



Theydon Bois Parish Council

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

Clerk to the Council: Ms Julie Taylor

Minutes of the Parish Council held at The Village Hall at 8.00pm on Thursday 25th September 2014

Councillors Present: Cllrs Philip, Gooch, Young, Hannibal, Hammond, Wood (20:10),
and Jones (20:20)

Apologies: Cllrs Vincent, Howard, Purkiss

Officers Present: Ms Julie Taylor (Parish Clerk & RFO)

160. Apologies for Absence.

Councillors Vincent, Howard, and Purkiss.

161. To discuss and approve the Minutes of the Parish Council Meeting held on 25th September 2014.

The minutes of the previous meeting were agreed and Councillor Philip would sign at the end of the meeting.

162. Disclosure of Interests (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) (SI.2007/1159)(The Revised Code)

None

163. Public Participation session with regard to items on the agenda.

Italian restaurant – Resident voiced concerns over the noise of the Italian restaurant, and reports that the noise has subsided recently, but feels that this is not to do with the enforcement notice, but more the fact the weather has changed. Resident reports that the bi-fold doors are not being closed on time and the music is still a problem. Resident has reported that the doors have not been closed at 11pm, as stated, and EFDC have said that they are not going to send enforcement on that.

Cllr Gooch said that he has tried to ascertain in the lease from the freeholder, if the frontage is included in the lease. Cllr Gooch had previously tried, and said that he will try again.

Village CCTV – Resident stated that there has been anti-social behaviour for about 6/7 months outside the Scout and Youth and Community building. Resident asked who was

able to look at the CCTV. Cllr Gooch reported that it would be a named person who would be able to access it alongside the police. Cllr Philips stated that any anti-social behaviour should be reported to the police.

Youth and Community Centre—Roy Newland – We have been tenants at will, which means we have no legal position. Wants to secure these facilities for the community not for the Parish Council. TBYT we are trying to protect the Scouts to give them long term security. The preferred option is for the site to be purchased in the name of a charitable trust. What needs to happen is the transfer of the freehold to the trust parallel to that The Scouts have a separate lease so the Scouts have security too.
Scouts representative – we have a lease which expire October 2020, we simply want terms for renewal for that lease for as long as possible and we would like that to be with the freeholder, whomever that may be.

164. Correspondence – Clerk’s Report

The Parish Clerk reported on the following:

- Projector has arrived for the paperless plans from EFDC.
- Clerk reported that more training is needed on the RBS software system. Council unanimously agreed the training fee of £399.

165. Finance and General Purposes Committee

165.1 Payments made since last meeting were unanimously approved.

165.2 Allotment maintenance budget to be looked into, ready for next finance meeting.

165.3 Cllr Hannibal – internal audit report, nothing of major concern, a few questions were raised.

165.4 Cllr Hannibal – new notice board for around £1500 or repair the old one for around £200. Suggests that this should be put on next agenda.

166. Highways and General Purposes Committee

Cllr Hammond speaking on behalf of Cllr Purkiss.

166.1 Cllr Hammond – Huge pot hole in Orchard Drive has been patched up four times but has now got confirmation that they are to cut out and re do the pot hole.

166.2 Resurfaced footpaths at bottom of Popular Row.

166.3 Undertaking that the Railway Mews, which the pavements are going to be resurfaced.

166.4 Cllr Philip, said that he thanks Cllr Purkiss for the Parish for the significant amount of work done in the village.

166.5 Cllr Wood asked about the parking on the green, Cllr Philip has said he will speak to Cllr Purkiss as to what he feels can be done.

167. Cemetery Committee

167.1 Cllr Hammond, reported that the fees will be increased at the next Cemetery meeting, date to be confirmed.

168. Planning Committee

168.1 Councillor Gooch reported on the following:

- Sixteen string Jack – a planning application has been submitted although not validated yet. Unfortunately there has been no relationship with the Anderson Group, as was with Banner Homes. Cllr Gooch stated that the application is for 13 flats, with 15 car parking spaces on site, at present the Parish view is that this is too excessive.

- London Underground Car Park – other side of the station. On the understanding that it is at EFDC looking at the legal view of if it can be done under permitted development or a full planning application. Cllr Philips reported that he is aware that EFDC and London Undergrounds legal opinion is different. Cllr Philips feels that a full planning application would be needed.
- Plans East – 41 Dukes Avenue – Planning application was turned down two years ago, now the same application has been submitted but the planning officer is minded to recommending approval. We are concerned about the consistency, so will now go to plans east.

