

ELM PARISH COUNCIL

MINUTES OF MEETING

20 DECEMBER 2011 – 6.30 pm.

Present: Councillor Brand, Chairman; Councillors Mrs Johnson, Stokes, Softley, Tilney and Webb.

In attendance: District Councillor Sutton.

Apologies: Councillors Cotterell, Mrs Cotterell, Pinnock and Rogers plus County Councillor Mrs Tuck.

The minutes of the meeting of 22 November 2011 were confirmed and signed.

89/11 The Standards Board for England – Members' Code of Conduct

Members were reminded of the need to ensure that their Register of Declarable Interests is kept up-to-date.

No members had any amendments to make to their register entries.

90/11 Section 106 Planning Obligations issues

Members received a presentation from Gary Garford, Corporate Director at Fenland District Council (FDC), and Emma Grima, Planning Agreements Officer at FDC, in relation to Planning Obligations issues, both in relation to the parish of Elm specifically and to the principles generally applying in the district.

Miss Grima informed members of the current levels of section 106 monies available for the provision/improvements of open space within the parish of Elm, as follows:

- Elm = £7,054.12
- Fridaybridge = £23,649.16
- Coldham = £0.00.

The remaining balance of the contribution from windfarm developments for the benefit of Elm parish (which originally totalled £60,000 between the two developments) is £20,773.86. The District Council is, however, considering a bid from the Coldham Residents' Action Group for some of this funding (which was supported by the Parish Council at minute 63/11 (2)).

In addition, Miss Grima informed members that, as part of the proposals for extension of the Coldham windfarm, a committee is to be formed – comprising two representatives from each of the Co-operative Society, Fenland District Council and Elm Parish Council - to advise on spending of the £7,000 annual financial contributions from the proposal; the committee would meet twice annually for a period of three years.

Mr Garford explained that a Section 106 Planning Obligation is a legal agreement between the Local Planning Authority and an applicant/developer and any others who may have an interest in the land and is intended to make acceptable in planning terms a development which would otherwise be unacceptable. He added that Planning Obligations can:

- restrict development or use of land

- require specific operations or activities to be undertaken in relation to the land
- require payment of sums of money to help mitigate the impact of the development
- require land to be used in a certain way.

Mr Garford made the point that Planning Obligations are commonly used to secure community infrastructure to meet the needs of residents in new developments and/or to mitigate the impact of new developments upon existing infrastructure/community facilities.

In summary, Fenland District Council's currently policy relating to Section 106 Planning Obligations is that:

- All developments of 15 dwellings or more shall require a Public Open Space Contribution/Provision
- All developments of 10 dwellings or more shall require an Education Contribution
- All developments of 15 dwelling or more, or sites greater than 0.5ha (regardless of the amount of dwellings) shall require the provision of 35% Affordable Housing on site.

Mr Garford explained how Town and Parish Councils are able to become involved in determining a Section 106 Planning Obligation, i.e. through the consultation process on planning applications, where the council feels that there would be a significant impact on community facilities that are not identified through the current planning policies.

When the District Council receives a financial contribution under the Section 106 powers, it consults with the Town/Parish Council on any proposals for relevant expenditure and it works with the Town/Parish Council to deliver a scheme which meets the needs of its community.

Mr Garford informed members that, in future, the Community Infrastructure Levy (CIL), anticipated to come into effect in 2014, will replace Section 106 requirements (excluding affordable housing and site specific proposals). Such proposals for Fenland will follow adoption of the Core Strategy (upon which the Parish Council was consulted at minute 45/11 (3)), which will be the subject of further consultation in March 2012, and could cover key infrastructure proposals by way of a standard charge per new property. Such proposals will be subject to full consultation by the District Council.

Miss Grima and Mr Garford responded to members' questions.

Members decided that

- (1) the information presented by Miss Grima and Mr Garford be noted;
- (2) the Parish Council would consider, at its next meeting, the appointment of two representatives to serve upon the committee which is being established to advise on the spending of the Section 106 monies relating to the Coldham windfarm extension.

91/11 Locality Team, Area Priority for Elm and Christchurch ward

The Clerk reported that it would not be possible to receive the planned presentation from the Assistant Manager of the Wisbech Locality Team at Cambridgeshire County Council because of her inability to attend the meeting due to illness. This officer has indicated that she would be happy to deliver the presentation at the next meeting if acceptable to members.

Members decided that this matter be included on the agenda for the next meeting of the Parish Council.

92/11 Progress on actions from minutes of last meeting

(1) Incidents of theft at Elm Cemetery (minute 76/11)

The Clerk reported on the investigations that he has undertaken in relation to the decisions reached by the Parish Council at minute 76/11.

The Clerk informed members of the quotation received from the Parish Council's grounds maintenance contractor for grave levelling/topping works at Elm Cemetery.

With regard to the feasibility of installing a CCTV system at Elm Cemetery, the Clerk reported the advice that he had received from the Safer Fenland Manager at Fenland District Council in this regard and a quotation that he had obtained from a local electrical contractor (who has experience of installing similar systems at playing fields etc for at least one other local council in the district).

