

Minutes of the meeting held on Wednesday, 19 August 2009.

Present Cllr John Phipps (Chairman)
Cllr Andrew Hull
Cllr Dave Isbell
Cllr David Eversden
Cllr Alan Oates
Cllr Colin Golding
Cathryn Carlisle (Clerk)

60 members of the public

09/239 Apologies for Absence

There were none

09/240 The minutes of the PC meeting held on Wednesday 15th July 2009 were agreed and signed.

09/241 Declarations of interest

Cllr Alan Oates agenda item 09/247.6

09/242 Public participation session with respect to items on the agenda and other matters that are of mutual interest.

Of the members of the public present 10 made presentations to the Parish Council stating their objections to the proposal by South Anglia Housing to build eight 'Affordable dwellings' for rent on agricultural land on the left hand side of Braintree Road opposite Alwynds, Brambles and Wickford.

Points raised in the presentations included:

The development is an 'Urban' in style and is inappropriate for the rural location.

The 'need' for such accommodation in Shalford, stated in support of the application, is based on unsound surveys conducted in 2007.

The proposed footpath to allow children and parents access to the Shalford School via the School Playing Field was a waste as the children, for safety and logistical reasons, have to access the School from the front.

Access to and from the development will be unsafe as it is onto a busy road near to a bend.

The Cul-de-Sac development could lead in the future to expansion of dwellings into the rest of the field.

The developers do not appear to have considered the effect of the development on local wildlife.

The are concerns about the social problems that could result in providing low rent accommodation.

There is an untrue statement in a document in support of the application.

This is that at the Public Meeting held on the 14 June 2007 to discuss a previous proposal to build affordable houses on the site, those in favour of the development were intimidated and not allowed to speak. One member of the public who was at that time in favour of such a development stated that he was not intimidated and was allowed to have his say.

09/243 Clerks Report

Recycling Centre Update

The Clerk had been informed that the Contract to construct the new site in Springwood Drive is due to start on 3rd August with a completion date in May 2010. If all goes well and allowing for some time following construction completion for 'kitting out' we should be looking at an opening date of June 2010.

The existing site at Shalford will then close and arrangements made with the Environment agency to surrender the Waste Management Licence. Once the licence has been surrendered the site will be able to be restored and the access arrangements for the park to be revised. The restoration details of the existing site are yet to be confirmed but will depend on availability of fill materials etc.

Village Signs

Signage on the Bennett junction at Braintree Road/Church End, Shalford.

ECC Highways have made a site visit have informed the Clerk that none of the signage can be removed from this location.

Park End Lane

The Clerk has been informed that a Traffic Regulation Order is a legal order imposed for a specific reason as defined in the Order. The objections received do not provide a legally valid justification for continuing the TRO on its current legal basis.

There may be a case for implementation of a new TRO on the grounds of one or more of the above reasons but these could not be used for continuation of the current TRO. National legislation gives motorised vehicles the right to use a byway and any proposal to remove the rights from a particular user group is highly likely to be opposed by the relevant user-group. ECC has a duty to uphold the rights of all legitimate users.

It is therefore, proposed that the matter of seeking to revoke the TRO is taken further and a recommendation report is prepared for consideration by Cabinet Member for Highways and Transportation.

Boxted Wood

It was agreed that minutes from the meetings of the Boxted Wood committee would be sent to Councillors but they must be treated as confidential.

- 09/244 South Anglia Housing Association Development Proposal - 09/00955/FUL**
to build 8 affordable dwellings for rent on land opposite Aldwynds, Brambles, Wickford and The Bungalows, Braintree Road, Shalford

Councillors in turn made short presentations giving their views of the proposed development. After these presentations and taking into consideration the presentations made by members of the public the application was discussed. After discussion it was unanimously agreed that the PC would object to the application and a letter setting out the reasons for the objection to this proposal effect would be sent to BDC Planning Department.

- 09/245 Report from Planning Committee**

09/00988/FUL & 09/00989/LBC Garretts Lane Shalford

Erection of two storey extension to west side of dwelling with one and half storey link adjoining single storey rear extension, demolition of C20th additions (single storey west and north) and general repair and maintenance.

The Parish Council understands the need for these works, which are substantial, and has no objection to the approval of this application.

09/00980/LBC Brook Cottage Water Lane Shalford Braintree CM7 4QX
Detail amendments to extension and alterations.

The Parish Council has no objection to the approval of this application.

09/246.1 Planning Results.

09/00618FUL To note the outcome of the application for Erection of one detached dwelling-house and garage Land opposite Jaspers Green Shalford.
Refused

- 09/246 Parish Council Vacancy**

The Clerk reported that an application to join the PC had been received from Kate BinkS. It as agreed that Kate Bink would be invited to meet the PC on 16 September at 20.00 and that the PC meeting would start at 20.15.

09/247 Finance

- 09/247.1 £176.60 Clerks Salary,
- 09/247.2 £45.00 Phipps Landscapes, Bus shelter maintenance
- 09/247.3 £13.12 Clerks Expenses Stamps £2.52 /Travel 14 miles @
£0.40 = £5.60 /Telephone Calls £5.00
- 09/247.4 £167.90 MD Landscapes Grass Cutting
- 09/247.5 £190.00 Shalford Parochial Council Grass Cutting
- 09/247.6 Audit figures and Internal Auditors report (Breach of law)

The Chairman closed the meeting to receive a presentation from the Auditor giving his reasons for not being able to sign off the PC's Financial Statement. In his opinion the monies paid to Cllr Oates for cutting footpaths was a wage and not an expense. And unless ECC could provide a written statement that it had been agreed with the Inland Revenue that 12 pence per metre was acceptable as an expense then the PC must complete all the necessary Income Tax forms and treat Cllr Oates as an employee. Cllr Oates stated that in his opinion the money paid to him for cutting footpaths was a payment to offset the cost of fuel and wear and tear on equipment and should therefore be treated as non-taxable expenses. Cllr Oates left the meeting and the Chairman reconvened the meeting.

The Clerk reported that, despite numerous phone calls and e-mails from both herself and the Chairman, ECC could not confirm that the payment of 12 Pence per metre of footpath cut, had been agreed as a non-taxable expense by the Inland Revenue. In addition it had been reconfirmed by EALC that Councillors can not be employed by the PC during their term of office and for twelve month following their leaving the PC.

After discussion it was agreed, by a vote of three for with one abstention, that as Cllr Oates can not be employed by the PC and as no statement had been received from P3 regarding the Inland Revenue dispensation for 12 pence per metre of footpath cut to be allowed as an expense had been received, Cllr Oates would no longer be asked to cut footpaths in Shalford. It was further agreed that this work would be with immediate effect passed to Bramleys (who already cut some of the footpaths in Shalford). The Clerk would contact Bob Bell informing him of this decision.

At this point Cllr Oates rejoined the meeting and the Chairman informed him of the PC's decision.

09/248 Village Appraisal

It was agreed that following a final check for spelling and grammar the Village Appraisal would be published on the Shalford website. In addition the Clerk would have four paper copies that Shalford residents could view.

09/249 Report on Village Hall activities which require action from the PC
Nothing to report.

09/250 Matters to be raised by members for the next agenda
Budget
Flower Beds
Highways Grass Verges and Hedges

09/251 Date of next Meeting
16th September 2009 at 8.15pm

09/252 Meeting closed at 10pm

Signed..... Dated.....