



Theydon Bois Parish Council

Parish Office, The Village Hall, Coppice Row,
Theydon Bois, Essex CM16 7ER

Clerk to the Council: Mrs Sally Crone
Responsible Financial Officer: Mr Greville Norman

Meeting of the Parish Council held at The Village Hall at 8pm on
Thursday 24th February, 2011

Councillors Present: Cllrs Jones (Chair) Philip, Gooch, Hannibal, Purkiss, Sowerby, Berry, Vincent, Wood and Howard.

Apologies: Councillors Hammond and Vincent. Greville Norman (RFO)

Officers Present: Sally Crone (Parish Clerk)

134. Apologies for Absence

Councillors Hammond and Vincent.

135. Declarations of Interest (existence and nature) with regard to items on the agenda. Members of the Council are subject to the Local Authorities (Model Code of Conduct) Order 2007 (S.I.2007/1159) (The Revised Code)

Councillor Gooch declared a personal and prejudicial interest in Agenda Item 5.1 relating to the Community Centre refurbishment. This interest was declared by reason of the fact that the Contractor is a member of Councillor Gooch's family (his cousin). Councillor Gooch played no part in the discussions or the voting on this item.

136. Correspondence- Clerks Report

The Clerk explained that a full copy of her report had been circulated to all Councillors and was available from the Parish Office for any resident who may be interested. A full copy of the report is attached to these minutes. The Clerk drew attention to the following items from her report:-

Letter from Essex County Council dated 7th February 2011 regarding the Mobile Library Service. This confirms that Essex County Council has completed the portfolio budget for 2011-12 and it has been confirmed that no static library will be closed down and that no community will lose its library service. There will however be a consultation on opening hours between 14.2.2011 and 27.3.2011. This consultation is available online via Essex County Council's website. Councillor Philip reported that Essex County Council is proposing to reduce the opening hours at Loughton Library from 62 hours per week to 48 hours per week.

Email from Bates Wells Braithwaite Solicitors dated 3rd February confirming that Theydon Bois Community and Youth Trust has been incorporated and with a Copy of the Certificate of Incorporation.

Letter to Theydon Bois Community and Youth Trust dated 26th January setting out the proposed heads of terms of the lease to the charity.

Letter to Theydon Youth dated 8th February confirming that the new building may be used by Theydon Youth for its own activities on the same arrangements as the existing arrangements with St Mary's Church Hall. Emails from Thea Buisson dated 10th, 11th and 14th February.

Email from Bates Wells Braithwaite Solicitors dated 21st February explaining that they had received rapid response from the Charity Commission regarding the application to register TBCAYT. The Commission is seeking further information about how the charity will operate, Policy as to use by different groups, community and private hiring arrangements as proof of public benefit.

Letter from Roy Newland Chair of TBCAYT dated 22nd February with comments on the Heads of Terms.

Letter to St Clare Hospice with Council's donation of £350.

Letter to Essex Air Ambulance with Council's donation of £100.

Email to Theydon Bois Primary School and upon receipt of reply agreed donation of £150 will be made.

Invitation to EFDC Licensing Presentation on Licensing Pubs and Police Powers etc. To be held at St Mary's Church Loughton on 8th March at 7.30pm.

137. To discuss and approve the Minutes of the Parish Council Meeting held on 27th January, 2011

The draft Minutes of the Parish Council meeting held on 27th January, 2011 were approved and signed by the Chair.

Prior to the draft Minutes being approved however Councillor Berry referred to Minute Reference 133.3 and confirmed that whilst she felt that the matter had been correctly minuted that she would have wished to respond to Mrs Dodman's question and felt that there was insufficient opportunity to do so given the manner in which the Meeting had been concluded by the Vice-Chairman. Councillors Howard and Wood expressed agreement with Councillor Berry's view in relation to the manner in which the meeting had been concluded. Councillor Berry further stated that she was of the opinion that Mrs Dodman was correct in that she had been misrepresented as to her role in relation to the Community Centre business plan at the Council Meeting in November. Councillor Philip explained that he had responded in the way he did given that Standing Orders do not permit the cross-examination of Councillors in the forum of the Public Participation section of Council Meetings. Councillor Philip reiterated that any Councillor is able to speak and respond to such points if they wish to do so. As for the misrepresentation point he agreed that Mrs Dodman as Chair of the Finance Committee was not responsible for the Community Initiatives Task and Finish group of Councillors who had initially been tasked with producing the business plan for the Community Centre. It had been decided by full Council that this group were not producing what was needed and that the matter should therefore be passed to the Finance and General Purposes Committee chaired by Councillor Dodman. Councillor Dodman had subsequently resigned and this Committee had indeed produced said business plan.

