

Minutes of a meeting of the Shotley Parish Council held on Tuesday 5th December 2017 at the Village Hall, The Street, Shotley.

Present: Cllrs B Powell (Chairman), R Wrinch (Vice-Chairman), B Nichols, M Williams, N Green, R Green, J Catling, G Richens and Mrs D Bedwell (Parish Clerk).

County and District Councils: District Cllr D Davis. District Cllr P Patrick's apologies were noted.

Public gallery: Fifteen members of the public.

- 1. Apologies for absence:** Apologies had been received (and were approved) from Cllr B Higgs. Apologies had also been received from District Cllr P Patrick.
- 2. Presentation by Annette Robinson (SCC Rights of Way):** The history and implications of Public Rights of Way: A comprehensive presentation was given by Mrs Annette Robinson, followed by questions from the meeting.

The Council thanked Mrs A Robinson for this very informative session, during which it was clarified that although Parish Councils have a power to maintain footpaths (*Section 43 of the Highways Act*), it was the duty of the Suffolk County Council Rights of Way to do so and that unfortunately it wasn't always possible to repair or reinstate footpaths due to the costs involved.

Mrs Robinson would be forwarding to the Clerk the materials used on the presentation so that they could be shared with the parish via the website.

- 3. Declarations of interest with regard to items on the agenda and additions to register:** Cllr R Wrinch declared a pecuniary interest on items 11 (i) and 13; Cllr B Powell declared a pecuniary interest on item 13; Cllr G Richens declared a pecuniary interest on items 8, 13 and non-pecuniary on item 9 (I)-S.O.S. reimbursement. It was agreed that Cllr B Nichols would chair the meeting during item 13, as both the Chair and vice-chair would leave the room.
- 4. To consider Dispensation request received from Cllr G Richens:** Cllr G Richens had previously declared a pecuniary interest on Phase 3 Erosion Protection proposals and had stated, on his request for dispensation, that his disclosable pecuniary interest was that the *Phase 3 Erosion Protection Project proposals ... "would provide some protection against coastal erosion to the garden of his property at 'The Lookout, Estuary Road, Shotley Gate, IP9 1PZ"*.

Cllr G Richens' detailed written request for dispensation had been circulated to members ahead of the meeting, as had the subsequent advice received from Salc on the same matter.

Following some discussion, it was resolved not to grant Cllr G Richens dispensation to *"participate at meetings, in discussion and voting for whatever the Council deems necessary for its future interest in the Phase 3 Erosion Protection Project at Shotley Gate"*.

5. Reports

- (i) County Councillor's report (D Woods): A report had not been available in time for the meeting.
- (ii) District Councillor's report (P Patrick): A report had been received ahead of the meeting and would be circulated to members.
- (iii) District Councillor report (D Davis): A verbal report was received from District Cllr D Davis.

- 6. Public participation at meetings** (Meeting open to the public to allow members of the public to speak): Two members of the public expressed their disappointment that Cllr G Richens had not been

granted a dispensation (item 4 of the agenda).

Mr N Bugg thanked the Parish Council for the provision of the Christmas trees, which had been much appreciated.

- 7. To approve the minutes of the meeting held 16th November 2017:** It was resolved to approve the minutes as a true record of the meeting held.
- 8. To note the Parish Council Resolution made at the Extraordinary meeting held 1st November 2017 regarding Phase 3:** *Cllr G Richens left the room due to DPI.* The resolution reached by the Council on November 1st 2017 was read by the Chairman (*copy of the full is statement attached to the minutes and available on the Parish Council website*). *Cllr G Richens returned to the room.*
- 9. Finance and administration**
- (i) To consider and approve accounts for payment and note bank balances: It was resolved to approve the accounts for payment. Cllr G Richens asked the Clerk for the list of dates of meetings attended, as an additional six had been reported in the period, to which the Clerk obliged.
- Receipts and balances were noted, as follows: Current account £58,208.87, deposit account £43,345.50, tracker account £456.46, therefore a grand total of £102,010.83 (£25,000 of which were earmarked play area reserves).
- (ii) Clerk's report: **Finance:** The draft budget and precept proposals were nearly completed and the Finance working group was expected to meet in January in order to prepare final recommendations to full council.
- Recommendations put forward at the October Finance meeting had been included and tax bands had been updated according to notification received from Babergh District Council.
- Police Forum meeting:** The one in Shotley would take place on June 13th at 7pm. Additional meeting dates and venues would be circulated in due course.
- UKPN:** An update on current position had been requested but had not been available in time for the meeting.
- Waste collection calendar** no longer sent automatically but schedule could be viewed on BDC's website (to save money and resources in postage and printing costs).

- 10. To consider suggestion received from member of the public for the Shotley Parish Council to have a dedicated Facebook page:** It was resolved to continue not having a dedicated Facebook page. Statutory documents, news and updates were promptly posted on the Shotley Parish Council website.

It was extremely important to ensure that information published by the Parish Council was verified for accuracy and content so that it remained professional, particularly with the enforcement of Data Protection Regulations from May 2018.

11. Planning matters

- (i) To consider applications received from Babergh District Council:
- a) DC/17/03738 32 Blake Avenue, Shotley Gate- Erection of 1 No. end of terrace dwelling and provision of 3No car park spaces: It was resolved to recommend the approval of this planning application which appeared to be retrospective.
- b) DC/17/05705 and 05704 Hill House Farm, Wades Lane, Shotley. Application for LBC and full

planning application to convert timber framed barn into two no. dwellings: *Cllr R Wrinch left the room due to a DPI*: It was resolved to recommend the approval of this planning application. *Cllr R Wrinch returned to the room*.

(ii) To note Approvals/Refusals: DC/17/04600 – Sunseekers, Queensland – Erection of summer house in rear garden: Planning permission granted.

