



# Theydon Bois Parish Council

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

Clerk to the Council & RFO: Mrs Gloria Mussenden

## Minutes of the Meeting of the Parish Council held at The Village Hall at 8pm on Thursday 28<sup>th</sup> February 2013

**Councillors Present:** Councillors Philip (Chair), Gooch, Hammond, Hannibal, Howard, Jones, McDonald, Purkiss, Vincent, Wood and Young

**Apologies:** None

**Officer Present:** Gloria Mussenden (Parish Clerk/RFO)

### **146. Apologies for Absence**

None

### **147. To discuss and approve the Minutes of the Parish Council Meeting held on 31<sup>st</sup> January 2013**

The draft Minutes of the meeting held on 31<sup>st</sup> January 2013 were approved and signed by the Chairman on behalf of the Committee.

### **148. Disclosure of Interests**

(Existence of any Disclosable Pecuniary Interest, or existence and nature of Other Pecuniary Interest or a Non-Pecuniary Interest). The Council has adopted the Essex Public Law Partnership Code of Conduct.

None

### **149. Public Participation session with regard to items on the Agenda.**

John Padfield and Roy Newland in attendance to discuss Item 10 on the Agenda: Youth Community Trust and were invited to speak prior to the Agenda Item:

John Padfield: Requested clarification that both he and John Eaton still represented the Parish Council on the Community Trust committee and if so, they had ceased to be informed of Community Trust business. In January 2012, Mr. Padfield was under the impression that a 25 year Lease had been granted to the Trust, but they have heard no more between January 2012 and May 2012 and suggested that communication was not good between the Trust and the Parish Council. To include the Scouts was contrary to the professional advice given at the time. Mr. Padfield urged Councillors to think very carefully before transferring the full freehold so quickly – in his opinion this was far too early.

Roy Newland: Mr. Newland was under the impression that Mr. Padfield and Mr. Eaton

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were no longer trustees from May 2012 as their association with the Parish Council (4 year rule) had passed. Councillors took advice in 2009 about the idea of passing this facility over to the Trust. It is never certain that the Parish Council will always exist in its present form – it could become under the control of E.C.C. The Village Association were approached initially to run the Community Centre, but did not want the responsibility of taking it on, neither did the Buxton Trust. The Scouts are keen to see their Scout Group secure and would be granted a 99 year Lease by the Trust. Mr. Newland hoped that he would have the backing of the Councillors to be granted the freehold.

### **Correspondence – Clerk’s Report**

The Parish Office had received two letters from the Village Association:

To take over the responsibility for the Christmas Tree for the foreseeable future

To sort out the files that are currently on the floor of the Parish Office – Risk Assessment issue. The Parish Clerk and Sally Crone will address this in the very near future.

The Scouts have written for Parish Clerk’s approval to hold the 26<sup>th</sup> Donkey Derby on 14<sup>th</sup> July 2013, on the Village Green. Also, for the Village Green grass to be cut during the week prior and no later than the 10<sup>th</sup> July.

‘Fly-tipping’ has again taken place at the cemetery and asbestos is included with the waste. Mr. Reynolds has sent in a quote for £375.00 + VAT to remove it. Mr. Hammond will report further under Item 9 – Cemetery Committee.

**Agreed unanimously: To agree that the VA take over the responsibility of the Christmas Tree.**

**Councillor Howard has offered help to sort and tidy up the files in the Parish Office.**

**Councillor Philip pointed out that it was the City of London who would need to grant permission for the Donkey Derby to take place. Councillor Vincent said that he was aware and that the letter to the Parish Council had been sent as a courtesy.**

### **150. Finance and General Purposes Committee/Community Liaison Committee**

The list of payments made since the last meeting had been circulated prior to the meeting and cheques will be signed at the end of this meeting.

**Agreed: to approve the payments since the last meeting as previously circulated.**

A letter has been received from Santander confirming closure of our bank accounts and enclosing their ‘closing statement’. No statement was enclosed. Santander were contacted by telephone, but as the accounts had now been closed, they required a letter from us requesting a new closing statement. This has been prepared and will be signed by Councillor Philip after this meeting.

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**151. Planning Committee**

EFDC granted permission for the change of use at 19b Forest Drive from a retail outlet to a sit-down restaurant although there were a number of objections. Work has already commenced. Certain undertakings will be required from the owners.

