

**Minutes of a meeting of the Shotley Parish Council held on Thursday 17<sup>th</sup> August 2017 at the Village Hall, The Street, Shotley.**

**Present:** Cllrs B Powell (Chairman), R Wrinch (Vice-chair), N Green, J Catling and Mrs D Bedwell (Parish Clerk).

**County and District Councils:** Cllr D Woods, District Cllrs P Patrick and D Davis.

**Public gallery:** Mr and Mrs Humphries, Mr N Bugg and one other member of the public (from Old School House).

- 1. Apologies for absence:** Apologies had been received from Cllrs M Williams, B Higgs, R Green and B Nichols. Cllr Merrin's resignation had also been received and was noted. Cllr Merrin's resignation had been reported to BDC and a casual vacancy had arisen as a result.
- 2. To note stepping down of Cllr R Higgs as Vice-chairman and appoint new Vice-chairman:** It was resolved to appoint Cllr R Winch as Vice-chair.
- 3. Declarations of interest with regards to items on the agenda and additions to register:** The Clerk reminded members that as the Shotley Pier was on the agenda for consideration, if members had purchased share they should be declaring an interest at this point. No additional declarations were received. However, District Cllr Davis reminded the Chairman, Mr B Powell, that as a Director of the Shotley Heritage Community Benefit Society Ltd, he should consider declaring an interest, to which Cllr B Powell agreed.
- 4. Reports**
  - (i) County Councillor's report: County Cllr D Woods gave members a brief report, including the announcement of "A" Levels results and a recently launched initiative in local schools to improve children's fitness. Cllr Woods was due to hold a meeting with "Power to Change" in September to look at public transport on the peninsula. Cllr Woods gave his apologies for the next PC meeting.
  - (ii) District Councillor's report: Cllr P Patrick reported on the challenges being faced by the District Council with regards to the delicate state of general funds, the ongoing discussions with trade unions regarding the loss of parking facilities by some members of council staff which were being re-located and the upheaval caused by having to base operations at different sites.

An update was also received with regards to a Council Tax Reduction Scheme, which was linked to Universal Credit and a new Housing Infrastructure Fund, for which BDC was considering applying in connection to the Ganges development. This initiative would require community involvement and further news would be circulated in due course. District Cllr D Davis offered a further report on this matter.

The Ganges site had been identified by BDC as an ideal candidate for this funding opportunity. A maximum of £10M could be applied for and this amount would help the developers quite considerably with infrastructure and other necessary provision within the site. It was likely that the Shotley Parish Council would be asked for a letter of support in due course.

Cllr D Davis also stated that many members had voted against the Council's move proposals and that he personally considered it to be a disaster. It was extremely difficult to establish face to face contact with anyone and offices were being run from Hadleigh and Needham Market bases, although they would all be based at Endeavour House from October 1<sup>st</sup>.

Concerns had been raised by neighbouring residents regarding recent activities at the Gate Farm Road caravan park: the number of units, the type of building works, the legality of the apparent residential status rather than seasonal use, works being undertaken on the site, plant and machinery accessing the site, police presence and anti-social behaviour as well as criminal activities. Cllr Davis replied that the BDC Enforcement Officer had recently visited the site and taken a number of photos but he was uncertain how matters were being progressed at this stage.

**5. To approve Minutes of the meeting held Extraordinary meeting held 27.06.17 and Ordinary 20.07.17:** It was resolved to approve both sets of minutes as true records of the meetings held.

**6. Suspension of standing orders:** *Meeting open for 5 minutes to allow members of the public to speak:*  
**Meeting open:** Mrs Pauline Humphries informed the Council that she had seen some Deadly Nightshade near the Lloyd Road play area and would send more details to the Clerk so this could be looked into.

Mrs P Humphries also stated that in order to save taxpayer's money, rather than submit a "Freedom of Information" request to the Council; she would like to ask District Cllr D Davis for the list of his pecuniary interests. Mrs Humphreys had tried to look these up "online" but had not found it very clear. Cllr Davis retorted that he was not prepared to provide such a list at the meeting and that he did not believe it was the place for such a request. Cllr B Powell suggested that Mrs Humphreys sent her request to the Clerk, for forwarding on to Cllr Davis. Mrs Humphreys asked that her e-mail address was not forwarded to any third party, including Cllr Davis.

