

## **BRANDESTON PARISH COUNCIL**

Minutes of a Meeting of the Council held at the Village Hall on Tuesday 27 September 2011

### **Present**

Councillors D Risk (Chairman) (DR), H Saxton (HR), S Thurlow (ST), K Churchill (KC), J Fielder (JF), P Summers and W Elson (WE)  
Cty Cllr P Bellfield and Dist Cllr B Snell  
PCSO C Hassler  
Parishioners Mr N Hayward and Mr P Baker  
Mrs Dawn Robertson (from Earl Soham Parish Council)  
Parish Clerk and RFO, A M Hounsell

### **1-1112/4 – Open Discussion with Members of the Public**

The Chairman invited Mrs Robertson of Earl Soham Parish Council to comment on the discussions that they had been having on the subject of speeding traffic. Mrs Robertson advised that the main concerns were the volume and speed of traffic particularly on the Brandeston Rd and especially at certain times largely related to term time at Brandeston Hall School. She explained that Earl Soham Parish Council wished to liaise with Brandeston parish council to consider whether there may be opportunities for joint actions.

PCSO Hassler advised that he had worked with children from Earl Soham school to monitor speeding motorists through Earl Soham and encourage children to tell their parents of the dangers. He also commented that he considered that flashing signs were ineffective because some motorists (having realised that the signs imposed no sanction) tried to “beat” their previous “record speed”

Cty Cllr Bellfield said that he understood the issues but the best solution was a police officer with a gun but this was not always possible. However he suggested a COMMUNITY SPEED watch could be set up but he was aware that some residents were concerned at possible aggressive behaviour from motorists. However, he had no evidence that this arose. Cllr Bellfield stated that a speed gun bought by a parish council might cost around £2000 but he could probably offer some help from the SCC Locality Fund. He suggested a joint arrangement between Brandeston and Earl Soham and perhaps Easton and made the point that it did not necessarily have to be parish council members carrying out speed checks.

Mr Baker agreed to take the suggestion back to Brandeston Hall school that Brandeston parish council would like to have the children at the school involved with the hope that the children (when in their parents' cars) might encourage their parents not to speed.

The Chairman asked if the meeting would consider the purchase of speed gun. Mrs Robertson said that at this stage, Earl Soham council wished to work together to solve the problem. ST suggested that PCSO Hassler provide some formal costings for the purchase of a speed gun and that this cost could be shared and therefore would not be substantial for any one council. She noted the possible help from Cty Cllr Bellfield's locality fund.

The Chairman and others said they would be prepared to operate such a speed gun.

The Chairman then summarised the discussions by asking that PCSO Hassler provide specific costings for the purchase of speed gun, that Mr Baker advise of the comments of the meeting to Brandeston Hall School and that Mrs Robertson report back to Earl Soham parish council. It was agreed that Brandeston parish council would discuss the matter further at the next council meeting.

### **2-1112/4 – Reports from Cty Cllr P Bellfield, Dist Cllr B Snell and PCSO C Hassler**

Cty Cllr Bellfield commented as follows :-

SCC is currently ahead of budget and achieving their targets. The new Chief Executive of SCC will receive a maximum salary of £160,000 p a. and he commented that only two other Chief Executives of county authorities in the country are paid less than this. Cllr Bellfield advised that the government agency has agreed to put in £11.7M into broadband infrastructure and as a result, 85 % of the county should have proper broadband by 2015. He also drew attention to the SCC mobile library consultation and mentioned that, the cost per borrower was £7.70 per visit and (as an example) Earl Soham had 7 registered borrowers of whom 4 were active in August. Cllr Bellfield reminded the meeting of the consultation process for the SCC budget and emphasised the council were seeking views on which particular services provided by SCC were of the highest importance to residents.

Dist Cllr Snell reported as follows :-

#### **Local Development Framework**

The Reviewed Core Strategy was considered by Full Council on 27 July 2011 and it was resolved to progress the document subject to its Sustainability Appraisal and Appropriate Assessment documents being updated. This has been done and the updated documents can now be viewed on line.

Consultation is under way in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and Conservation of Habitats and Species Regulations 2010. Comments are invited on the updated Sustainability Appraisal and Appropriate Assessment documents – the 6 week period for consultation ends on 14 October 2011. The consultation responses will be reported to Cabinet and Council in January 2012, after which the Core Strategy will be formally submitted for consideration by an independent Inspector – probably with a Pre-Hearing in April 2012 and the formal Hearing in May, with the Inspector's report following in September. After that the Core Strategy is expected to be adopted and the process of Site Specific Allocations can begin – for completion sometime in 2013.

