

**MINUTES OF THE COUNCIL MEETING OF COTTERED PARISH COUNCIL HELD IN COTTERED VILLAGE HALL ON TUESDAY 19 JUNE 2012 AT 7.30 PM**

Present Bryan Pitman (Chair) Terry McGrath  
David Charles Brian Murchie  
John Harwood-Bee Francis Ridley

Officer attending Marty Kilby  
Present: 19 members of the public.

**APOLOGIES**

12.48 None

**DECLARATIONS OF INTEREST**

12.49 Cllr Bryan Pitman declared a personal and prejudicial interest in the Planning Report relating to Shipwrights, Cottered, and a personal interest in the Planning Report relating to Ivy Bank, Cottered.

**EXCLUSION OF PRESS AND PUBLIC**

12.50 The meeting was informed that because of the confidential matters to be discussed under agenda items 11 (Parish Council Communications) and 12 (Recreation Ground Boundary with 1 Home Close) a proposal to exclude the Press and Public would be made under Section 1 of the Public Bodies (Admission to Meetings) Act 1960 as amended by Section 100 of the Local Government Act 1972.

**MINUTES OF MEETINGS**

12.51 The minutes of the Annual Meeting of the Parish Council on 22 May 2012 was before the meeting and signed as a correct record.

12.52 The minutes of the Parish Council meeting held on 22 May 2012 was before the meeting. A spelling correction was made changing the spelling of Brook Manor to Broom Manor in minute 12.30. A proposal was made to then sign the minutes as a correct record and a vote was taken.  
**Resolved:** That the minutes of the Parish Council meeting held on 22 May 2012 be signed as a correct record.

**AUDIO RECORDING OF MEETINGS**

12.53 It was proposed, in the interests of clarity, to audio record the proceedings of the Parish Council meetings, commencing from the next meeting. It was noted that notice of this intention would need to be shown on the agendas and at the entrance to the meeting room so that press and public were aware. It would also be helpful to display such notice on the website. The resolution was proposed by David Charles, seconded by Bryan Pitman and carried unanimously.  
**Resolved:** That the proceedings of Cottered Parish Council Meetings be recorded starting from the next convened parish council meeting.

**CHAIRMAN'S REPORT**

12.53 **6<sup>th</sup> June**

Marty ( Clerk), Bill Pooley (internal auditor) and Bryan Pitman meet to be briefed by Bill regarding internal audit recommendations.

**11<sup>th</sup> June**

The Chairman reported, via the internet to Hertfordshire Highways that the A 507 is flooded in the centre of the village and suggests the road catchments and drains need to be unblocked. Noted that Highways no longer clear drains annually as a matter of course, but only when notified of blocking of drains and ditches.

**15<sup>th</sup> June**

The Chairman responded to calls from a resident in Brook End Lane and inspected a ditch and the possible cause of flooding in the lane. Noted that the ditch has been piped in some areas but not in others.

**18<sup>th</sup> June**

Roger Hayes, David Charles, and the Chairman, seek out and trim back small low branches on the village green in preparation for stalls to be erected for Village Day.

**FINANCE**

12.54 **Finance Report and Payments Authorised**

The finance report was before the meeting, together with a budget comparison updated. The authorised payments were:

|     |                        |         |  |
|-----|------------------------|---------|--|
| 627 | EHDC                   | £599.21 | Election expenses                      |
| 628 | M Kilby                | £428.21 | 2 months fee plus expenses             |
| 629 | Limbach Banham         | £600.00 | 1 Home Close                           |
| 630 | HAPTC                  | £367.10 | Subscription to 31.3.2012              |
| 631 | Suffolk Acre Insurance | £769.91 | Insurance to 31.5.2013                 |
| 632 | Cottered Village Hall  | £15     | May meeting                            |
| 633 | Cottered Village Hall  | £15     | June meeting                           |
| 634 | W Murchie & Sons       | £65.40  | Fuel for grass cutting                 |
| 635 | ICO                    | £35     | Data Protection Registration renewal   |
| 636 | J E Buckle Ltd         | £840    | Sharpening and repair of cutter blades |

#### 12.55 **Village Appreciation Society**

A donation of £300 had been gratefully received from the Village Appreciation Society towards the sharpening and repair of the cutter blades.

#### 12.56 **External Auditor**

The Audit Commission had sent a consultation letter on the re-appointment of BDO LLP as one of the four external auditors for smaller parish councils for five years from 2012/2013. The Parish Council had no comment to make.

