

## DANBURY PARISH COUNCIL

*A Quality Council*



### **Minutes of the Parish Council Meeting held on 27th January 2016 at 7.30 pm at The Old School House, Main Road, Danbury**

Present: Cllrs     S Berlyn (Chairman)                     G Gardiner  
                         Mrs A Chapman (Vice Chairman)     A Keeler  
                         A Allen     P Sutton  
                         D Carlin     M Telling  
                         Mrs B Hallett                                     R Wakefield

In Attendance: Mrs M Saunders, Clerk  
                         Mrs M Dyer Assistant Clerk  
                         Cllr J Spence Essex County Councillor  
                         Cllr R Shepherd Chelmsford City Council  
                         Cllr R Ambor Chelmsford City Council  
                         1 Member of the Public

#### **128 Apologies for absence**

Apologies were received and accepted from Cllrs Mrs Gardiner, Kennewell, and Wood.

#### **129 Declarations of Interest**

Members were reminded that they must declare any pecuniary or non-pecuniary interests they had in any items of business on the meeting's agenda. They were reminded that they would need to repeat their declaration at the appropriate point in the meeting and leave the room if the interest was a pecuniary one. Unforeseen interests must similarly be declared at the appropriate time. Councillors had a dispensation to speak on any items regarding the Danbury Community Association Trust Limited – Danbury Sports and Social Centre and the precept.

None were declared.

#### **130 Public Question Time**

Cllr Spence addressed the meeting. He thanked the Parish Council for holding a special meeting regarding Community Engagement. There were still some areas where surface water flooding occurs. Regarding Belvedere there had been some positive response but there was still more work to be completed. There were still more road works to be completed and there was a list for Danbury and surrounding areas at the moment being completed. Regarding the budget, the Essex County Council had lost 59 million pounds from Government. The National Living Wage would cost the Essex County Council 50 million pounds. For the first time in five years the budget would require an increase of 1.9%. There had been more money put in to repair minor roads and footways and lighting. There had been progress on main roads but urban estates and minor roads required attention. Schools required additional places and new schools were being built at Beaulieu Park. An investment of 270 – 300 million pounds was being made. In Boreham, there were many planning applications to correct the deficit in housing. More homes are needed in Essex circa 8-9% in 10 years. 25% of the population in Essex are older residents

therefore there is a real need to build smaller units – sale of public sector land (Brown Field Sites) will be undertaken for this purpose. Cllr Spence was asked about whether the CIF fund was remaining and he assured the Parish Council that this was the case. The bus services consultation had been held and Essex County Council was going to increase the prices. Libraries were joining with other local services for more economy to make community hubs; sometimes sharing with the Police as the front desks were disappearing. This was due to the increase in people downloading books on-line. A question was asked regarding the Chelmer Viaduct. This was being paid for by the Highways Agency at a cost of 18 million pounds and should be open in the summer. Chelmsford was in need of a North East Bypass to accommodate the planned 3,600 houses which were being sold very quickly. Questions were asked regarding the budget for local policing which does not come under the Essex County Council's budget. The only place known about was Frinton on Sea where the local residents had paid for private policing of the area. Many places were now covered with CCTV and the PCSO's had been rationalised.

Cllr Shepherd advised that CCC is opposed to the proposed Hammond Farm development.

None of the other Councillors from the District Council or the Member of the Public wished to speak.

### **131 Correspondence regarding the Parish Council**

#### **131.1 Email**

The email from the Danbury Group Scout Leader was circulated with the Agenda together with notes from a meeting held on the 7<sup>th</sup> December 2015.

#### **131.2. Complaints Procedure**

The Complaints Procedure for Danbury Parish Council had been followed up until Point 15.

#### **131.3 Section of Complaint**

A personal element of the complaint was to be dealt with under the Private and Confidential part of the Agenda.

Items 131.1 and 131.2 were discussed together.

The Chairman handed over to the Clerk. She stated she was acting purely as an adviser. The Clerk had rung Chelmsford City Council for advice from the Monitoring Officer. She was not there, so another member of her staff gave advice verbally. The Parish Council was advised to deal with the complaint through a Parish Council Meeting so the residents could see transparency. The Chairman of the Council was present when this call was made and as a result of this the Parish Council's complaints procedure was implemented. This part of the complaint was about the Parish Council in general. The letter was written from the Group Scout Leader and was from the Scouts to the body corporate. The Scouts had requested a formal response to this email.