### **Mutton Lane & the National Planning Policy Framework**

This application, being contrary to SCDC policy, was considered on 14 September by North area Development Control sub-committee. Nick Hayward presented the fierce opposition of both the Parish Council and the people of the village as clearly stated in the Parish Plan. Notwithstanding my position as Chairman, I exercised my right as Ward Councillor to speak and I endorsed Mr Hayward's arguments against development.

As our MP had written to me, following a letter to him from Mr Hayward, I have responded to Dan Poulter to explain that this site (together with an adjacent one in the same ownership) had been the subject of a previous application for nine houses which was rejected by the sub-committee in January 2011. I have explained that objectors believe that the reasons for that refusal are unchanged and therefore remain valid for the present application. What has changed in the meantime, is (1) a delay to the completion of this Council's LDF Core Strategy and identification of its associated land supply and (2) publication of new government guidance on the presumption in favour of development as an important part of the growth agenda, as contained in the draft National Planning Policy Framework and in various Ministerial Statements. Both of these arguments were used to swing the vote in favour of the application, which was thereby approved.

I further told our MP that there seems to be a perceived disconnect between the political hype of Localism and the contents of the New Planning Policy Framework, as far as "power to the people" (and to Local Planning Authorities) is concerned. I warned that this apparent policy confusion is likely to create significant difficulties for LPAs and could seriously challenge political loyalties in rural communities who see themselves as impotent against the march of unwanted development in the countryside and that the NPPF needs to address rural protection issues more specifically, and not just the Green Belt.

This new draft policy document has significant implications for rural communities, with its general presumption in favour of the as yet undefined "sustainable development" and had provoked strong opposition from a number of national bodies and newspapers. There will be a briefing for parish councils in the north of the district on Wednesday 28 September 18.30-21.00 at the Riverside, Stratford St Andrew, at which it is important for PCs to be represented. The government's draft is open to consultation until 17 October 2011 and, if a decision like Mutton Lane concerns you, I urge everyone to read and respond to it. Suffolk Coastal is preparing a response which will also address the "protection of the countryside" issue, which was thoroughly debated at a member briefing in the Council chamber last night.

### **Coast protection**

(a) The second phase of works to provide improved protection to the Thorpeness coastline started this month, now that all the funding has been secured and J Breheny Contractors Ltd appointed to carry out the work. The scheme to reconstruct and strengthen the damaged coast defence at the northern end of Thorpeness has been made possible by a partnership involving Suffolk Coastal, the Environment Agency and local residents.

With a total cost of around £400,000, the majority of the funding is being met by Government via the Environment Agency, with the remainder coming from local residents and SCDC.

(b) As part of the Central Felixstowe sea defence works, a barge carrying 20,000 tonnes of rock armour (4 to 6.5 tonne lumps of granite) arrived from Norway last week, the first instalment of rock armour for the new defences. The works will stretch from the War Memorial, around Cobbold's Point and along to Jacob's Ladder.

The first phase of the works will be completed in November, building the first nine urgent rock groynes in the northern section. The second phase, in April to July 2012, will complete the scheme by building the remaining nine rock groynes and the revetment to the south of Cobbold's Point and the maintenance access and walk way linking Cobbold's Point and Jacob's Ladder. The £10 million scheme has been funded by a grant from Defra via the Environment Agency.

### **Review of polling stations**

A review of all 117 polling stations in the district has been carried out by Suffolk Coastal to ensure that they are as accessible as possible to local voters. Improvements have been carried out or are planned in 13 cases – only two in the Earl Soham Ward, with the move to the Cretingham Bell already

implanted, and a disabled ramp proposed for the hall at Earl Soham. No change is proposed for Brandeston.

The report is on the Council's website and comments are invited by Friday, November 11. The responses and the review will be considered by Full Council on Thursday 24 November.

#### **Car park charges**

Town centre car parking charges may increase for the first time since 2006 as Suffolk Coastal looks to reduce the gap in its budget caused largely by a 30 per cent cut in Government grants. The Cabinet discussed a report at its 6 September meeting on a range of measures which could increase income from car parks by up to £468,000 a year.

Despite SCDC's savings of £10m in the last few years, and our pioneering efforts to share services and reduce costs by working with Waveney, we know we are losing £2m worth of Government grants by March 2015 and we need to find £2.8m or more from savings or extra income. The changes to town centre car parking should help generate an additional £285,000 a year. Other measures include charging blue badge holders, being stricter on excess charge notices, removing beach hut owners' discount, and enlarging one of the Woodbridge car parks.

Relevant organisations have been asked for their views by 10 October for a report going to Cabinet on 1 November.

