the last Meeting of £10,684.99 plus VAT (total £11,153.63). (Proposed by Councillor Cunningham and seconded by Councillor Coiley). (Copy in Minute Book and on website).
- b) Bank Reconciliations – August 2023 – These were received, considered, and agreed following the vote. (Proposed by Councillor Cunningham and seconded by Councillor Coiley).
- c) Basics Essex – The Council received and considered the grant request. Following the vote, (proposed by Councillor Nutter and seconded by Councillor Coiley), the Council agreed to offer a grant of £250.
- d) Tree Work – The Walls – TCA (Tree Conservation Area) – The Council considered commissioning an Arboricultural Tree Survey. Following the vote, (proposed by Councillor Nutter and seconded by Councillor Cunningham), it was agreed that quotations for an Arboricultural Tree Survey should be sought and the work undertaken if the successful tender was less than £1000.
- e) Street Lighting Electricity Supply – The Council received an update and the Clerk’s liaison with Utility Aid following on from the last Meeting. It was noted that a new more competitive contract with SSE Energy Services (Scottish and Southern Energy) has been secured. This is effective from the 1<sup>st</sup> October 2023, will be for 36 months and the pence per kilowatt hour will be 28.515.
- f) Mistley Heath – Grounds Maintenance – Bush – The Council received and considered the quotation received from its contractor in the sum of £400 plus VAT. Following the vote, (proposed by Councillor Chaplin and seconded by Councillor Coiley), the Council agreed to accept this quotation. It was noted that going forward the Council’s Warden will maintain the bush, once it is at a more manageable size/state.
- g) Section 106 Planning Enforcement Update – The Council was disappointed to note the final update from the District Council’s Planning Enforcement Team and its Legal Team regarding the protracted matter of reimbursement of the Parish Council’s legal fees in the sum of £800 plus VAT (£960 – total) as follows: *“Unfortunately, as the company has gone into administration (along with associated companies) and this particular company has significant debts and no assets, the administrator having already indicated a “nil” return essentially meaning creditors will not get any money, there is nothing more we can do to enforce this breach of obligation.”* The Parish Council now has no option but to close its files on this matter.
- h) External Audit – The Council noted this completion for the year ended 31<sup>st</sup> March 2023. [Notice-of-Conclusion-of-Audit-Annual-Return-for-year-ending-31st-March-2023-Mistley-PC.pdf](https://mistleyparishcouncil.co.uk/Notice-of-Conclusion-of-Audit-Annual-Return-for-year-ending-31st-March-2023-Mistley-PC.pdf) ([mistleyparishcouncil.co.uk](https://mistleyparishcouncil.co.uk))
- i) Locum Cleaner – Following the vote, (proposed by Councillor Frost and seconded by Councillor Cunningham), the Council agreed the arrangements from 6<sup>th</sup> – 15<sup>th</sup> October 2023 inclusive for the public toilet and car park barrier. (Provision in the budget). The hourly rate will be £15 and there will be a handover and debriefing with the Council’s Cleaner and the Locum Cleaner - S C Strunkey. Only the public toilet keys and car park barrier code will be handed over, together with sufficient toilet rolls and cleaning products for the period of cover.
- j) Acorn Village – The Council received and considered the grant/donation application for £800. Following the vote, (proposed by Councillor Nutter and seconded by Councillor Cunningham), it was agreed that a grant of £250 should be offered.
- k) The Green – Bollards – The Council noted that Councillor Howell has been in touch with Rose Builders. The delay for the already agreed £500 quotation for installing the bollards (already purchased) is because of the scaffolding which was erected around the pump at a nearby residential property. The scaffolding has been removed and so the bollards are now being installed.
- l) Insurance – The Council noted that the Clerk has sought quotations from Clear Councils, CAS (Community Action Suffolk), Higos, Hiscox (partnered with the Council’s existing broker – Gallagher Insurance Brokerage), and Zurich. The Council also noted that its last insurance premium via

Gallagher Insurance Brokerage was £3,804.45 via AXA and that a new premium of £4,423.50 is being sought. For the same like-for-like cover Clear Councils (Aviva) are quoting £2,449.82 or for a fixed premium over the next 3-years period the insurance premium will be £2,3325.11 with a discount because the Parish Council has the Foundation level via the Local Council Award Scheme bringing the 3 yearly annual premiums down to £2,292.90. (Renewal 1<sup>st</sup> October 2023). Following the vote, (proposed by Councillor Frost and seconded by Councillor Coiley), the Council agreed to proceed with the 3-years cover with the fixed premium of £2,292.90 via Clear Councils.

m) Urgent Finance Matters – There were none.