## **7. Finance**

(i) To consider funding application from the "First Responders": Deferred.

(ii) To consider funding application from "It's good to talk": Deferred.

(iii) Request for financial support from Suffolk Coasts & Heaths AONB for the production and printing of the next edition of the Shotley Walk Explorer Guide (£800) - Final consideration and approval of funding: Two external donations had been agreed by Cllr R Wrinch and Cllr B Powell, both on their personal capacities for £150 and £100 respectively. Members agreed that the further £550 needed to reach the necessary £800 would still be excessive in the current climate and resolved to fund the project by £200 instead.

(iv) To consider and approve accounts for payment and note bank balances: It was resolved to approve the accounts for payment, as follows:

a) Clerk's expenses	£172.87
b) Salc internal audit 2016	£272.40
c) Shotley Village Hall (venue hire)	£203.00
d) Clerk salary	£1,241.30
e) HMRC (tax, NI and Employer NI)	£284.78
f) E Bugg (Shotley Warden)	£176.00

g)	Mr A Keeble (Shotley Gate Warden)	£470.30
h)	Miss S Ratcliffe (Bristol Hill conveniences)	£286.00
i)	S A Meacock (grass cutting)	£220.00
j)	Funding "Tiffers-the Bus Shelter Ipswich CIC"	£50.00
k)	Shotley Village Hall (venue hire) - (re-issue)	£203.00
l)	SOS Funding (Mr A Pettersson - strimmer fuel)	£13.85
m)	Marine Management Organisation - £1,222.00- still being disputed and not paid.	

- (v) To consider and approve any amendments to the annual accounts for year ended 31 March 2017 and supporting documents: There were no further amendments at this point.
- (vi) To consider and approve quotes received for various maintenance works: A quote had been received from Mr D Meacock for the tree works at Lloyd Road play area. The quote was approved subject to Cllr R Wrinch appraising the work.
- (vii) To approve expenditure for the annual play area inspections: It was resolved to approve this expenditure.

## 8. Planning matters

- (i) To consider applications received from Babergh District Council: The recent applications for 2 x pads on farmland in order to enable UK Power Networks to dispose of the soil resulting from the digging of bore holes locally had been considered and approval was recommended ahead of the meeting (as per Clerk's delegated power).
- (ii) To note Approvals/Refusals: There were no further approvals or refusals to be noted.
- (iii) Planning Correspondence: The Clerk reported on the previous month's application from No 1 Old School House, for cutting back a number of TPO trees within the Ganges development. The developers had been totally unaware of this application and had been extremely concerned that for a second time, BDC Planning did not appear to be treating them as expected when a planning application was submitted by a neighbouring resident. Mr David Pizzey, BDC Tree Warden had been informed and so had the applicant, who was asked to liaise with the land owner directly.

9. **Gate Farm Road Caravan Park** - To receive report on recent developments and agree any action needed: Cllr B Powell informed the meeting that, as reported earlier by District Cllr D Davis, the matter was in hand and was likely to become a legal process in due course. A number of points were noted by members.
- Regardless of the size of the caravans currently sited (the local authority did not differentiate by size but only by mobility), the planning permission allowed for ten seasonal and three static caravans.
  - The original permission had been granted by the Secretary of State in 1996, not BDC Planning.
  - The overstay in the previous year had been reported and challenged. However, by the time BDC took action, the next season had started and it had been too late.
  - Concerns were expressed that by *custom* and *practise* a right may be established if nothing was done.
  - A toilet block was being installed and what appeared to be a lodge was being built at the bottom of the site.
  - BDC were very short-staffed at present and there were another two big issues within the peninsula that were using up some of those resources already.

