



COGGESHALL PARISH COUNCIL

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Minutes of a meeting of **THE PARISH COUNCIL** held on **Monday 8th August** at **7.30 pm** in the Village Hall, Stoneham Street.

16/214. Those present and apologies for absence

Present: Cllrs Heaton, Unsworth, Plumb, Phillips, Lewis, Culemann, Horne, Thompson & Green

Apologies: - Cllr Frith

Also present - 8 members of public

Clerk – Ms Debbie Morgan

Resolved to accept the apologies from Cllr Frith and Walsh – Proposed Cllr Unsworth, seconded Cllr Horne

16/215. Councillors Declarations

Cllr Heaton declared a non-pecuniary interest in item number 16/227 regarding the play area.

16/216. To consider an application for the co-option of Mr I Hagger as Parish Councillor for Coggeshall Parish Council South Ward (Appendix 1)

Resolved: It was proposed to appoint Ian Hagger as Parish Councillor for the South Ward - Proposer Cllr Phillips Seconded Cllr Lewis – unanimous

Cllr Hagger signed his Declaration of Acceptance of office and joined the meeting

16/217. Minutes of previous meetings.

The minutes of the Full Council meeting of 11th July 2016 were approved as a true record

Resolved: Proposed Cllr Thompson Cllr Plumb – one abstention due to nonattendance.

The Chairman requested that the order of the agenda was altered so that items 16/225 & 16/227 to follow 218

16/218. Public Participation session with respect to Agenda items and other matters of mutual interest.

A resident commented that the pavements in Stoneham Street rarely got swept and would like this to be sorted. He also said that he supported the correspondence from a Stoneham Street resident regarding the noise from the market.

A resident applauded the parish council for looking to set up the working party to look at areas for additional parking in Coggeshall. He also felt that there was no technical case for charging for the car park.

Another resident felt that the land next to the surgery would make a good area for parking.

16/219. County Councillor's & District Councillor's Report

None present

16/220. Clerk's Report (Appendix 3)

It was requested that the clerk writes to the Headmaster of Honywood school regarding the vandalism and also again at the end of the Summer term 2017.

16/221. Correspondence received (Appendix 4)

11-07-16	A Resident	Complaint about the clock tower chiming	Clerk suggested the resident contacts BDC Environmental Health
12-07-16	E W King Fund	Request for the PC to appoint a trustee	Added to the agenda
19-07-16	A Resident	Request for the council to review their Grant Policy	Added to the agenda
21-07-16	A Resident	Email complaint about the noise from the Market	Response sent by clerk
25-07-16	A Resident	Email regarding a hole in the pavement at Colne Road	Response sent by clerk
26-07-16	Post Office	Letter concerning the move to McColls	For information / comment
28-07-16	Amy Jessop	Complaint about that the Keys Room floor was dirty	Clerk has arranged for it to be steamed cleaned
28-07-16	A Resident	Letter in support of the market	Noted
29-07-16	Essex County Council	Request for Emergency Plan update	On Agenda for Full Council

16/222. To note the report from the Finance Committee (Appendix 5)

i. To note bank balances

ii. To agree payments for July 2016

Bank balances were noted

Resolved: It was proposed to agree the payments for July

Proposed Cllr Phillips seconder Cllr Lewis - unanimous

16/223. To consider a review of the CPC Grant policy (Appendix 6)

It was requested that the Clerk prepared a review of the CPC Grant Policy based on the Danbury model for discussion at the next Full Council meeting.

16/224. To note a request from the RFO with regard to items for the 2017-18 budget

Noted

16/225. To consider the comments from BDC with regard to the proposals for the off Street Parking Order and agree the final schedule for the Stoneham Street Car Park. (Appendix 7)

Cllr Lewis commented that he had concerns that there is a need for additional parking to be found in Coggeshall.

It was proposed those days of charging should include Saturday

The hours of charging should be changed from 08.00 to 18.00

The words "Limited to a maximum of 2 season tickets per household" should be removed.