### **PLANNING**

#### 12.57 **Planning Schedule**

The updated planning schedule is an appendix to these minutes.

Cllr Bryan Pitman had declared a personal and prejudicial interest in planning applications 3/12/0973/FP (Demolition and replacement of existing stables and barn at Shipwrights, Baldock Road) and also in 3/12/0864/FP (Side and rear extensions at Ivy Bank, Baldock Road). Cllr Pitman left the chamber and took no part in the discussions or resolutions. Cllr Terry McGrath took the Chair.

#### 12.58 **3/12/0973/FP - Shipwrights, Baldock Road, Cottered**

Demolition and replacement of existing stables and barn.

**Resolved:** No objection

#### 12.59 **3/12/0864/FP - Ivy Bank, Baldock Road, Cottered**

Side and rear extensions

**Resolved:** No objection

Cllr Bryan Pitman returned to the meeting and took the Chair.

#### 12.60 **3/12/0617/FP - Lower Farm, Baldock Road Cottered**

Extension of stable and workshop

**Resolved:** No objection

#### 12.67 **Strategic Land Availability Assessment**

In the SLAA framework, three sites had been registered in Cottered for consideration for development at some time in the future. The three sites registered in Cottered (all currently agricultural land and outside the settlement limit) were:

The Paddock, Warren Lane - Site area 0.45 hectares, suggested residential use.

Land to the rear of Peasecroft/The Crescent - 12.90 hectares, suggested residential use.

Trinity Meadow, Thirty Acre Farm, Broadfield - 2.17 hectares, suggested residential use.

It was agreed to respond to East Herts Council pointing out that the current infrastructure within the parish including draining, utilities, water, roads, etc, could not accommodate all three sites being developed. On this scale of development, only one such site could be sustained.

### **HIGHWAYS**

#### 12.68 **Brook End Lane**

Hertfordshire Highways were arranging a visit to the area to assess what could be done, though this visit was unlikely to be immediate. Residents were requested to report any flooding concern or issue to the dedicated highways fault service which can be accessed by calling 0300 123 4047 or via the web on [www.hertsdirect.org/highwayfaults](http://www.hertsdirect.org/highwayfaults). Clerk to put these details on the web site.

#### 12.69 **Cottered Road, Throcking**

All the residents of houses 1-6 Cottered Road had signed a letter asking if it was possible to have kerb stones installed along the length of Cottered Road in front of their houses to stop the bigger farm machinery and large lorries encroaching more and more on the grass. Agreed initially to ask Highways if such kerbing could be erected. If this failed, then County Cllr Jane Pitman to be requested if she could consider funding this under the next year's local allocation.

Highways also to be asked if they have knowledge of who is filling in the ditch along Cottered Road.

### TREE PRESERVATION ORDER

#### 12.70 **Order No.7 - Cheynes Coach House, Cottered**

Noted that East Herts Council has made a tree preservation order on 4 cedar trees to the rear of Cheynes Coach House, Cottered.

### NEW STANDARDS REGIME

#### 12.71 **New Standards Regime and Disclosure of Pecuniary Interests**

Under the Localism Act the New Standards Regime comes into force on 1 July 2012. East Herts Council has suggested a code of conduct to replace the Model Code of Conduct 2007 that had been adopted by most parish councils. All councillors had, within 28 days of adopting a new code of conduct, to complete the new disclosure of pecuniary interests statement and return this to the Monitoring Officer at EHC. Councillors' attention was drawn to the change in the disclosure of pecuniary interests, in that the disclosure now also relates to spouses, partners, civil partners, or anyone living with the councillor as a husband, wife, partner, or a civil partner. Parish Councillors were given the Disclosure Form and asked to complete it and return to the Monitoring Officer of East Herts Council within 28 days of 19 June 2012.

**Resolved** Pursuant to Section 27 of the Localism Act 2011 Cottered Parish Council adopt a Code of Conduct to promote and maintain high standards of conduct by members and co-opted members whenever they conduct the business of the Council. The Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. A copy of the adopted Code of Conduct is an appendix to these minutes and will be published on the Parish Council website.

### CLERK'S REPORT

12.72 The Clerk's report was before the Council and the correspondence noted. The report is an appendix to the minutes.

### OTHER ITEMS

#### 12.73 **Mobile homes**

Clerk to ask EHC planning if permission had been granted for the two mobile homes at Lower Farm, and the one mobile home Coles Green.

#### 12.74 **Fly tipping**

Brian Murchie reported that on two recent occasions in the early hours of the morning lorries had backed into the Throcking water tower gates, breaking them open, and fly tipping and dumping. Parishioners were asked to report any fly tipping.