138. Community Centre

- 138.1 Councillor Jones reported that the Contractor, Mr Gooch had virtually completed the refurbishment and that the Council owed it's thanks to Mr Gooch for the additional time and work which he had expended without seeking additional payment. The Council had however received a letter from Mr Gooch dated 11th February which had been circulated to all Councillors. This concerned some unforeseen additional works relating to the heating system (£1530) and the doors (£1223).

Resolved That:

The necessary unforeseen works outlined in Mr Gooch's letter of 11th February 2011, namely £1530 in respect of the heating system and £1223 in respect of the additional works to the doors be approved and confirmation be given to Mr Gooch that they may be added to the final account sum

Proposed by: Councillor Philip

Seconded by: Councillor Hannibal

Carried unanimously

- 138.2 The Clerk reported that she had received verbal confirmation that the Council had been successful in the further bid for Community Initiatives Funding for the fencing project at the Community Centre. She had been verbally advised that £5,000 had been awarded but written confirmation was presently awaited from Essex County Council.
- 138.3 The Clerk reported that the Council had submitted detailed grant application to the Essex Environment Trust for further grant funding towards the fencing proposal and that the outcome was presently awaited.
- 138.4 The Clerk reported that Theydon Bois Community and Youth Trust (TBCAYT) had now been incorporated at Companies House and that Application had now been made to the Charity Commission for registration of the Trust as a registered charity.
- 138.5 Councillor Jones reported that the Council had issued heads of terms for the proposed lease to TBCAYT and response had been received from Roy Newland as Chair of TBCAYT. TBCAYT is not willing to accept the Council's offer of a Lease for a term of seven years less one day and nor is it willing to accept the absence of statutory renewal rights in the Lease. Thea Buisson, Chair of Theydon Youth and Trustee of TBCAYT had requested permission to use the building before the Lease being agreed and signed and had informed the Council that confirmed bookings for the use of the new building had already been taken on behalf of TBCAYT to commence in early March. Pending the Lease being granted the Council had previously offered Theydon Youth the option of using the building for its own activities at the same rent as is presently payable for their use of St Mary's Church Hall. The latter was not however acceptable to Theydon Youth due to issues arising with public liability insurance and the cost of the provision of equipment.

As a result of the above exchange of correspondence the Council had arranged an informal meeting to which all members of the Council had been invited together with all the Trustees of TBCAYT. This meeting had been held earlier that day at

the Village Hall. Councillor Jones thanked the members of the Council and the Trustees who had attended the meeting. Councillor Jones reported that there had been a frank exchange of views at this meeting which had been helpful. The Trust's main concern seems to be that a short lease term (7 years less one day offered by the Parish Council) may prevent them from applying for certain grant funding. Councillor Jones reported whilst she understood this concern that for example with the Lottery Funded 'Awards for All' Grant programme the requirement for programmes connected with land and buildings was that the Landlord must not be able to end the lease for at least five years. Also if necessary and appropriate, the Parish Council could apply for grants in respect of the building as indeed they had already done on several occasions in connection with the refurbishment.

Roland Frankel, a member of the public and Trustee of TBCAYT asked if he may speak with reference to Agenda Item 5.5. Councillor Jones reported that although technically this was not a Parish Council Meeting with Public Participation that she would exercise her discretion and permit Mr Frankel to address the meeting and Council Members were in agreement. Mr Frankel stated that he was concerned that the Council had gone back on 'understandings' from the early days of the Community Centre transaction and that it had acted undemocratically with policy being decided by a minority of Councillors. He also felt that having set up the structure that the prospective Board of Trustees of TBCAYT did not have the trust of the Council. He also opined that having seen the income producing potential of the Community Centre asset that the Council was now seeking the ability to charge a rent on the Trustees for the use of the building. Mr Frankel also mentioned that the Chair of the Trustees, Roy Newland had always made it clear that the Trust would not accept a 7 year lease.