The cost of a resident's annual ticket should be £200 per car

Resolved:- Cllr Green proposed Cllr Culemann seconded Unanimous

16/226. To agree the appointment of a CPC Nominee to the EW King Fund (Appendix 8)

Cllr Lewis felt that the Parish Council should approach someone who had specialist experience with dealing with the elderly such as the local Doctor's surgery and recommended that Councillors come back with a list of people for the next meeting in September.

16/227. To discuss and agree a response to the legal advice received from LGSS Law regarding the play area behind Stoneham Street. (Appendix 9)

Cllr Heaton recalled the background to this agenda item. The idea of converting the play area behind Stoneham St into car parking was first mooted in early 2015. In summer 2015 legal advice was sought from NALC on section 57 Road Traffic Regulation Act 1984, under which a parish council may not appropriate more than 800 sq ft of a recreation ground, open space or recreational facility for parking. The NALC solicitor advised that the play area is both an open space and a recreational facility, that she was not aware of any legislation other than s57 enabling parish councils to appropriate land for parking, and the maximum amount of the play area that could be turned into parking was therefore 800 sq ft. Cllr Heaton thought this was space for about 6 cars.

In October 2015 the Council decided in view of the importance of the parking issue to seek a second opinion from an external firm of solicitors. In November 2015 advice was received from a local firm of solicitors. This confirmed that the play area is an open space and a recreational facility and said that normally s57 would prevent more than 800 sq ft from being turned into parking. However if the play area was not required for its current purpose, s126 Local Government Act 1972 could be invoked and provided certain procedures were followed, the whole of the play area could be turned into parking. The Council did not discuss the advice at the time; it decided to defer any consideration of the play area until charging had been introduced in the Stoneham St Car Park and its effect on behaviour evaluated.

In April this year, the Council decided to seek further advice from the same solicitors on whether the words "Notwithstanding anything in any other enactment" in s57 meant that it took priority over s126. The solicitors replied that these words did not alter its view that s126 overrode s57. The Council considered this advice unsatisfactory: for instance it contained errors about which piece of legislation came first, and ignored anomalies that would result if s126 took priority. The Council decided to seek a third opinion from LGSS, a law firm specialising in providing advice to parish councils, on whether s57 or s126 was the applicable legislation.

Cllr Heaton thought the advice received from LGSS was well-balanced. First it looked at what might be possible under s126 assuming that the play area was no longer required for its current purpose, and said that it could be turned into an area of hardstanding usable for parking. However if the Council wanted an actual car park with controls over its use, this could only be done under s57. This is because all the rules on control apply only to parking places provided under s57. The advice also said the "Notwithstanding..." words in s57 suggested that it overrode any other

legislation, including s126. Cllr Heaton said he agreed with LGSS' conclusion that only under s57 could a car park could be created over which the Council would have control. This means no more than 800 sq ft of the play area can be used.

Returning to the local solicitors' advice, Cllr Heaton said that it was wrong in saying that s126 took priority over s57, but he also wanted to look at what it said about s126. Legal advice should be impartial, balanced, and consider all the facts. The meaning of "not required," which is also in the legislation for other types of council, is a complex question which has been the subject of case law. The local solicitors' advice completely ignored this case law and instead tried to turn s126 into a box-ticking exercise. Cllr Heaton said he thought this approach of ignoring inconvenient truths was unprofessional.

Cllr Lewis said the LGSS advice had finally settled the legal question, and it was now time to move on. Other councillors agreed.

Cllr Plumb added that the advice on hardstanding assumed that the play area was no longer required as an open space. He thought residents would probably want to keep the area as an open space. Cllr Heaton said LGSS were not giving an opinion that the play area was not required for its current purpose; they had only been asked to make this assumption for the purpose of providing their advice.

Resolved: Proposer Cllr Unsworth, seconder Cllr Thompson – unanimous
The committee gave their thanks to Cllr Heaton for his research and his contributions to resolving the matter.

