



COGGESHALL PARISH COUNCIL

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Minutes of a **MEETING OF THE PARISH COUNCIL** held on **Monday 13th June** at **8.00 pm** in the Village Hall, Stoneham Street.

The meeting started at 8.15 due to the over-running presentation by Pigeon Developments

16/165. Those present and apologies for absence

Present:- Heaton, Unsworth, Plumb, Phillips, Culemann, Thompson, & Green
Apologies: Cllrs Frith, Lewis & Horne
Not present: - No apologies – Cllr McDonald-Hermet
Also Present: - Clerk Debbie Morgan
Members of public – 6 members of public

16/166. Councillors Declarations

Cllr Heaton declared a non-pecuniary interest in the 16/176 – however the council were discussing the legal situation and not considering agreeing to convert the play area
Cllr Unsworth also mentioned that Cllr Heaton had spoken with the Monitoring Officer to clarify the situation.
Cllr Unsworth declared a non-pecuniary interest in the planning application for 14 Kelvedon Road

16/167. To consider applications for the co-option for Councillor for West Ward providing an election has not been called. (Appendix 1)

Proposed to co-opt Tom Walsh as Councillor for West Ward
Proposed Cllr Plumb Seconder Cllr Thompson - unanimous
Resolved

Cllr Walsh signed the Declaration of Acceptance of Office and joined the Council.

16/168. Minutes of previous meetings.

The minutes of the Full Council meeting of Monday 9th May. and the extraordinary meeting held on 25th May 2016 we agreed as a true copy.
Resolved: Proposed – Cllr Phillips seconder Cllr Thompson - unanimous

16/169. Public Participation session with respect to Agenda items and other matters of mutual interest.

A resident felt that in his opinion the advice from Holmes and Hills that S126 of the Local Government act overruled S57 of the Road Traffic Act was correct.

Another resident commented that they had also looked at the act and the word "notwithstanding anything or any other act" in the Road Traffic Act was a clear indication that the S57 of the RTA overruled the S126 of the Local Government Act and that is the duty of the council to act within the law.

Cllr Unsworth advised that conflicting advice had been received and that until the law had been clarified, the Parish Council would not be making a decision on the play area.

Cllr Unsworth proposed that agenda item 16/176 was discussed before 16/170

16/170. County Councillor's & District Councillor's Report
None

16/171. Clerk's Report (Appendix 3)
The templates for the website have been completed and the clerk asked for assistance with providing copy.
The Clerk is still trying to get the electricity re-connected to Horn Lane as the street light is not working
The play equipment has had an annual ROSPA inspection
Information on residents' parking schemes from NEPP has been posted on the Coggeshall Community Facebook page

16/172. Correspondence received (Appendix 4)

13/05/2016	A visitor to Coggeshall	Letter praising the children's play area by the car park	Noted in Open Spaces
15/05/2016	A resident	Re Allotment 130 The Hamlet	Noted in Open Spaces
15/05/2016	Centenary Fields	Regarding the recreation ground	Added to the Agenda for Open Spaces
17/05/2016	A resident	Re Allotment 305, Tey Road	Noted in Open Spaces
17/05/2016	A resident	Re Allotment 201 Butt Field	Noted - Clerk and Allotment Sub-Committee dealing
21/05/2016	A resident	Tree in recreation ground	Clerk has actioned
25/05/2016	Coggeshall in Bloom	Letter regarding bench project with the Scouts	Added to the Agenda for Open Spaces
26/05/2016	Post Office	Response to the comments made by CPC regarding the moving of the post office to McColls	Noted
02/06/2016	A resident	Complaint about the Stoneham Street Parking Restrictions	Clerk to draft a response in consultation with Traffic Management
02/06/2016	A resident	Issues with flooding in Bridge Street	Clerk has spoken to the resident and provided information where possible

Noted

16/173. To note the report from the Finance Committee (Appendix 5)

i. To note the bank balances

Noted

ii. To note the income & expenditure report & financial summary

Noted

iii. To agree payments for May 2016

The Council requested that the payment for the paint for the Coggeshall in Bloom project should wait until the equipment is in situ – clerk to administer

Resolved: The payments were approved - Proposer – Cllr Green seconder Cllr Phillips – unanimous

16/174. To approve the Terms of Reference for the following Committees (Appendix 6)

- i. Traffic Management**
- ii. Planning**
- iii. Personnel**
- iv. Open Spaces**

Resolved: - The terms of reference were approved. Proposed – Cllr Plumb Seconder Cllr Phillips – unanimous

16/175. To appoint additional members to the Personnel and Village Hall Committees

Geoff Heaton – Personnel

Peter Thompson – Village Hall

Nick Unsworth – Personnel

Resolved: The above were appointed to the relevant committees. Proposer – Cllr Phillips seconder Cllr Culemann

16/176. To discuss the further legal advice received regarding the play area behind Stoneham Street. (Cllr Heaton) (Appendix 7)

Cllr Heaton advised that the Council are discussing the legal possibility not the desirability of converting the play area into parking. His view, with 30 years' experience of analysing legislation, is that both the original and further advice provided by the external solicitors is wrong, and that the Council would be breaking the law if it were to turn the whole of the play area into parking. The advice that s126 Local Government Act 1972 can be used to do this (instead of the maximum 800 sq ft permitted by s57 Road Traffic Regulation Act 1984) is out of line with all published guidance on the subject; is factually incorrect about which section came first; adds words to the legislation that are not there; and would lead to anomalies (such as removing the protection for disused burial grounds from being turned into parking).