**10. Correspondence –**

- a) Rotary Club – Children In Need – The Council noted that the 12<sup>th</sup> November 2023 charity walk had been cancelled.
- b) Request for Consent – Furze Hill – The Council received the request, together with the Clerk's request for information including public liability insurance cover and a robust risk assessment from a professional fireworks company. However, the Council could not consider this further due to the information requested not being received.
- c) Additional CCTV Cameras – Near to Public Toilet – The Council noted that there were trials of an alternative CCTV camera system ongoing at Mistley Village Hall.
- d) Consultation on New Measures to Tackle Irresponsible Dog owners in Tendring – Members were asked to bring proposals to the next meeting.
- e) Other Correspondence –
  - Official Re-opening of the Bathing Hut – The Council noted the official opening of this by the Rotary Club with media release opportunities for this project within the local community. The re-opening will be on Monday 16<sup>th</sup> October 2023 at 12 noon.
  - Mistley Rugby Club – Marquees – The Council considered the Rugby Club's request for a marquee for larger events for erection outside of the clubhouse. Following the vote, (proposed by Councillor Coiley and seconded by Councillor Cunningham), the Council agreed that they were content in principle with this proposal subject to planning permission from Tendring District Council being obtained.

**11. Mistley Norman Primary School** – Councillors had no comments on this item.

**12. Risk Assessments** – All Allotment Sites, All Play Areas, Cemetery and 2 x Closed Churchyards.

- a) August 2023 – Risk Assessments - The Council received the written assessments from its Warden. (3-monthly assessments – August 2023). The details were noted. (See above Minute Number 7a) regarding the Railway Allotments).
- b) Rotary Club Offer - Councillor Coiley provided an update from the Rotary Club contact who had offered to carry out risk assessments at no cost. Following the vote, (proposed by Councillor Nutter and seconded by Councillor Cunningham), the Council agreed that this person should be engaged to carry out all the Council's risk assessments subject to a detailed discussion with the Clerk about what this entails.
- c) Risk Assessment Contractor - The Council noted that its grounds maintenance contractor – a qualified professional assessor, would charge £400 plus VAT every three months for carrying out visual and written risk assessments for all sites.
- d) Next & Future Risk Assessments - For the next risk assessments (due November 2023) and the assessments thereafter, would be carried out by the Rotary Club contact.

**13. By-Election** – The Council noted that a by-election will be held and that Tendring District Council would let the Council know what the arrangements would be.

**14. Next Meetings –**

- Planning Committee Meeting - Monday 6<sup>th</sup> November 2023 at 6.30pm at Mistley Village Hall – This was noted.
- Parish Council Meeting – Monday 6<sup>th</sup> November 2023 at 7.30pm at Mistley Village Hall – This was noted.
- Schedule of Meetings 2024 – The Council received and agreed the schedule of meetings following the vote. (Proposed by Councillor Frost and seconded by Councillor Coiley).

**15. Resolution to Exclude the Public and the Press** – The Public Bodies S.1 (2) (Admission to Meetings Act 1960) and the Local Government Act 1972 ss 100 and 102 (amended 2014). The Council agreed

following the vote, to exclude the Public since publicity would legally prejudice commercial sensitivity and confidentiality. (Proposed by Councillor Frost and seconded by Councillor Cunningham).

16. **Confidential Minutes of the Parish Council Meeting held on the 14<sup>th</sup> August 2023** – The Council is asked to receive, consider and approve the Confidential Minutes.
17. **Update/Matters Arising from Confidential Minutes held on the 14<sup>th</sup> August 2023**– The Council is asked to receive and note any updates.
18. **Parish Council Assets – (Leases/Licences)** – The Council is asked to receive legal updates and to consider and agree the next legal stages with the Council's Solicitor.

*There being no further business, this part of the public Meeting closed to facilitate the closed part of the Meeting.*