Thea Buisson, a member of the public and Trustee of TBCAYT and Chair of Theydon Youth also asked if she could speak with reference to Agenda Item 5.5. Councillor Jones again consented to this on behalf of the Council. Mrs Buisson referred to the Council's offer to allow Theydon Youth to hire the building for its own activities until such time as the lease with TBCAYT is signed and explained that this was not a 'like for like' offer given that Theydon Youth presently pay a weekly hire charge of £10 per week for use of the Church Hall with equipment provided. However, Mrs Buisson also informed the Council that Theydon Youth had served notice on the Church Hall rendering Theydon Youth effectively without a venue.

Councillor Philip stressed that there was no question of lack of confidence in or mistrust of TBCAYT on the part of the Council simply that there was a difference of opinion between some Council members and the Trustees as to the appropriate initial lease term. The matter of the lease term had been discussed and fully minuted and in his view the decision having been made the Council's Standing Orders would prevent it from re-visiting the decision within the next six months.

Councillors Berry, Gooch and Wood expressed some sympathy with the Trust in relation to its concerns as to the Lease term and the absence of statutory rights of renewal. Councillor Hannibal reminded members of the Council's fiduciary duty owed to all residents particularly given the method of financing this purchase by way of public works loan payable through the precept.

- 138.6 Given the matters outstanding as to the proposed Lease and the desire on the part of TBCAYT to obtain possession the Clerk explained that she had requested

further advice from the Council's Solicitor. The Clerk reported that her advice and that of the Council's Solicitor was that possession of the Building should not be handed over to TBCAYT before a Lease was signed and completed. However, she had had a brief conversation with the Council's Solicitor before the Meeting and the possibility of an interim and temporary 'Tenancy at Will' had been suggested. Further advice was however awaited on this and the Clerk stressed that she had not yet had a chance to discuss the matter in detail nor had she been able to report the matter to Council members. Councillor Hannibal cautioned that advice should be taken as to whether such a temporary arrangement should be limited in time to say six months from the Council's point of view. Obviously the proposal would also have to be discussed amongst the Trustees and the agreement of TBCAYT obtained to proceed on this basis. The Clerk advised that the Tenancy at Will would be an additional document for which additional legal fees would be payable by the Council and these would be likely to be in the region of £500 to £1000. In the absence of the RFO it was agreed that Councillor Philip would liaise with the RFO upon his return with regard to the financing of this additional expense from the Council's budgets.

Resolved that:

Subject to the agreement in principle of the Trustees of TBCAYT the Clerk will instruct Foscett Marr Gadsby & Head LLP to draw up and advise further on the proposed Tenancy at Will to be granted to TBCAYT and that further meeting will be arranged with TBCAYT to discuss the Heads of Terms for the proposed Lease

**Proposed by: Councillor Purkiss
Seconded by: Councillor Wood**

Carried unanimously

139. Finance and General Purposes Committee

- 139.1 The Clerk reported that in the absence of the RFO who was presently on holiday that Agenda Item 6.1 would be held over until the following Council Meeting.

140. Highways and Environment Committee

- 140.1 Councillor Purkiss reported that the Highways and Environment Committee of the Parish Council had met on 10th February. The Committee had been pleased to note that the new footpath from the village centre along the Abridge Road to the Cemetery had been completed and it had been particularly pleasing that Highways had continued the path to the Woodland Trust site. Also that the works to improve the kerbing to the junction of Piercing Hill and Coppice Row were underway and the works to the Viaduct are reported to be ahead of schedule. With regard to future works, Councillor Purkiss reported that he had attended recent Highways Liaison Meeting and had been pleased to note that proposal to undertake refurbishment of the Abridge Road (approx value £250,000) had been carried forward to the coming financial year by Essex County Council.

The Committee were continuing to monitor the situation with regard to the works presently being undertaken by City of London to construct a headwall to the ditch at the end of the Avenue of Trees (far side).

The Committee had reviewed and commented upon the proposed Essex County Council draft Order relating to speed limits in Loughton Lane and were co-

ordinating meetings with representatives of the Buxton Trust, Cricket Club, TBCAYT and Allotments with a view to agreeing a joint proposal on CCTV coverage for the area of the new community building/Scout hut/Allotments area.

The Clerk reported that request had been received from Epping Town Council for notifications of interest in renewal of the Dog Bin Cluster Emptying Agreement co-ordinated by the Town Clerk at Epping. It was agreed that the Clerk should confirm the Council's interest in continuing present arrangements subject to requesting confirmation that the present contractor did represent 'best value for money'.

