



# MISTLEY PARISH COUNCIL

## Minutes of the full Parish Council Meeting held on 27<sup>th</sup> April 2020 at 7.30pm via the Zoom Platform

### **Councillors Present:**

Councillor C Howell (*Chairman of the Council*)  
Councillor J Chaplin (*Vice Chairman*)  
Councillor B Burton  
Councillor J Cambridge  
Councillor G Carter  
Councillor S Coiley  
Councillor R Frost  
Councillor F Kent  
Councillor P Nutter  
Councillor I Peacock

### **In Attendance:**

Mrs S Clements – Parish Clerk/Responsible Financial Officer  
Three Members of the Public  
One Representative from the Press

- Welcome and Apologies for Absence** – The Chairman welcomed everybody to the Meeting. Apologies for absence were received from Parish Councillor Smith, District Councillor Coley, District and County Councillor Guglielmi and District Councillor V Guglielmi.
- Declarations of Interest** – The following interests were made:

<u>Name of Councillor</u>	<u>Details of Interest</u>	<u>Minute Number</u>
Councillor Nutter	Non-pecuniary interest as knows one of parties	8. h) Clerk and RFO Matters – Allotment Tenants
Councillors Burton, Cambridge, Chaplin, Howell, Frost and Nutter	Non-Pecuniary interests as these Councillors are Trustees of the Welcome Home Trust	12. The Welcome Home Trust
Councillor Cambridge	Pecuniary interest as Councillor Cambridge is the applicant's agent	12. a) Planning Applications – 132 Harwich Road
Councillor Frost	Non-pecuniary interest as Councillor Frost knows the applicants	12. a) Planning Applications – 132 Harwich Road

- Public Voice** – No Members of the Public wished to speak at this point. Councillor Howell spoke about matters brought to her attention by the Public including:
  - Safely opening the local Recycling Centre so that local people can use this resource with social distancing and safety measures in place. The Parish Council agreed that our County Council be asked to look into and consider some limited opening.
  - Grateful thanks to Mr D Bell who has kindly cleaned and treated the Swan Fountain with anti-algae. The Fountain is looking really good. The Council agreed that Mr Bell should be reimbursed for any expenses for carrying out this work on a Parish Council asset.

- Green Lane and Church Lane – Concerns have been raised by local residents about the white dust in this area following the lane/road repairs. Councillors felt that any dust will settle once it has become more embedded and after some rain.
4. **District and County Councillors Reports** – Our District and County Councillors have been providing regular email updates during COVID-19. The Parish Council has received and noted these details.
  5. **Minutes of the last full Parish Council Meeting held on the 16<sup>th</sup> March 2020** – The Minutes were received, considered and approved following the vote. (Proposed by Councillor Coiley and seconded by Councillor Chaplin). (Copy in Minute Book).
  6. **Update/Matters Arising from Previous Minutes held on the 16<sup>th</sup> March 2020** – There were no matters or updates.
  7. **Councillors to Report on External/Virtual/Remote Meetings Attended** – There were no Meetings prior to Lockdown. However, Councillor Howell met safely with a representative of the local RBL (Royal British Legion) at the War Memorial to lay a wreath on behalf of the Parish Council/Mistley residents to commemorate the 75<sup>th</sup> Anniversary celebrations of VE Day. Councillor Cambridge filmed the ceremony. This footage will be sent to Tendring District Council. Councillors noted that the District Council are encouraging local residents to make bunting and hang this on front windows, gardens etc during the VE Day weekend and to then send photographs to Tendring District Council.
  8. **Clerk and RFO (Responsible Financial Officer) Matters**
    - a) Schedule of Accounts for Payment – The schedule of accounts was received and considered. It was proposed by Councillor Cambridge seconded by Councillor Burton and agreed following the vote, that the accounts in the sum of £16,013.36 be paid. A discussion took place about the annual street lighting utility account. The Clerk advised that the street lighting owned by the Parish Council is left on all night, as opposed to being turned off at for example, 12 midnight. The Clerk will check with the utility supplier and the street lighting contractor to establish if the lighting can be phased, such that some areas are turned off say at midnight and some left on all night and how this would work in practice. (Copy in Minute Book).
    - b) VAT Claim – The Council noted the credit of £1979.46 received from HMRC.
    - c) Land South of Harwich Road – Councillors noted that under the Section 106 legal agreement between the Developers and Tendring District Council and the eventual transfer of the playing field land to the Parish Council for community use, that the land is not currently fit for purpose. The reference to £15,000 within the Section 106 was noted, but the conditions about this are unclear. *The Council agreed to allow a Member of the Public and representative from Mistley Rugby Club to speak briefly at this point.* The Council noted the Rugby Club's interest in this land, along with other local groups. It was agreed following the vote, (proposed by Councillor Frost and seconded by Councillor Burton), to set up a Working Group comprising Councillors Cambridge, Coiley, Frost, Howell, Kent, Nutter and Peacock to discuss the matter in further detail and then report back to the next Parish Council Meeting.  
*Two Members of the Public left the Meeting at this point.*
    - d) Mistley Village Hall Management Committee – The Council received and noted the 1991 Deed of Variation of The Trustees of the Village Hall. However, the Council has not seen a copy of the Lease and Trust Deed dated the 13<sup>th</sup> September 1990. The Council received and noted the correspondence received requesting a contribution towards water/electricity used for the Public Toilet. Following the vote, (proposed by Councillor Frost and seconded by Councillor Burton), it was agreed to ask the Clerk to obtain the original Lease and Trust Deed.
    - e) Chainsaw – Following the vote, the Council agreed to purchase a chainsaw for the Grounds Maintenance Volunteer Group. (£210). (Proposed by Councillor Frost and seconded by Councillor Burton).
    - f) Memorial Bench – The Walls – The Council received and considered the request. A discussion ensued where Councillors noted its current policy of not allowing any new benching/seating in this area. However, there is one community bench which is dedicated to sharing various memorial plaques. There is also a concrete base where a bench has been removed. The Council discussed the possibility of removing the concrete base or replacing the previous bench. Councillors felt that the Council needed to operate a fair, open and transparent process as previous bench requests have been refused. Following the vote, the Council agreed for Councillor Howell to check the seating and plaques along The Walls and report back to the next Parish Council Meeting to consider further. (Proposed by Councillor Frost and seconded by Councillor Burton).
    - g) Precept 2020/2021 – The Council noted receipt of the first instalment of £38,980.00 on the 1<sup>st</sup> April 2020.
    - h) Other Finance Matters;
      - Allotment Tenants – The Council considered the matter of the unauthorised sub-letting by one of its Allotment tenant's at the Railway Allotment site brought to its attention in the last few days. A