The Chairman reminded Councillors that they had all had a copy of the correspondence and that there was a section of the correspondence that would be covered in the Private & Confidential section of the meeting. At this point in the meeting the Chairman would explain the reason why an apology had been given.

The item was then opened to the floor for comment.

Cllr Allen indicated that he wanted to speak and read out the following statement:

- He had issue with the agenda item being called a complaint –the email was not a formal complaint.
- There was no request in the email for a formal complaint to be made, yet at an informal meeting with the Scouts, a formal apology was given.
- He had concerns regarding the secrecy of this informal meeting and wanted to know why it was held and why an apology was given from the body corporate without Parish Council approval. He questioned why this email had not been discussed at one of the committee meetings held before this Parish Council meeting (and proceeded to list all such meetings).
- He believed that it should be the Scouts who should apologise and stated his disappointment that the informal meeting had taken place and with the naivety of the two members of the Parish Council attending the meeting.
- He had total disagreement with the email and he believed that the concerns raised were covered in the meeting and the ensuing minutes. He questioned why the Scouts had not spoken up in the Parish Council Meeting in November.
- He believed that the PC had not acted democratically and then proceeded to read from (as he quoted) the NALC 2013 Complaints Procedures stating that this complaint procedure had not been followed.
- Therefore he stated the apology was not valid as the PC had deviated from:
  - Transparency
  - Openness
  - Honestyand questioned the integrity of the Chairman, Vice Chairman and Clerk.

Cllr Allen then made a proposal (which he read from a 'script' and could not all be taken down), but the main elements were that he believed the formal apology was invalid and should be withdrawn and that there should be a two-way constructive conversation regarding the Fireworks and also that a road closure was not necessary.

As no other member seconded the Proposal it was not adopted.

It was pointed out to Cllr Allen that the NALC Complaints Procedure is not the one adopted by Danbury Parish Council.

The scouts had been notified of the meeting with no response.

Cllr Keeler then spoke, stating:

- His concern regarding the formal apology in an informal meeting
- That the Scouts should advise the Parish Council of the event and that in his opinion the Scouts had left the meeting with the matter resolved.

It was pointed out that an informal meeting is part of DPC's complaint's procedure and it was restated again that the Parish Council had its own complaints procedure for complaints against the Parish Council and has not adopted the NALC one (the

NALC document refers to Code of Conduct complaints regarding individual councillors, this complaint was regarding the total council).

The Chairman of the Council stated that this complaint had to come to a Full Parish Council meeting and could not be added onto a committee meeting. It was also pointed out that the Clerk could not be expected to be available for extra meetings.

8pm - at this point the Clerk left the room as she was unwell.

The Chairman of the Council again stressed that the complaints procedure had been followed.

Cllr Carlin then queried why Cllr Allen was quoting from the NALC procedure when Danbury Parish Council had its own complaints procedure.

The Chairman of the Council explained that whilst NALC issued models for various orders and procedures that Parish Councils can amend the NALC version or indeed produce their own.

Cllr Mrs Chapman then quoted from the minutes when the Danbury Parish Council complaints procedure had been adopted by the Council to clarify that Cllr Allen was not referring to the correct procedure for this Council.

Cllr Telling felt that constructive dialogue was needed for future events.

At 8.10pm the Chairman of the Council called for an adjournment to check on the well-being of the Clerk.

At 8.13pm the meeting was reopened and the Clerk re-joined the meeting.

The Chairman of the Council stated that the email should be treated as a complaint and expressed how upset he was that his integrity and that of the Vice Chairman and the Clerk had been questioned by Cllr Allen.

The Chairman of the Council pointed out that no written apology had been sent to the Scouts and stated again that he would reveal his reason for the apology under the Private and Confidential Agenda item 28.

The Chairman again reminded Council that the Clerk needed to know what the Parish Council wanted to do regarding this complaint

At this point the proposal put forward earlier by Cllr Allen was reread out loud by Cllr Allen (this was again read out too fast to minute). There was no seconder.

Cllr Carlin then stated that due process was in place and the Parish Council should follow it. Cllr Allen again queried the complaints procedure.

Cllr Mrs Chapman expressed her surprise at how the November meeting had proceeded and that she felt that the Scouts were also amazed at their treatment and that she agreed their email was a complaint. Cllr Telling then also agreed that this was a complaint

As the Parish Council could not decide at this point on a resolution it was agreed to review what action should be taken under the Private and Confidential.