### DATE OF NEXT MEETING

12.75 The next meeting to be at 7.30 pm on Monday 3 September.

### EXCLUSION OF PRESS AND PUBLIC

A proposal to exclude the Press and Public from the meeting was received. Under the Local Government Act 1972 the legal advice is that it is desirable to treat the discussion of the following types of business confidential:

- (a) engagement, terms of service, conduct and dismissal of employees;
- (b) terms of tenders and proposals and counter-proposals in negotiations for contracts;
- (c) preparation of cases in legal proceedings; and
- (d) the early stages of any dispute

Members of the public were unhappy about this proposal and suggested that in future the fact that a proposal of exclusion be mentioned on the Agenda.

#### 12.76 **Exclusion of the Public and Press Agenda Item 11**

A proposal was made by Bryan Pitman, seconded by David Charles to exclude the press and public from the meeting for discussion agenda item 11 - Parish Council Communications. Voting was 3 in favour, 3 against. The Chairman used his casting vote in favour of the motion.

**Resolved:** To exclude the Press and Public from the meeting for discussion of the following agenda item in accordance with S1 (2) of the Public Bodies (Admission to Meetings) 1960 and LGA 1972 ss100 and 102 on the basis that the business to be transacted is of a confidential nature and the public interest would not be served in disclosing the information at this stage in the discussions. Agenda item 11 - Parish Council Communications

#### 12.77 **Exclusion of the Public and Press Agenda Item 12**

A proposal was made by Bryan Pitman, seconded by David Charles to exclude the press and public from the meeting for discussion agenda item 12 - Recreation Ground boundary with 1 Home Close. Voting was 3 in favour, 3 against. The Chairman used his casting vote in favour of the motion.

**Resolved:** To exclude the Press and Public from the meeting for discussion of the following agenda item in accordance with S1 (2) of the Public Bodies (Admission to Meetings) 1960 and LGA 1972 ss100 and 102 on the basis that the business to be transacted is of a confidential nature and the public interest would not be served in disclosing the information at this stage in the discussions. Agenda item 12 - Recreation Ground boundary with 1 Home Close.

The Press and Public left the meeting

#### **PARISH COUNCIL COMMUNICATIONS**

12.78 The style, nature, and method of delivery of some recent communications were discussed. Following a wide ranging discussion, it was noted that if any letter or email were delivered to a meeting where the public was present it should be agreed beforehand with the Chairman as to whether such letter was appropriate to be publicly communicated. Because of the legal situation in the matter of the dispute of the Recreation Ground boundary with Home Close, it was decided that new correspondence on this matter should be passed to all councillors for information.

#### **RECREATION GROUND BOUNDARY WITH 1 HOME CLOSE**

12.79 A letter had been received from the solicitors acting for 1 Home Close asking that the fence be reinstated. The solicitors stated that in fact it is now realised that the position of the fence would need to be moved at the far end by field 147 as the contractors who erected the fence could not do so in the correct position because of a tree and substantial tree roots, and that the fence was erected in the wrong position at this point.

A letter had been received from the solicitors acting for the Parish Council re-stating that it is permissible for a landowner to evict a trespasser (or a trespasser's fence) using reasonable force, but that any such action must not get out of hand. The Parish Council solicitor had suggested mediation, which could cost up to £500 for each of the two sides, who would each have to agree to pay their own costs.

After a very full discussion (in which councillors expressed their concern about the spending of public money on the dispute, and concerns of the possible loss of land owned by the parish) it was agreed that, notwithstanding the previously stated majority view of the Parish Council and the Parish Trust that the fence had been erected on Parish Council land, a way forward could be for the Royal Institute of Chartered Surveyors to nominate a Chartered Surveyor to attend the site and measure the pieces of land in question. It was remembered that the Land Registry plan that had been accepted by 1 Home Close and the Parish Council as being the correct document, had clearly stated on it that the plan was not to be scaled from.

John Harwood-Bee offered to approach 1 Home Close and ask if they would be willing to contribute half the costs of such a survey, which was hoped would not be more than a total of £500 (£250 to each side). Council asked John Harwood-Bee so to do.

Clerk was asked to contact the RICS to ascertain probable costs of such an action and communicate these costs to all councillors.

The Parish Council recognised that it would be difficult to dispute the outcome of the measurements and therefore the boundary decision given by this survey.

The meeting closed at 10.20 pm

Signed \_\_\_\_\_

Date \_\_\_\_\_