169 Youth and Community Centre

169.1 Cllr Philips reported that he hadn't been able to meet up with the Solicitor, John Worby, through working out of the country.

169.2 Cllr Hammond reported that he had put a motion down back in March last year. Cllr Hammond read out his motion as follows ' That we the TBPC resolve that the Freehold of the land roadway and parking areas, currently occupied by the Scouts and TBCAYT should be transferred to the TBCAYT and the restrictive covenant be placed on the land by TBPC.

That the land and buildings shall only be used for community uses, and that no part of the land can be used for residential or commercial purposes.

TBPC will retain the ownerships of the land from the northern kerb edge of the roadway to the boundary with land to the rear of Rozel and that a restrictive covenant be placed on that land by TBCAYT that it cannot be used by pedestrian or vehicles for access to the land behind Rozel.

That we instruct our solicitors to provide the necessary conveyance documentation forthwith.'

Cllr Hammond said that he is asking for his resolution to be reinstated and to be voted on at the next meeting.

Cllr Gooch – this has been going on for far too long. We had reached an agreement relatively recently regarding a 999 year lease, but the last public meeting it was the Scouts who raised an issue with that in the fact if we granted a lease to the Trust the Scouts in affect would have a sublease, and that was not a sure or acceptable solution for the Scouts. So therefore it has been pushed back. There was a suggestion that we do the same sort of lease to the Scouts but that would defeat the object of the trust, if for any reason in the future the Scouts failed to exist as a legal entity.

Cllr Philips – there are some issues, 1, we have a resolution from June which is to set up that committee and meet with John Worby. Which we can set up before the next meeting. As we have a resolution as Council to have the meeting. The Council and the trust were looking at a 999 year lease, but at the last meeting the trust said that they were no longer interested in the 999 year lease. Cllr Philip view still remains the same that a 999 year lease protects both the trusts and the Council, so I suggest we meet with John Worby and get his suggested advice.

Cllr Jones –we did not agree at outset that transfer of ownership was never agreed, it came up later for discussion. We are paying for legal advice but we are also receiving legal advice. We as a Council have to make an informed decision, and that decision has to be based on legal advice. My understanding is that Councillors seemed to think that the 999 year lease seemed to be the best way forwards. The difficulty with that was looking at the Scouts. The advice we haven't yet sought or received is whether we can carry on with two independent leases, both protecting the Parish Council and TBYT and the Scouts. And I feel that we do wait for that advice. I feel that we do need to push this forward as quickly as possible; there is no question that the TBYC is very valuable.

Cllr Philips – meeting with John Worby, within a month. Cllr Hammond has asked for the resolution to go on the next agenda, which we will do as well.

Cllr Hannibal – As Councillors we have a certain amount of difficulty coming to a decision we need to have full and proper legal advice, to come to a decision. Legal advice is a necessity.

Cllr Gooch – when we have the subcommitteewe ought to seek legal advice on the terms and conditions in connection with the transfer of the freehold, as with the lease, but we are hearing that the lease isn't going to be acceptable.

170. 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.

Cllr Wood – 541 bus, the company has a verbal agreement with Essex County Councilbut nothing has been done yet, hopefully there will be an update by next month.

Cllr Hammond – speaking on behalf of Cllr Purkiss – Police presence in the Village, we virtually have no police presents in the village. There is evidence of drug abuse going on where we do the litter pick. Cllr Philips we should try and get a police representative at a meeting again.

Cllr Gooch – GP surgery, on number of occasions the surgery has been closed on one occasion it was closed for three days in a row. Feels that pressure should be put on the surgery.

171. Following Agenda items will exclude Public and Press

171.1 Staff matters

Have 37 job applications. Planning on interviewing 6 or 7 Candidates for the Minute Secretary / Assistant to the Parish Clerk. Aim is to invite 2 or 3 of the candidates back to do minute taking. Hopefully by the next council meeting we will be able to make a decision.

Councillor Philip closed the meeting at 9.31pm

**Julie Taylor
Clerk to the Council**

**Councillor John Philip
Chairman of the Council**