#### **Planning appeal**

An independent planning inspector has backed Suffolk Coastal's decision to take enforcement action to stop Melton's nine-bedroom mansion St Audry's House being used for self-catering holiday accommodation. The building formed part of the old St Audry's hospital and planning permission was granted for it to be used as a family home, which it was from 1999 to 2007. Since it was bought by the current owner, it has been marketed for holidays (without planning permission) and it has generated many complaints about noise and general disturbance.

The appeal against our enforcement notice (that required that holiday lettings stop) was made by Prestige Holiday Lettings, who operate a number of similar properties, on the grounds that its use as a holiday let was not a change of use. This claim was refuted by the Inspector, establishing an important ruling on such properties. This ruling is now subject to a Judicial Review at the request of the owners.

PCSO Hassler reported as follows:-

PCSO Hassler said that he was continuing to monitor speeding through Brandeston and that he endorsed the comments and views expressed in the discussions earlier in the meeting.

#### **3-1112/4 - Chairman's Welcome, Formal Meeting Opening and Acceptance of Apologies for Absence**

The Chairman formally opened the meeting and welcomed Councillors and others.

#### **4-1112/4 - To Receive Councillors' Declaration of Interest in Agenda Items**

ST declared interest in agenda item 11 (i)

#### **5-1112/4 - Minutes of Previous Meeting**

The minutes of the meeting of 12 July 2011 were signed as a true record.

#### **6-1112/4 - Matters arising from previous minutes**

- (i) Speeding (possible joint meeting with Earl Soham Parish Council) (previous minute 6-1112/3 (iii))  
This item was dealt with under item agenda item 1 (above)
- (ii) Fascia at the Bus Shelter (previous minute 12-1112/3 (i))  
The clerk confirmed that he had spoken to Mr Jeff Hogan requesting a quotation for remedial works at the shelter. This is awaited. KC agreed to the builder working at Brook Farm to quote for this work.

#### **7-1112/4 – Consideration of the Legal Charge on Brandeston Village Hall**

The council considered this matter very carefully and agreed a number of proposed changes to the document provided by the Big Lottery Fund should be made as follows :-

1. The definition of "Grant Period" should include the specific date(s) upon which the Big Lottery Fund (BIG) paid the grant
2. For the sake of complete accuracy, the colour indicated as "red" (in the documents provided for the council's consideration) in the definition of "the Property" should be amended to "yellow" (The actual colour on the document provided)

3. The definition of "project" is incorrect insofar as the project was the establishment of a village hall (only).
4. Brandeston Parish Council (PCB) does not accept (clause 1.4) that the expression "BIG" shall include their assigns. Nevertheless, the council would accept an insertion to the effect that they (PCB) shall have the right to approve any assignee and that such approval shall not be unreasonably withheld.
5. PCB does not agree to the statement of clause 1.5 that the terms of the charge shall be those set out in the draft deed provided – not least because of item 6 (below). Furthermore, neither PCB nor Brandeston Village Hall and Recreation Ground (BVH) have previously been provided with any formal indication of the terms of a charge and therefore never accepted the specific terms of any charge.
6. PCB does not agree that the charge should extend to include the access roadway and the car park. The drawings previously provided to BIG by the council showed two areas - being the building itself (on which the charge could be agreed) together with the access and car park (over which a right of access could be agreed).  
PCB does not agree to the charge applying to the access and car park since they believe that the existence of a charge over this area may cause difficulty with respect to any future development which PCB or BVH may wish to undertake on land at the site (land not included in any of the "outlined areas"). Otherwise, "difficulty" may be caused to PCB and BVH under the terms of clause 9.
7. Clause 5.2 is considered completely unreasonable by PCB. They consider it must be necessary for BIG to demonstrate that PCB and/or BVH are in breach of the terms of the grant – before BIG appoints a receiver. Also, it should be a condition of clauses 3.1 and 5.2 that BIG provides a written statement of the alleged breach. Before BIG appoints a receiver under the terms of the charge, PCB and/or BVH shall be given a period of (say) 28 days during which PCB and/or BVH shall have the opportunity to rectify any declared breach.
8. PCB considers that execution and delivery dates of the deed shall be one and the same (i. e. that date on which an agreed deed is signed by the trustees (see clause 8))

The council very strongly made the point that there has never been any suggestion from BIG that BVH or PCB have failed to operate the village hall under any other than the terms of the grant or of the terms of the trust deed of the conveyance of 21 August 1953. The council pointed out that BIG and its predecessors carried out a stringent and regular monitoring of the completed project. They were sufficiently satisfied that they considered it unnecessary to continue regular monitoring and have since only carried out one further review (in a period of over six years) and have indicated that there may be no future reviews.