The Chairman then continued with the Agenda for the meeting.

City Cllr R Shepherd and County Cllr J Spence left the meeting.

### **132 Approval of Minutes**

RESOLVED: that the minutes of the meeting held on Monday 18<sup>th</sup> January 2016 be approved and signed as a correct record.

### **133 Councillor Vacancies and Appointments to Committees**

There had been two enquiries regarding vacancies on the Parish Council.

RESOLVED: that the information be noted.

### **134 Post Office**

The Clerk had been in contact with the Chief Executive of the Coop and had been informed that the Co-op was in the process of signing a contract.

RESOLVED: that the information be noted.

### **135 Reports from Village Organisations**

No reports were made from Members.

RESOLVED: the information be noted.

### **136 Strategic Plan Group**

No further meetings had been held at the present time due to the availability of members of the group. The meeting was planned for Wednesday 24<sup>th</sup> February 2016 at 2 p.m.

RESOLVED: that the information be noted.

### **137 Leases**

#### **137.1 Old Pavilion**

The comments had now been received from Danbury Community Association (Trust) Limited. A further meeting with the Trust to discuss the comments and to progress the Lease was planned.

RESOLVED: that the information be noted.

#### **137.2 The Old School House**

The Clerk required authorisation to agree an additional item on the Parish Council's Lease for the Old School House for the provision of the receiver for the CCTV.

Members unanimously agreed that the Clerk be authorised to add the CCTV to the Parish Council's Lease with Essex County Council for the Old School House.

RESOLVED: that the Clerk be authorised to add the CCTV to the Parish Council's Lease with the Essex County Council for the Old School House.

### **138 Standing Orders and Financial Regulations**

#### **138.1 Standing Orders**

Members unanimously agreed to new item 18g on page 197 to cover the new contracts process.

#### **138.2 Financial Regulations**

Further to Minute 63 of the Resources Meeting held on 28<sup>th</sup> October 2015, item I on page 16 of the Financial Regulations under contracts had been amended as per the recommendation from Resources Committee. Members unanimously agreed to add the additional item I on page 16 of the Financial Regulations.

RESOLVED: that

- a) The Standing Orders be adopted with the new item 18g on page 197 and
  - b) The Financial Regulations be adopted with the new item I on page 16.
- Copies of the Standing Orders and Financial Regulations had been circulated to all members.

### **139 Reports from Committees**

#### **139.1 Resources Committee**

The Vice Chairman of Resources advised that:

**139.1.1** The Committee was investigating costs for a new server.

**139.1.2** The office had now been transferred to fibre optic cable.

**139.1.3** The Resources Committee recommended to Parish Council that it adopts and opts into the external auditor from the Smaller Authorities' Audit Appointments Limited. Members unanimously agreed this course of action.

**139.1.4** The Resources Committee had appointed TMA Chartered Surveyors to complete the five year survey of the buildings of Dawson Memorial Field for the insurance review

RESOLVED: that the Parish Council adopts and opts into the external auditor from the Smaller Authorities Audit Appointments Limited.

#### **139.2 Planning Committee**

The Chairman of Planning advised that:

**139.2.1** The Parish Council was requested by the Planning Committee (which met on the 18<sup>th</sup> January 2016) to register their interest in producing a Neighbourhood Plan with Chelmsford City Council. Members unanimously agreed this course of action

RESOLVED: that Danbury Parish Council requests Chelmsford City Council to register their interest in producing a Neighbourhood Plan

**139.2.2** Developers had attended meetings to give information on proposals for developments at Old Chase Farm (59 dwellings) and Hammonds Farm (up to 5000 dwellings)

**139.2.3** Planning Enforcement had opened a new case on Wickham House at Runsell Green due to complaints regarding its current condition

**139.2.4** Comments had been sent to Chelmsford City Council regarding the New Local Plan Consultation

RESOLVED: that the information be noted.

#### **139.3 Environment Committee**

The Chairman of Environment advised that:

**139.3.1** A request had been made to discuss road closures in the village and set a viewpoint for the future that could be put forward to the Chelmsford City Council and event organisers. Information had been circulated to Members regarding the two types of road closures, one for road repairs and the other to provide a special event or street party.