- Considerable evidence was available that some things were going on within the site that did not appear to conform with the planning permission, including the existence of a large number of vehicles, some of which belonged to businesses which were clearly being run from within the site/by residents.
- The site owner and their agent were fully aware of the Law and appeared to know how to use it to their advantage.
- Prospective buyers of the new houses within the Ganges development may be affected by the close proximity of a caravan site of this nature.
- Ganges developers did not appear to be concerned with the caravan site so far, according to Cllr Davis.
- The Clerk informed the meeting that this was not the case. The Ganges developers had not been informed of the caravan site application or the one from the Old School House to have a number of TPO trees cut back within the Ganges site and were extremely concerned. A meeting with representatives of the Ganges developers and the Parish Council was due to take place the following week.
- Caravan site representatives had recently approached third parties with a view to constructing a circular road within the caravan site and accessing water and sewage mains. There were no pending planning applications or permissions sought for either, which was extremely concerning.

**10. UK Power Networks project update:** A brief report was given to members.

**11. Ganges development update:** A brief report, which included issues already covered earlier in the meeting, was received.

**12. To consider the Shotley Heritage Community Benefit Society Ltd offer of one share free of charge (Shotley Pier) to the Parish Council and note recent structural changes:** The recent changes within the structure were noted. Mr D Davis had recently resigned from the Board; Mrs S Chicken was the new Vice-Chair and Mr J Davitt the new Chairman.

In light of the difficult position in which being a shareholder would place the Parish Council, it was unanimously decided to decline the offer of a free share. However, it was agreed that the Board should be thanked for the kind offer.

**13. Administration:** To receive Clerk's report: A brief report was received from the Clerk.

**14. To consider legal advice received regarding the case of adverse possession (Picnic area at bottom of Bristol Hill) and record decision/further actions:** A detailed report was received from the Clerk outlining the legalities around this case. It would not be possible for the Parish Council to pursue a case of adverse possession as the Parish Council had, in the past, approached who it had believed to be the landowner (the Marchioness of Bristol Estate) in order to seek permission to carry out the picnic area/footpath improvement works and some of the sea defences.

If the Parish Council was to pursue it, it could end up in a very lengthy legal battle between the two parties which would not be sustainable or advantageous in any way.

Members were reminded that the only benefit associated with owning that particular section of land would be the ability to carry out works/apply for grant funding in a more straightforward way.

On the other hand, with owning such a section of land, came the responsibility of looking after it, maintaining it and potentially being held responsible for damage caused to properties above it by way of coastal erosion.

The Shotley Parish Council did not have the legal power or financial ability to assume such a great responsibility and the Parish Council had been reminded of this same fact in the previous year by the Acting Monitoring Officer for Babergh District Council, who also had happened to be a Judge and an authority on the subject of coastal erosion.

Furthermore, once the land was legally owned, it would become a responsibility for generations and years to come. The onerousness and fairness of such a legacy to future councils and members was highly debatable.

Discussion ensued on how the Parish Council could justify some of the expenditure continuously being incurred on some of this land, namely the picnic area and the sea wall. Cllr R Wrinch stated that the original permission given by the Marchioness of Bristol's Estate should cover general maintenance works to the picnic area without any further need for specific licences or additional permissions. This would be for the picnic area only and not the sea wall itself.

However, and he insisted how much it pained him to have to accept, it was very unlikely that Phase 3 would take place if the Parish Council did not own the land; even if the Parish Council did own the land, it would cost an immense amount of money to maintain it and the ongoing costs would be impossible to sustain. There may be a time when a wealthy individual might be prepared to seriously invest towards it but at this moment it did not seem a possibility.

Cllr B Powell regretted that he had to agree with Cllr R Wrinch's views.

It was also noted that should there be any incidents of further sea erosion/storm erosion that might render the footpath impassable, then it would be the responsibility of the land owner and/or SCC Rights of Way to ensure that any footpaths were either secured or signposted if unsafe to cross, just as in previous years before the Parish Council became involved with Phases 1 and 2.

It was, therefore, resolved to abandon the adverse possession case and the status quo regarding the maintenance of the picnic area would remain as per previously granted permissions.

- 15. To note any further correspondence received and agree any response needed:** Correspondence had already been circulated to members ahead of the meeting.

However, the Clerk wished to draw the attention of members to the letter regarding the Local Plan meeting arranged for the 21<sup>st</sup> September at Holbrook Academy and that at least 2 members would be expected to attend. For this reason, the Parish Council meeting would have to be changed to an earlier date.