The council specifically stated that the land on which the hall stands was conveyed to PCB (as trustees) on very stringent terms of usage. These terms are such that the land and property have virtually no value for any use other than as a village hall or recreation ground. BIG should be well aware of this because during the grant negotiation period they were provided with a valuation report prepared by a chartered surveyor which clearly set out this information. Consequently, PCB questions the value of a charge because nothing approaching the size of the grant could be realised upon exercise of the rights of the charge. Perhaps they might intend in those circumstances to declare PCB and BVH to be bankrupt and therefore seek to have them (the individual members of PCB and BVH) surcharged. Perhaps BIG might advise the council on this issue because, should they sign the deed they may be acting *ultra vires*?

For these reasons - and the fact that this matter has laid dormant for over two years and NO action was taken by BIG for over four years after the project was completed - the council consider that it is completely unnecessary for any charge to be entered into and therefore requests that if BIG insists, then BIG should pay their legal fees

#### **8-1112/4 – Establishment of a Good Neighbour Scheme**

The council considered the proposal of Suffolk ACRE that such scheme be established and agreed to carry this forward.

#### **9-1112/4 - Planning**

- (i) The clerk advised that application C11/1436 (Extensions at 3 Larcom's Lawne) had been approved including the condition recommended by the council that the upstairs obscure glazing be retained.
- (ii) Application C11/1144 – 6 new houses, Mutton Lane  
The council noted that despite their strong opposition this application had been approved. (refer to report of Dist Cllr Snell (above)).

There were no other planning matters to consider.

#### **10-1112/4 – Report from Responsible Finance Officer (The Clerk)**

The RFO advised that the external audit of the council's accounts had been completed satisfactorily but that the following issues had been raised by the auditors :-

- (i) Reserves – the RFO confirmed that he had provided a detailed explanation to the auditors of the reasons for the high level of council reserves. Nevertheless, the auditors had again stated that these were considered too high. The council agreed to endeavour to reduce reserves in a prudent fashion
- (ii) Fidelity Guarantee – the auditor had again stated that the guarantee was at too low a level. The RFO pointed out that the renewal quotation for the council's insurances, for which he would be seeking the council's approval later in the meeting, included a new level of guarantee at £25,000. The council agreed that subject to agreement when the renewal was later discussed this would resolve this issue.
- (iii) Minutes – the auditor had pointed out that the council's minutes as submitted with the audit papers were not initialled on each page. The RFO explained that the minute copies provided to the auditors had been produced (for convenience) from the clerk's software copy. He confirmed that all the official minutes of the council were indeed initialled on each page. The Chairman also affirmed that this was his practice when signing the formal minutes.
- (iv) Fixed Assets – the auditors have stated that the council have not included all additions of fixed assets in the year within box 9 of the annual return. The RFO stated that he did not agree with this issue and had written to the auditors seeking an explanation.

The RFO then reported the current financial position with the main account holding £6,192.61 and the 100+ account £2,065.19 both after accruals for approved expenditure and income). The current financial position was considered satisfactory.

#### **11-1112/4 - Financial Matters**

- (i) The Council agreed payment of £10.50 to Brandeston VH&RG for room hire for the next meeting (see agenda item 15).
- (ii) The council agreed payment to SCDC of £100 (budget £100) for expenses at the uncontested May 2011 Brandeston parish council election
- (iii) The RFO advised that the audit fee was £50 + VAT (and not the amount of £120 plus VAT that had been previously approved)

#### **12-1112/4 - Review the Council's Financial Risk Assessment in Respect of the Current Financial Position of the Council**

The council agreed that the current financial position was satisfactory

#### **13-1112/4 - Correspondence**

There was no correspondence requiring attention.

#### **14-1112/4 - Any other business as may be raised and accepted as appropriate by the Chairman under Standing Order 16**

The Chairman agreed consideration of the following matters :-

- (i) The RFO advised the council of receipt of insurance renewal documentation from Suffolk ACRE – the amount being £321.22 including IPT (budget £320). The council agreed payment of this sum.
- (ii) The meeting noted the possibility of travellers encroaching into the village after the likely closure of the Dale Farm site at Basildon. The Chairman agreed to contact Ian Harvey and Lord Cunliffe advising the possible problems and suggesting that gates should be chained and locked to prevent unwanted entry.
- (iii) Jubilee celebrations – ST outlined the current thoughts of the established sub-committee and a number of alternative suggestions were made. ST agreed to report these thoughts to the sub-committee.

#### **15-1112/4 – Date of Next Meeting**

The date of the next meeting was agreed as 08 November 2011

The meeting closed at 9.50 pm