Cllr Heaton suggested that there were so many serious question marks over the advice that the council should consider approaching a third firm of solicitors to advise on whether s57 could be overridden if the Council were to consider turning the play area into parking. He suggested going to one of the local authority legal departments that specialise in providing advice to parish councils.

Cllr Green agreed that the council should seek further clarification of the legal situation.

Cllr Culemann wanted to point out that he felt that creating more parking spaces would just create additional demand and currently the council do not have any proof there is a massive lack of parking spaces.

Cllr Walsh felt that Cllr Heaton had made a well-qualified presentation. Cllr Plumb felt that obtaining the second set of legal advice had confused the situation.

Cllr Heaton is to prepare a scope of works

The clerk is to obtain indicative costs

16/177. To consider a subscription of £100 to join the Local Council Advisory Service
Resolved - proposed Cllr Walsh – seconder Cllr Plumb – unanimous

- 16/178. To consider joining the A12TAG group** (Appendix 8)
Resolved that CPC will join the A12VTAG group with Cllr Horne and Cllr
Resolved. Proposer Cllr Phillips, seconder Cllr Plumb – unanimous
- 16/179. To consider the provision of CCTV in Coggeshall** (Appendix 9)
The Clerk was asked to survey the residents regarding CCTV in the village
centre using Survey Monkey
- 16/180. Update on Superfast Broadband (Cllr Heaton)**
Cllr Heaton attending a presentation at West Bergholt by County Broadband
for Superfast Broadband. As Broadband champion he will be meeting with
County Broadband to investigate their proposals.
- 16/181. To note the report from the Village Hall Committee (Cllr Heaton)**
The village hall meeting was inquorate and has been rescheduled
- 16/182. To note the report from the Open Spaces Committee (Cllr Phillips)**
The path in the recreation ground is due to be replaced in the next week
A possible boundary problem is being investigated in Butt Field Allotments
Cllr Unsworth wanted to extend his thanks to the Queen's Party and the clerk
is to write (Action Clerk)
- 16/183. To note the report from the Traffic Management Committee (Cllr Plumb)**
Traffic Management committee is confining itself to two items in relation to
the car park, negotiations with NEPP and a meetings is due on 23rd June. The
second item is improving the layout.
- 16/184. To note the report from the Planning Committee (Cllr Plumb)**
Pigeon gave a public presentation earlier. It was indicated that Braintree will
be considering the application in early July and the council should attend
the meeting and speak.

10.00 pm – Proposed to suspend standing orders to exceed two hours
Proposer Cllr Unsworth Seconder Cllr Heaton – unanimous

16/185. To consider the following Planning Applications

APPLICATION NO :	16/00855/FUL
DESCRIPTION :	Erection of cartlodge for use in association with Houchins Wedding Venue
LOCATION :	Houchins Farm Houchin's Lane Coggeshall Essex CO6 1RT
Consultation Expiry:	22/06/2016

No comment

APPLICATION NO :	16/00843/FUL
DESCRIPTION :	Proposed garage conversion, rebuilding of porch, internal alterations and render
LOCATION :	14 Kelvedon Road Coggeshall Essex CO6 1RG

Consultation Expiry:	16/06/2016
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No comment

APPLICATION NO :	16/00718/FUL
DESCRIPTION :	Construction of two Dutch barns to allow correct storage of straw and hay
LOCATION :	Holfield Grange Potash Farm Road Coggeshall Essex CO6 1NU
Consultation Expiry:	20/06/2016

No comment

Resolved: Proposer – Cllr Phillips Seconder Cllr Plumb - Unanimous

16/186. Update from the Neighbourhood Plan Steering Group

The website is up and running. Sub groups are making progress and the plan is being drafted with a target date of 2017 to tie in with the Braintree District Plan. The next meeting

16/187. Items for next agenda

To consider obtaining additional legal advice on clarification of the RTA and LGA acts.
Using Dropbox and an electronic diary

16/188. To note date and time of next meeting

Monday 11th July at 7.30

16/189. To close the meeting to the press and the public due to the sensitive nature of the discussions

Resolved – Proposer – Cllr Unsworth seconder Cllr Plumb - Unanimous

The meeting closed at 22.30