The Clerk asked District Cllr Davis to express her disappointment to the organisers on this occasion. Shotley was one of the largest parishes on the peninsula, with the largest developments already under way (Ganges and Marina) and although the letter stated that organisers had tried not to clash with Parish Council meeting dates, it had clashed with none other than Shotley Parish Council's!

- 16. Reports from Councillors on matters not itemised on agenda/to be included in next Agenda** (no decisions with a financial implication are permitted to be made at this point and should be added to a future agenda for consideration): There were no further reports from Councillors.
- 17. Chair's urgent business:** any items not on this agenda but of such urgency as to merit, in the Chair's opinion, immediate action: Cllr B Powell reported on the recent successful application by the Village Hall for £10,000 of funding towards the car park improvements. Some two months previously, he had asked members to consider gifting the Village of the Year fund of £1,500 towards this cause and would like to ask members to consider it again. However, he had already been informed by the Clerk that:
- The item had not been listed on this agenda therefore a decision could not be made and would instead be added to the next agenda.
  - A previous resolution stated that consultation would need to be carried out in order for a final decision to be made about these funds, as several suggestions had already been put forward.

Cllr N Green stated that a number of parents continuously asked for new play equipment for younger children and that she would prefer to see these funds spent on something that was more significant for residents, however worthwhile a cause the village car park was.

A suggestion was also made that as the car park would most likely be used by the visitors being encouraged into Shotley by the Walkers are Welcome initiative, the Group responsible should put some funding towards it.

Speaking from the public gallery, Mr N Bugg told members that the facility was consistently being well used and its use during term time had also increased recently.

Cllr R Wrinch agreed that he could see the benefit of putting some funds towards the car park; however he would also prefer to see this particular fund being used towards something less "ordinary" and more "colourful" to reflect the nature of the award.

Cllr B Powell summarised the Council's position, in that it would assist the Village Hall by offering some funding towards the car park and that he also thought that other people/groups should be encouraged to offer some funding, which the Parish Council could then "match".

Cllr R Wrinch recommended the use of caution with this suggestion, with regards to which funds were used and what the Parish Council's limitations were. Unless strictly limited, the match funding suggestions as put by Cllr Powell could become quite problematic.

Cllr N Green also expressed some reservations and alluded to the fact that the Village Hall Management Committee were responsible for the management of this car park and that the Parish Council should not be seen as interfering.

Mr N Bugg, from the public gallery, assured members that the Parish Council was being very supportive and that the management committee was very appreciative of all efforts being made.

It was agreed that the matter would be added to the next agenda for further discussion with regards to how the Parish Council could help and what funding should be considered.

- 18. Suspension of standing orders:** *Meeting open for 5 minutes to allow members of the public to speak:*  
**Meeting open:** Mrs Pauline Humphreys referred to a recent thread of messages on social media and how saddening it was to see that some people, who did not attend Parish Council meetings and were therefore unaware of all the efforts made to date by the Parish Council, seemed to be insistent on making the Parish Council look less than positive. Could the Parish Council react to this type of comments in order to ensure that parishioners were made aware of the correct facts instead?

The Clerk replied that one of the Councillors had made her aware of this and that she had promptly added an update to the thread. However, social media was not a formal means of communication and the Clerk was under no obligation to react to it, particularly when some of the material posted was on "closed group" sites which she was unable to access. The Clerk hoped that genuine parishioners with genuine questions or concerns were able to contact the Parish Council directly at any time they wished.

Cllr B Powell added that the matter had been discussed at nearly every meeting for the past 2 years and that he had even offered to pay for a replacement box himself! However, without the approval from Royal Mail, who were not even replying to council messages any more, this would not be possible.

**Temporary exclusion of press and public:** *That pursuant to the Public Bodies (Admission at meetings) Act 1960 the Public and Press be excluded from the meeting due to the confidential nature of the business to be discussed*

**19. Administrative matters:**

- (i) To approve the confidential minutes of the meeting held 20.07.2017: It was resolved to approve the minutes.
- (ii) To consider and approve documents recommended at the confidential section of the meeting held 20.07.17 and associated expenditure: Documents were reviewed by members and a number of alterations were suggested and noted. Final document to be considered at the next meeting. (Confidential notes circulated to members).

With no further matters to be transacted, the meeting ended at 9.50pm.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_