The Chairman of Environment proposed that the Parish Council requested Chelmsford City Council to consult with the Parish Council over any events where road closures were to be implemented in the village. This was agreed unanimously.

It was hoped that the Parish Council would be consulted over the Road Closure for Well Lane.

RESOLVED: that the Clerk writes to Chelmsford City Council to request consultation over any events where road closures were to be implemented within the village.

**139.3.2** Danbury was being used for one month by the Dog Wardens for “Dog Watch” as there had been several complaints regarding dog fouling within Danbury. Members would like some feedback from this campaign.

RESOLVED: that the Clerk request Chelmsford City Council for feedback from the campaign.

**139.3.3** Project Danbury – a further meeting was arranged for the 29<sup>th</sup> February. It was hoped that planting of the flowerbed outside the Old Pavilion would commence soon after that.

**139.3.4** Living Landscapes - a suitable location had been found for a barn owl box on Dial Common. Access across neighbouring land was needed and this was currently being sought from the resident.

**139.3.5** The new information board had been installed at St Johns Green.

**139.3.6** Belvedere Road and adjoining roads had been inspected again at the request of Cllr Spence. Jobs had been raised to repair the worst sections of pavement in Belvedere Road. The large scale of work required to rectify the issues in this area exceeded the resources of the general maintenance programme and would be submitted to the Capital scheme for consideration in 2016/17.

RESOLVED: that items 140.3.2 – 140.3.6 be noted.

#### **139.4 Facilities Committee**

The Chairman advised that

**139.4.1** Approval had now been received from Essex County Council regarding the installation of a receiver on the Old School House so the CCTV could now go ahead.

**139.4.2** Quotations for tree works would be going to the next Facilities Meeting in February.

**139.4.3** The Old Pavilion works were reported later in the meeting.

**139.4.4** The LED Lighting Pillar has now been installed.

RESOLVED: that items 140.4.1 to 140.4.4 be noted.

#### **140 Communications Working Group**

The Communications Group had not met due to the availability of councillors. The Vice Chairman of the Council and the Clerks in the office had tried to make contact with the Practice Manager of the Medical Centre to request a Doctor to speak at the Annual Meeting to no avail. The office had made enquires with the Rural Community Council to see if they could provide a speaker regarding the Neighbourhood Plan. Cllr Mrs Chapman had also provided details of Community Agents.

Members unanimously agreed that the Rural Community Council should speak on the Neighbourhood Plan Process at the Annual Parish Meeting on Monday 18<sup>th</sup> April, 2016.

RESOLVED: that the Parish Council request the Rural Community Council to speak on the Neighbourhood Plan Process

#### **141 Old Pavilion Toilet Refurbishment**

The project had now been completed with some additional works outstanding which required new parts. The Building Inspector had been requested to visit. The Building Inspector had been happy with the work apart from requiring a blue handle on the door in the disabled toilet and that the locks be changed to show engaged. Members were asked to consider whether they would like the Clerk to investigate flooring for the building after the works had been completed to the ceiling.

Members unanimously agreed that consideration should be made for new flooring for the building.

RESOLVED: that the Clerk investigated the costs for new flooring to the Old Pavilion.

#### **142 A414 Road Works.**

The pole outside Bakers had been removed and reinstated in a different position. The lights were now up with the covers on. The CCTV had not gone live as yet so therefore the lights would not be switched on until this has been completed. Essex County Highways had stated that they would inform the Parish Council when they were to come into operation.

RESOLVED: that the information be noted.

#### **143 Danbury Medical Centre**

The Medical Centre was now nearing completion. Chelmsford City Council had amended condition 19 of the approval notice for the provision of the pedestrian crossing within 12 months of the occupation of the Medical Centre. This item had been discussed in the Planning Committee and an email had been sent regarding how disappointed the Parish Council was that they had not been consulted on the matter.

RESOLVED: that the information be noted.

#### **144 Essex County Council/Fire and Rescue Volunteering Scheme**

This had been advertised as requested by Parish Council

RESOLVED: that the information be noted.

#### **145 Danbury Times**

Cllr Mrs Chapman advised the Council that the next edition which would be the Annual Report from Committees. Meetings would commence the second week in February. This edition would also advertise the Annual Parish Meeting on Monday 18<sup>th</sup> April 2016.

RESOLVED: that the information be noted.

#### **146 Councillors Surgeries**

The following was a reminder of the Councillors Surgeries at the Farmers Market.