The saga of the Essex County Council Salt Bin Pilot Project was continuing and the Committee were monitoring the outcome.

Councillor Purkiss reported that the Allotment renewals would be due shortly and that the Council had agreed that there would be no increase in the Allotment Rents this year. The Committee had discussed the issue of Allotment Agreements and the Allotment Holders would be advised that the Council intends to move towards a standard and basic Agreement in the form which appears on the National Association of Allotment Holders and Leisure Gardeners Website.

- 140.2 The Clerk reported that letter had been received from the Chairman of the Theydon Bois and District Rural Preservation Society on the subject of Woodland Trust Tree Planting Initiatives.

Agreed that the Clerk will write to Woodland Trust with expression of general interest in the scheme and requesting extension of time to the next planting season. The Clerk will also reply to TB&DRPS asking them to investigate further the feasibility of the planting sites they mention in their letter.

141. Community Liaison Committee

- 141.1 Councillor Sowerby reported that the Committee had met immediately prior to the present Council Meeting. The Committee had discussed the Annual Parish Meeting which would follow an informal format as last year with members of the Council together with invited groups or individuals from the community to make short presentations. The Annual Parish Meeting will take place on Wednesday 11th May.

The Committee have set up a Task and Finish group comprising Councillors Sowerby, Berry and Wood to co-ordinate the proposed Avenue of Trees Celebratory Event. This will take the form of an Afternoon Tea/Teddy Bears Picnic on the village green on Saturday 11th June from 2pm until 4pm. The Clerk is seeking consent from City of London with regard to the use of the green and from the Village Association for the use of the Village Hall. Councillor Hannibal is asking Liz Hannibal to approach Rev Stephen Walker about attending the event and also as to the involvement of the Guides and Brownies. The event will also be promoted with the Primary School, Pre-School, Montessori and Theydon Youth. Volunteers both from the Council and outside will be sought to help at the event.

The Committee are considering the feasibility of a Christmas Fayre type event as a change from the Annual Christmas Tree Lighting Ceremony. Councillors Berry and Wood are approaching the Shop-Keepers to gauge interest and commitment to this proposal. The plan is then to hold an informal meeting of interested parties in early March to assess whether the proposal should proceed and for consideration by the Council.

- 141.2 Councillor Sowerby reported that the Parish Council One to Ones were continuing on a monthly basis on the first Monday of the month. There had been two enquiries at the last session together with a request for security marking but unfortunately PC Cook did not on this occasion have the marking equipment with him. The next Surgery on 7th March would be manned by Councillors Vincent and Berry.

142. The Limes Branch Surgery Update

- 142.1 Councillor Howard reported that the situation with regard to the Branch Surgery was continuing to be monitored and the Chief Executive of the Limes is due to be submitting an article with an update on the Branch Surgery for inclusion in the forthcoming edition of Village News. In relation to the enquiry about parking raised by a resident at the previous Council Meeting, the Surgery has the benefit of only two parking spaces with the remainder being in the ownership of Robert Daniels Court. It was agreed that policing the identity of users of these spaces owned by Robert Daniels would be very difficult to implement in practice.

143. Cemetery Committee

Councillor Purkiss reported that the Cemetery Committee had met on 10th February. Letters of thanks had been presented to the Cemetery Gardener, Nick Greiner and to Fiona Dodd, the Burial Supervisor for all their hard work in their respective roles. The Committee had agreed to purchase flowering trees and further planting for the Avenue leading through the Cemetery. Planting would take place shortly. New chain link fence is to be installed to the front boundary. The Committee had reviewed the Cemetery Charges and small increase equivalent to inflation had been agreed to be implemented from April 2011.

144. Reports from Representatives

Nothing to report

145. Any other urgent business for report (without decision)

Please note that no decisions can be lawfully made under this item. The Local Government Act 1972 section 12 10 (2) (b) states that business must be specified; therefore the Council cannot lawfully raise matters for decision.

Councillor Philip reported that it had been announced that Council Tax for most residents of Epping Forest will be frozen next year after the main precepting authorities declared zero increases. Epping Forest District Council, Essex County Council, Essex Fire Authority and Essex Police Authority all set the same Council Tax as last year.