(iii) Planning Correspondence: No further correspondence had been received.

(iv) Gate Farm Road Caravan Park update: A brief update was given, including imminent legal action expected to be taken by BDC and underground pipe/sewage works reported to the Environment Agency.

12. UK Power Networks - To receive update and agree actions: Deferred.

13. Shotley Explorer Guide (Suffolk Coast and Heaths AONB): To consider launch date of latest issue and request for additional funding: *Cllrs B Powell, R Wrinch and G Richens left the meeting due to declarations of pecuniary interest. Cllr B Nichols took the chairman's position*.

It was agreed that the launch should take place at the start of the February Parish Council meeting (22nd) as Cllr D Woods would be back from annual leave by then. The new issue of the Explorer Guide had already been made available to the S.O.S. group for distribution. It was resolved that no further funding would be granted to this project.

Cllrs B Powell, R Wrinch and G Richens returned to the room.

14. Facilities and Open Spaces - To receive update and agree actions including the installation of a bollard at the entrance to the allotments on The Street (expenditure approx. £100): It was resolved to postpone a decision on the suggested bollard (which would cost in the region of £100, plus £100 installation cost, plus £30 for combination lock) to the Spring.

Member agreed on **Franklyn Gothic Heavy** as the font of choice for the Q90th commemorative benches, which would be installed as soon as UKPN related roadworks were nearer completion.

15. To note any further correspondence received and agree any response needed: There was no further correspondence to consider.

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): Reports on various matters were received as follows:

- The School traffic warning lights continued to be left after school hours. This could be due to a fault with the magnetic key used to disable it, so Cllr M Williams agreed to make enquiries.
- Dog sign at the Kingsland play area was still pending and would be fixed soon.
- Following the spillage caused by the UKPN drilling works, it appeared that some of the sheet piling had moved significantly further out and some remedial works might be needed. Cllr B Powell added to Cllr G Richens' report by stating that this had been pointed out to UKPN representatives at a recent meeting held on site, which Mrs A Robinson from SCC Rights of Way had also attended.
- Cllr G Richens also reported on the damage to the boat launch ramp at the bottom of Bristol Hill caused by Anglian Water. Cllr B Powell reported that this matter was also in hand.

- There were further reports on the same area, which included the damage to bollards and the dog fouling sign, which had come off the wall but was being stored so it could be reinstated at a later date.

17. To consider change of meeting date in February (from the 15th to the 22nd) due to Panto and note date of next meeting (January 18th): It was resolved to change the meeting day to February 22nd. Apologies were received from Cllr M Williams, who would be on leave at the time.

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*

18. Contracts and Tenders: To consider and approve content of tender document: The document circulated was approved, pending areas to be suggested by members for inclusion on the specification, in addition to those mentioned at this point.

A number of items of general maintenance were also raised, including overgrowth on Caledonian Road, tree branches protruding from the green on Lower Harlings and soil being disposed of by persons unknown on Marsh Lane. Quotes would be sought for some of the works for consideration at the next meeting.

Matters of a delicate nature which had been reported to have taken place at the Bristol Hill public conveniences were noted by members.

19. To approve minutes of the Employment Committee meeting held 28 November 2017 and approve recommendations: The minutes were circulated to those present and their approval would be considered at the next pc meeting.

20. To consider recommendations under item 19 of a restricted nature due to legal privilege: Deferred.

21. To approve the confidential minutes of the meeting held 19th October 2017: Deferred.

It was noted that the Clerk was due to be on annual leave following the Parish Council meeting until January 2nd. Information to the effect had been posted on the website so parishioners would generally be aware. Cllr B Powell would be the initial point of contact for any urgent matters and any councillor in receipt of any enquiries was asked to forward them on, as the Chairman would be able to liaise with the clerk should that be necessary.

With no further matters to be transacted, the meeting ended at 10.00pm.

Signed: _____ Date: _____

Phase 3 of Coastal Erosion Protection - Shotley Parish Council Resolution (as passed at the Extraordinary Meeting of the Council held on November 1st 2017)

Following extensive consideration, the Shotley Parish Council unanimously concluded that it was not in a lawful, morally acceptable or financially viable position to deliver Phase 3 at present or in the foreseeable future.

A Parish Council is not legally permitted to incur expenditure on coastal erosion or sea defences.

The alternative would be to use a legal loophole to justify that erosion protection would be incidental to the maintenance of the footpath.

Suffolk County Council "Rights of Way" is the Statutory body with the duty to maintain public footpaths.

The total cost of Phase 3 is estimated at £250, 000. However, this is an estimate and it could be significantly more.

External funding sources are no longer certain in these times of Government financial restraint. Ownership of the land in some areas also remains challenging.

A considerable amount of time, effort and financial resources have already been spent on this project, and although phases 1 and 2 were completed with a degree of success, some of the processes might be described as 'creative' and borderline. Lessons have had to be learnt and the Parish Council would be under scrutiny by the various statutory and controlling bodies with any future work and could be open to legal challenge. With an emerging Local Plan, a Neighbourhood Plan, the Ganges and Marina developments, and a number of other priorities and considerations for this council, it would not be appropriate to divert resources and effort so disproportionately to this one project. Moreover, responsibility for ongoing maintenance and repair could potentially expose the council to financial commitments it could not reasonably hope to meet from parish funds, which must in principle be equitably distributed within the parish and not exclusively benefit any small number of residents.

The Parish Council strongly believes that if this project is to be progressed, it must be by a statutory body, such as the Environment Agency, Suffolk County Council, Natural England etc, who would have the professional acumen, resources, legal requirements and financial capacity so to do. The Parish Council will remain supportive of a statutory body wishing to take charge of this or any other project for the benefit of Shotley and all of its residents.