The clerk was requested to publish a statement advising the residents of Coggeshall of the decision and why it was taken.

- 16/228. To agree that the Council set up a working party with the brief to find more car parking space within the parish. That four Council members be nominated at this Meeting to form the working party and those four Councillors may invite non-members with special knowledge to assist them. The working party shall report to the Council every three months**

It was proposed that Cllr Unsworth, Lewis, Thompson & Phillips are appointed to a working party

Resolved: Proposed Cllr Lewis, seconder Unsworth - unanimous

- 16/229. To consider and agree the appointment of a working party to update the Emergency Plan (Appendix 10)**

It was proposed that Cllr Hagger, Horne, Heaton to be appointed to the working party.

Resolved:- Proposed Cllr Unsworth, seconder Cllr Phillips, unanimous

- 16/230. To consider and agree if appropriate entering the Council of the Year competition. (Appendix 11)**

It was proposed that the council do not enter this year –

Resolved:- Proposed Cllr Lewis, seconded Cllr Plumb unanimous

- 16/231. To consider and agree if appropriate the appointment of a professional surveyor to value the Council's fixed assets (buildings and monuments)**

It was proposed that the Council obtain a professional valuation for the council's assets providing the fee does not exceed £2,000

Resolved: proposed Cllr Plumb, seconded Cllr Lewis - unanimous

16/232. To agree if appropriate the continuation of the street light maintenance contract with A & J Lighting (Appendix 12)

In the absence of anyone else able to provide competitive quotes it was proposed to accept the five year contract with A&J Lighting for the street light maintenance

Resolved: Proposed, Cllr Unsworth, seconded Cllr Phillips - unanimous

16/233. To note the report from the Village Hall Committee

No further update as the committee have not met since the last meeting.

16/234. To note the report from the Open Spaces

The path in the recreation ground is now complete.

Remedial works being carried out to the play equipment following the ROSPA report.

Cllr Horne has had a meeting with Tara Bacon regarding the Big Park Scheme

It was proposed to extend the meeting by 30 minutes

Proposed: Cllr Unsworth, seconded Cllr Thompson - unanimous

16/235. To consider and agree the changes to the Burial Fees proposed by the Open Spaces (Appendix 13)

It was proposed to accept the changes to the burial fees.

Resolved: Proposed Cllr Phillips, seconded Cllr Horne - unanimous

16/236. To note the responses regarding the CCTV survey and to consider further action to be taken (Appendix 14)

Clerk to contact Essex police and other villages with CCTV to see if there has been any noticeable reduction in crime since CCTV has been installed.

9.43 – Cllr Lewis left the meeting

16/237. To note the report from the Traffic Management

No meeting held since the last meeting of the full council.

16/238. To note the report from the Planning Committee

No major applications to report

16/239. Update on the Waste Management Draft Local Plan and the IWMF

Waste Management Draft Local plan is now out for consultation. The IWMF are awaiting their environmental permit.

16/240. Update from the Neighbourhood Plan Steering Group

Cllr Horne advised the next meeting of the NPSG is this week. The group are also looking at possible areas for additional parking.

16/241. Items for next agenda

Review of the CPC Grant Policy

Appoint a representative to the EW King fund
CCTV

16/242. To note date and time of next meeting

Monday 12th September 2016 – 7.30

16/243. To close the meeting to the public to discuss matters of a sensitive nature

Proposed to suspend standing orders to allow the meeting to continue over
2.5 hours

Resolved: Proposed Cllr Plumb, seconded Cllr Phillips

**16/244. To discuss and agree action in relation to a boundary issue at the Butt Field
allotments**

Proposed to agree to permit the residents to place the fence on the correct
boundary.

Resolved: Proposed Cllr Plumb seconded Cllr Phillips

16/245. Update on the request for the moving of an access

The clerk advised that the landowner has paid for the surveyor and once
cleared funds have been received, the surveyor will be instructed to
provide a valuation. This will then allow the council to enter into
negotiations with the landowner.

The meeting closed at 10.07 pm