Planning permission to build flats on the site of the Railway Arms has been deferred because of confusion over Section 106. Essex County Council want to claim £11,000 by way of an education contribution. The applicant is in agreement, but not in addition to what has already been offered. The Parish Council would therefore lose £11,000 to education. Councillor Philip suggested asking for a one-bedroom flat for use as the Parish Office as a compromise. Essex County Council did not ask for an education contribution for the Darlingsons site when negotiating contributions under Section 106. The Planning Committee are to ask Essex County Council for an explanation.

The second Local Plan workshop took place on 9<sup>th</sup> February and Councillors Hannibal, Jones and Philip attended. The third workshop will be on Saturday 9<sup>th</sup> March and Councillors Howard, Jones and Philip will be attending. There may be a fourth (to be decided) later in the year.

**152.**

**Highways and Environment Committee**

A meeting has taken place on the site of the old allotments.

EFDC are making changes to premises/events licencing. Need to look into our licencing applications and whether each committee has the correct remit for purposes of licencing.

Councillor Purkiss attended a meeting at Great Dunmow sponsored by EALC and Derek Louis, portfolio holder for Highways in Essex, was supposed to make a presentation and answer questions about the poor state of our highways. However, due to Cabinet responsibilities he could not attend and sent Peter Rose in his place, and the meeting was not as productive as it may have been. Highways have committed £17 million extra for roads in Essex over two years, but with not much budget for improvements to pavements. Highways realise that the state of pavements is poor and will give priority to improve them.

Trees and verge trees: The School Oak tree was a sad loss. The Picus survey did not go in our favour and the tree was felled. EFDC are paying no heed to our tree strategy. They are proposing to fell 21 verge trees (10 in Dukes Avenue) although they just need pruning – but a more costly exercise for the Council. Tree wardens Jane Turner and Sue Warren went out with Chris Neilan last week and Councillor Purkiss has managed to halt the felling process pending further talks with George Haley and Chris Neilan.

It was suggested that we offer to plant a tree at the School in recognition of Elspeth Bonds' contribution to the School following her announcement that she is to retire.

Chris Neilan is to look at the Oak tree at the back of the School with a view to applying for a TPO, which seems to be the way forward to protect our trees.

**153.**

**Cemetery Committee**

Following on from the 'fly-tipping' at the cemetery reported at the last Council Meeting, Councillor Hammond met with officers from EFDC to discuss the problem. Councillor Hammond was very impressed with their prompt response; they took pictures and found a diabetes card with an old telephone number, but no contact could be made. Although sympathetic, they could not take the matter further. A quote to remove the

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rubbish and asbestos has been received from David Reynolds for £375.00 + VAT., but a Company in Romford will do the job for £300.00. Councillor Hammond will obtain a further quote and all quotes to be passed to the Parish Clerk, in writing. Councillor Hammond will purchase a coded padlock for the barrier at the entrance to the cemetery to deter future 'fly-tipping'. The code will be sent to the Funeral Directors and anyone else requiring the height barrier to be open; and a deposit will be held against the loss of the padlock.

Councillor Purkiss reported that the Cemetery purchase had not completed as expected as funds were sent via BACS rather than CHAPS and had not yet been received. We should be advised by Monday next that completion has taken place. Within the next three weeks a full Cemetery Meeting will be arranged 'on site', and some proposed dates will be circulated to the Cemetery Committee. When decisions have been made concerning how the new land is to be enclosed, a Tender is to be arranged with the Finance and General Purposes Committee. Also to be decided, what sort of cemetery it will be.

**154.**

### **Youth Community Centre**

Councillor Philip wanted it to be noted that no dates were provided to the Parish Council and consequently the meeting contained in the Minutes did not take place.

Councillor Hammond pointed out that if the land had not been purchased through the Precept, Essex County Council would have sold it to a developer who would have built at least 10 houses on it. The Trust was founded to purchase the land, irrespective of the asset. The Village Association Chair and Finance Committee were in favour of the Parish Council purchasing the land on behalf of the Village Association, but the Trustees voted against it. The Scouts are very keen as it gives protection to the local Group and they will work with the Trust to prevent any development. Councillor Hammond firmly believes that this is a safe and proper way to proceed, as the Trust have proved that they can run the Community Club successfully – with 60 attending the Youth Club – materials purchased and the building kept in good order. Councillor Hammond offered to be a Trustee acting on behalf of the Parish Council, if this resolution is passed.

Councillor Hammond stressed the importance of imposing the restrictive covenant on the land from the northern kerb edge of the roadway to the boundary with land to the rear of 'Roselle' otherwise Planning Permission may be granted for use as an access road, turning into another highway.

Councillor Gooch said that it was a straightforward decision based on whether the Council was comfortable that the Trust had proved themselves.