6<sup>th</sup> February Cllrs Telling and Keeler. Cllr Paul Sutton would also attend.

5<sup>th</sup> March Cllrs Mrs Chapman and Berlyn

2<sup>nd</sup> April Cllrs Mr and Mrs Gardiner

7<sup>th</sup> May Cllrs Allen and Mrs Hallett

There had been some alterations due to Cllr Wood being unwell.

RESOLVED: that the information be noted.



#### **147 Cllr Spence's Monthly Report**

Cllr Spence's December Report had been circulated with the Agenda. A verbal report had been given at the beginning of the meeting.

RESOLVED: that the information be noted.

#### **148 Danbury Leaflet**

This had been reprinted with the suggested alterations.

RESOLVED: that the information be noted.

#### **149 First Responders**

This had been put on the Agenda from the Parish Council Meeting held on the 25<sup>th</sup> November 2015. Members were asked to consider how they would like to recognise the First Responders and the work they do. It took seven years to reach five hundred calls but up until November last year they had attended five hundred call outs in one year.

Cllr Berlyn declared an interest at this point in the meeting as he had helped to set up the group and had been the Ambulance Service 'Link Manager' for some ten years'.

Members wished a formal vote of thanks be given and that at the Annual Parish Meeting a certificate and a cheque for £250.00 be given (to be taken from the Chairman's allowance). This item was to be advertised with the Radio Essex and Essex Chronicle for the Annual Parish Meeting. This was unanimously agreed.

RESOLVED: that the First Responders were recognised at the Annual Parish Meeting with a donation of £250.00 to be taken from the Chairman's Allowance.

#### **150 New Year 2017 Honours Deadline 4<sup>th</sup> February 2016**

Members did not wish to take this item any further.

RESOLVED: that the information be noted.

#### **151 Children's Centre Consultation Events**

Dates and times of the consultation events were circulated.

RESOLVED: that the item be noted (after the meeting the consultation events were cancelled for the time being).

#### **152 Matters for Report (for information only)**

The Chairman of the Council had attended a Communities workshop to strengthen communities run by Essex County Council and the Police and Crime Commissioner.

#### **153 Dates of Meetings in 2016**

**ANNUAL PARISH MEETING 18<sup>th</sup> April 2016 commencing at 8 p.m.**

Wednesday 16<sup>th</sup> March, 11<sup>th</sup> May (Annual Parish Council), 27<sup>th</sup> July, 28<sup>th</sup> September, 30<sup>th</sup> November

Cllr Ambor and a member of the public left the meeting as requested.

**154 Exclusion of Press and Public**

In accordance with S1 of the Public Bodies (Admission to Meetings) Act 1960 to resolve that in view of the nature of the business to be discussed it is in the opinion of the Committee advisable that the Public and Press be excluded and they were instructed to withdraw.

The meeting was adjourned whilst the Clerk circulated paperwork.

**155 Item Referred from Minute Number 131.3**

The Chairman of the Council reiterated the different procedures for complaints – one for the body corporate and one for councillors. He advised that if a councillor had been named in a complaint then it had to go to the Monitoring Officer for investigation. The Clerk had fully consulted regarding the process and advised that as no councillor had been named in the complaint it could not go to the Monitoring Officer.

Further information was provided to the Parish Council including the Chairman’s reason for apologising to the Scouts at the informal meeting stage of the complaints procedure.

Members debated the full complaint.

It was agreed that the Clerk formally write to the Scouts apologising for the way the comments had been delivered at the Parish Council meeting held on the 25<sup>th</sup> November 2016.

A proposal was also put forward by Cllr Gardiner that in future if any Councillor wished to table a topic on an agenda it must be submitted to the Clerk in writing no less than seven days before the meeting. This would then be included in the paperwork circulated with the Agenda. This was seconded by Cllr Wakefield. Nine Members were in agreement and one Member abstained.

RESOLVED: that the following becomes part of the Council’s Standing Orders: If any Councillor wishes to table a topic on an agenda it must be submitted to the Clerk in writing no less than seven days prior to the meeting so that it can be included in the paperwork circulated with the Agenda.

The Chairman of the Council reminded Members that the “Code of Conduct” and the “Declarations of Interest” documents were circulated again at the meeting.

There being no further business the meeting was closed at 10.00pm

Signed: .....

Cllr S Berlyn, Chairman

Date: .....