146. Following Agenda Items will exclude Public and Press

Pursuant to section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960 it was resolved that because of the confidential nature of the business to be transacted, the public and press leave the meeting during consideration of the following item of business:

Cemetery

Councillor Purkiss reported that the Cemetery Committee had recommended that the Council should obtain legal advice in relation to the issues arising with the title to the land which had been identified as being suitable for an extension to the

Cemetery. Councillor Purkiss had an exchange of emails with Officers at the Woodland Trust confirming that the Trust was willing to sell the land in principle at a cost of £10,000. A letter had also been obtained from a potential donor who is willing to make a donation of £10,000 to cover the purchase price. The Clerk had previously advised on the issue of the ancient restrictive covenants which had been identified and the legal complications involved with this. The Clerk now advised that she had preliminary discussions with the Council's Solicitor and that it had been suggested that the Council should instruct the Solicitor to ascertain the likely cost and feasibility of a restrictive covenant indemnity policy as a first step. Also that the Council should consider proceeding with the purchase conditional upon planning permission being granted for change of use. At this stage the Council's Solicitor had advised that it was difficult to provide an estimate as to the likely conveyancing costs.

Resolved: Subject to the Clerk being in receipt of the following:

1. Letter addressed to the Council from the Woodland Trust confirming the offer of sale and terms and conditions for the purchase of the land to extend the Cemetery; and

2. A copy of the Letter from the prospective donor confirming his kind donation in respect of the intended purchase price

that the Council do instruct Foskett Marr Gadsby and Head LLP to seek a suitable quotation for Restrictive Covenant Indemnity Insurance

Proposed by: Councillor Philip

Seconded by: Councillor Purkiss

Carried unanimously

Staff Matters

Councillor Jones apologised that this had not been progressed but that the Clerk had drafted an advertisement for the post and that this would now be reviewed by the clerk, Councillor Jones and Councillor Sowerby with a view to taking this forward.

Sally Crone
Clerk to the Council

15.3.2011

Cllr Sue Jones
Chairman

17.3.2011

Parish Council Meeting 24th February, 2011 - Agenda Item 3 (Appendix 1)

Clerks Report

I would like to report the following items of correspondence which are available in a folder on the desk to the rear of the hall for anyone who wishes to read them after the meeting:

1. Minutes of the Highways and Environment Committee Meeting held on Wednesday 10th February, 2010 (attached).
2. Draft Minutes of the Community Liaison Committee Meeting held on 18th November, 2010 (note not yet approved).
3. Letter from Essex County Council dated 7th February 2011 regarding the Mobile Library Service. This confirms that ECC have completed their portfolio budget for 2011-12 and it has been confirmed that no static library will be closed down and that no community will lose its library service. There will however be a consultation on opening hours between 14.2.2011 and 27.3.2011. The consultation appears to be online which is not altogether sensible as most service users are elderly!
4. Email from Bates Wells Braithwaite Solicitors dated 3rd February confirming that Theydon Bois Community and Youth Trust had been incorporated and with Copy Certificate of Incorporation.
5. Letter to Theydon Bois Community and Youth Trust dated 26th January setting out the proposed heads of terms of the proposed lease.
6. Letter to Theydon Youth dated 8th February confirming that the new building may be used by Theydon Youth for its own activities on the same arrangements as the existing arrangements with St Mary's Church Hall. Emails from Thea Buisson dated 10th, 11th and 14th February.
7. Email from Bates Wells Braithwaite Solicitors dated 21st February explaining that they had received rapid response from the Charity Commission regarding the application to register TBCAYT. The Commission is seeking further information about how the charity will operate, Policy as to use by different groups, community and private hiring arrangements as proof of public benefit.
8. Letter from Roy Newland Chair of TBCAYT dated 22nd February with comments on the Heads of Terms.
9. Letter to St Clare Hospice with Council's donation of £350.
10. Letter to Essex Air Ambulance with Council's donation of £100.
11. Email to Theydon Bois Primary School and upon receipt of reply agreed donation of £150 will be made.
12. Agenda for EFDC Local Council's Liaison Committee. Meeting to be held on 9th March at EFDC.

13. Invitation to EFDC Licencing Presentation on Licensing Pubs and Police Powers etc. To be held at St Marys Church on 8th March at 7.30pm.
14. ECC Making the Links January Edition.
15. Renewal of Data Protection Act Registration – fee £35.
16. Letter from Rural Preservation Society regarding Tree Planting Initiatives – see Agenda Item.

Sally Crone 24.2.2011