Councillor McDonald stressed that in perpetuity it was important how the Trust was to be governed in terms of who the Trustees were and the balance of people who were making it up

Councillor Hammond replied that the Trust document required 2 Parish Councillors to be on the Trust Committee, but Councillor Philip thought there should be 11 Trustees, including a maximum of 2 Parish Councillors but a minimum of 1 Councillor.

Councillor Jones there needed to be clarification regarding the '4 year rule' as the two people thought to be currently representing the Council are no longer considered part of the committee by the Trust

Councillor Howard said that the Trust's Constitution should stipulate that the Committee should consist of Theydon Bois residents. Could the Constitution be changed to reflect this? What if the Trust folds?

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Mr. Newland said if the Trust folded still holding assets, the Charity Commission would consult with the Community. It is a Trust and a Company under the Companies Act and Charity Commission. It exists to represent this community.

Councillor Hannibal pointed out that the Trust is not committed to one building and could move to another building and set up in other premises, therefore it would not be as safe with the Trust

Councillor Philip said that this was a Village asset. He thought the land should stay with the Parish Council – they are elected every 4 years and are more stable. If the Parish Council ceases to exist there would be plenty of warning. He recommended that the Parish Council did not support this motion, the 25 year Lease gives time – because we are the Freeholder we can impose the Restrictive Covenant.

If the Trust is minded to get rid of the land – it needs to be offered back to the Council at no cost.

Councillor Jones: Best left with the Council as we are accountable to the Public whereas the way it is set up – The Trust are not – running under it's own constitution – can change it's own constitution easily. The V.A. and Buxton Trust have representation from other groups in the Village.

Councillor Purkiss: This should be our legacy - safer with the Trust ensuring that the right safeguards in place.

Councillor Hannibal: Too early

Councillor Hammond proposed an amendment to the resolution proposed in 10.3 of the Agenda that: **'Should the land be put up for sale by the Trust it would be first offered back to the Parish Council at a cost of £1.00'**

**This amendment was proposed by Councillor Hammond and seconded by Councillor Wood.**

**The Council was unanimously in favour**

Councillor Philip proposed that the resolution should remain 'on the table' with the above amendment and the matter to be placed on the Agenda for the March meeting

Further debate followed regarding legal advice concerning the land being returned to the Parish Council and about applying restrictive covenants.

The following Motion was then put forward:

**That the Motion be left on the table for a maximum of two full meetings to get legal wording on restrictive covenants and reversion and feedback from the Trust on the amendment of their constitution with regard to their membership and the ability to modify their aims in line with the discussion of Council**

**Proposed by Councillor Philip and seconded by Councillor Vincent**

**9 in favour                      2 Against**

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155.

### **Reports from Representatives**

Health Matters: Councillor Howard attended a meeting with representatives from the West Essex Clinical Commissioning Group. Although our concerns were not formally placed on the Agenda, Councillor Howard raised them under A.O.B. A joint meeting with The Limes will follow.

Councillor Howard confirmed that the questionnaire to be sent out to all residents to complete would be included in the June issue of the Village News. Councillor Howard will forward final version to the Parish Office to be forwarded to the Village News editor.

Village Association: Councillor Howard asked the Parish Clerk to confirm that our Insurance for the Village Hall covers contents and staff only – not buildings. The Parish Clerk will look at the policy and confirm with Chris Jones who looks after the insurances on behalf of the Village Association.

The Village Association confirmed that they had no objection to a safe to be installed in the Parish Office at our own cost.

### **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 Hammond reported that there had been a burglary in the Village at 9am that morning. The resident was tied up and held at knife point. Two cars were taken from the drive. Councillor Hammond asked whether the CCTV loop could be extended to include cameras at Loughton Lane and the 'Sixteen String Jack' to identify vehicles coming in and out of the Village. It was agreed to write to p.c. Andy Cook and invite him to the next Full Council Meeting on 28<sup>th</sup> March to discuss the spate of burglaries that have taken place in the Village recently.

156.

### **Following Agenda Items will exclude Public and Press**

Pursuant to section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960 it is 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:

#### Staff Matters:

It was reported that Sarah Barnes was invited to take 'mirror minutes' at the last Council Meeting. These were satisfactory and the following recommendation was put before Council:

**To offer the post of part time Assistant Parish Clerk/Minute Secretary to Sarah Barnes on a six month probationary period commencing 1<sup>st</sup> April 2013 subject to satisfactory references.**

**Proposed by Councillor Philip and seconded by Councillor Hannibal.**

**Unanimously agreed.**

There being no other business, the meeting closed at 10.10 pm.

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