full and very detailed discussion ensued. The Council felt that it did not wish to go against the terms and conditions of the legally binding tenancy agreement or the principle of allotments for its parishioners and it did not wish to set a precedent, as many Mistley residents are still on the waiting lists for allotment plots. Councillors agreed that the Council needs to continue with its fair, open and transparent process for its council tax payers and although it appreciates that this will be disappointing to the two Lawford residents that the tenant has illegally sub-let to because they will have worked the plot. However, the Council agreed that it has no other option but to cease the tenancy agreement with the tenant and subsequently the allotment plot will return to the Parish Council. With regard to Phase 2 of the Brunswick/Shrubland Road allotments the Council agreed that this area should be split into half plots in order to assist more of its residents who are on the waiting lists. (Proposed by Councillor Frost and seconded by Councillor Burton). *Councillor Nutter abstained from the vote as he knows one of the parties. He also did not agree that the plot was being sublet.*

- VE Day Community Wreath – The Council considered the virtual celebrations arrangements. Following the vote, the cost of a wreath at £18.50 was agreed. (Proposed by Councillor Frost and seconded by Councillor Burton).

**9. Correspondence –**

- a) Policing Update – Councillors received the update received from PCSO Pat Smith and the latest crimes in Mistley since the last report. (The crime reports for Lawford, Little Bentley, Manningtree and Tendring were also noted). There was one crime - a theft at Middlefield Road on the 12<sup>th</sup> March 2020.
- b) Local Resident – Mistley Heath – The Council received and considered the correspondence prior to this Meeting regarding Openreach equipment installed at this location for the whole Village for the ability to achieve superfast broadband and the related correspondence. It was noted that Openreach operated correctly and legally and that the Parish Council has not given formal consent for the resident to park his car on this land.
- c) Forestry Commission - Felling License – Furze Hill Wood – The Council received and noted approval of the licence.

10. **The Walls – Food/Drink Vendors** – The Council considered giving notice to charge nominal weekly rents. A full discussion took place about the licenses issued by the District Council, the Parish Council's letters to the vendors about chairs and tables during certain periods, litter, COVID-19 and the vendors and customers, the previous gathering of motorcycles and classic cars along The Walls and safety concerns. Following the vote, (proposed by Councillor Nutter and seconded by Councillor Cambridge) it was agreed to ask the Clerk to check with Tendring District Council the position regarding rents.

**11. COVID-19 –**

- a) Standing Orders 2020/2021 – The Council received, considered and agreed/resolved to adopt following the vote, (proposed by Councillor Nutter and seconded by Councillor Burton) the amendments relating to Parish Council Meetings, Committees and Sub-Committees and the new legislation under The Local Authorities (Coronavirus) Flexibility of Local Authority Meetings (England) Regulations 2020.
- b) Financial Regulations 2020/2021 – The Council received, considered and agreed/resolved to adopt following the vote, (proposed by Councillor Nutter and seconded by Councillor Burton) the amendments relating to Parish Council Meetings and payments on the schedule of accounts and the new legislation under The Local Authorities (Coronavirus) Flexibility of Local Authority Meetings (England) Regulations 2020.
- c) Remote/Virtual Meetings Platform – The Council considered and formerly agreed following the vote, (proposed by Councillor Nutter and seconded by Councillor Burton), that Zoom will be used at an annual cost of £119.90 plus VAT. The Council will continue with Virtual Meetings until such time as it is able to meet safely again in the normal way.
- d) COVID-19 – The Council agreed following the vote, (proposed by Councillor Nutter and seconded by Councillor Burton), in line with safety measures and with national government guidelines, that the professional play area safety checks should take place. Councillor Nutter kindly agreed to drop off and collect the keys to the locked play equipment to Tendring District Council, who arrange the play area safety inspection checks.

12. **The Welcome Home Trust** – *The Trustees of the Trust – Councillors Burton, Cambridge, Chaplin, Frost, Howell and Nutter all declared non-pecuniary interests and took no part in the subsequent vote.* The Council received, considered and agreed following the vote, (proposed by Councillor Peacock and seconded by Councillor Kent), the invoice for 2019/2020. The invoice will be presented to the Welcome Home Trustees at the next Trust Meeting.