The Safer Fenland Manager at Fenland District Council is of the opinion that people visiting a cemetery are unlikely to feel comfortable being watched during their time of grief or having a period of quiet reflection. Taking that view, the District Council decided not to install CCTV to tackle problems of anti-social behaviour etc at the Mount Pleasant Cemetery at Wisbech but to arrange extra patrols of members of its Street Scene Team with PCSOs; in addition, local residents have set up a Cemetery Watch scheme (which operates in a similar way to a Neighbourhood Watch scheme). According to Fenland District Council, these measures have addressed the problems.

Members recalled the comments that they had made at minute 64/11, that it would only be appropriate to install "commercial" security measures (such as CCTV cameras) if there were a need to protect the Parish Council's assets and that the cost of providing security measures would result in additional running costs of the Parish Council, at a time when local authorities are looking not to increase charges to the public.

The CCTV system suggested by the electrical contractor would consist of two cameras affixed to the rear of the Cemetery Chapel, linked to a recorder and monitor located within the chapel; the estimated cost of installing such a system is less than £1,500. Members are mindful that using part of the Cemetery Chapel as a CCTV monitoring station could prejudice future consideration of options for alternative uses of the building.

Members noted from the information provided by the Police (minute 94/11 refers) that the thefts from the cemetery seem to have ceased.

Members decided that

- (1) the information reported by the Clerk be noted;
- (2) no action be taken at this time regarding the installation of a CCTV system at Elm Cemetery but the situation be kept under review and the issue considered again if, according to Police reports, the thefts from Elm Cemetery continue;
- (3) the quotation from the Parish Council's grounds maintenance contractor for grave levelling/topping works at Elm Cemetery, i.e. a maximum of £45.00 per grave, be accepted and that arrangements be made with the contractor for this work to be undertaken as soon as possible.

(2) Speed limit on March Road, Coldham (minute 78/11 (1))

The Clerk reported on the response received from County Councillor Mrs Tuck.

Councillor Mrs Tuck states that she concurs with the opinion of the Parish Council regarding the need to reduce the speed limit along March Road, Coldham. She makes the point that she has been pressing for the lower speed limit to be extended for some years now; she has taken previous County Council Cabinet members to the road so that they could see the problem for themselves; unfortunately, this lobbying by Councillor Mrs Tuck has not been successful in achieving a reduction in the speed limit.

Councillor Mrs Tuck has undertaken to raise this matter with the Area Traffic Manager and the Cabinet member with responsibility for Community Infrastructure at the County Council, emphasising the need for the speed limit issue to be addressed. In addition, she suggested that if some members of the Parish Council were minded to be trained to operate Speed Watch equipment and use it on March Road, Coldham during the times when residents know the regular speeding cars travel, there would be positive impact in reducing vehicle speeds.

Members decided that the information reported by the Clerk be noted.

(3) Appointment to Elm Centre Management Committee (minute 78/11 (3))

Members considered, again, the appointment of a representative to the Elm Centre Management Committee.

Members decided that, given the absence of a number of members of the Parish Council from the meeting, this matter be deferred, once more, to the next meeting of Elm Parish Council.

93/11 Parish Council meetings procedures and practices

The Clerk reported to members on good practice for local council meetings procedures and practices, of which he had become aware through attending (as a delegate of another local council) recently the Working With Your Council training (run by the Society of Local Councils). In addition, he referred to advice given in The Good Councillor's Guide booklet produced by the National Association of Local Councils.

The Clerk informed members that

- a) Agendas for meetings of local councils must be made available not less than three clear days in advance of a meeting (the clear days exclude the day of agenda despatch and the day of the meeting). It is good practice to also avoid weekends and Public Holidays – in the case of Elm Parish Council meetings (on Tuesdays), the latest day for agenda despatch would be the Wednesday of the previous week.
- b) Each agenda item should make it clear what the council will be considering and what decisions it is expecting to be taking at the meeting.
- c) Vague agenda items, such as Matters Arising, Any Other Business or Urgent Business, are not considered to be good practice, as such items do not make members of the public aware of the nature of the business to be transacted and the decisions to be taken at the meeting; local councils are not permitted to make unexpected decisions. It is actually unlawful to make financial decisions unless there has been compliance with the three clear days rule. The Clerk reminded members that he had, in recent months, replaced the Matters Arising agenda item with one which related specifically to reporting back on actions agreed at the previous meeting.
- d) If there is likely to be need for decisions to be taken as a matter of urgency, the council should consider delegating certain powers; this could be to a committee, sub-committee or an officer. However, meetings of committees and sub-committees are subject to the same three clear days rule as the council. No individual member of a local council can make decisions on behalf of the Council.
- e) In his experience, many of the matters which had been considered as urgent business in the past were often "fault reporting" issues raised with Parish Council members by residents (such as faulty street lamps and pot holes) or issues which could have been raised with the Clerk prior to agenda despatch or could have waited until the next Parish Council meeting for discussion.

Members decided

- (1) that the information and advice given by the Clerk, as outlined above, be noted;
- (2) to approve the recommendations of the Clerk that
 - future agendas for meetings of the council do not include an Urgent Business or any other “in case” item
 - agendas are published as late as possible, but in compliance with the three clear days rule, to maximise the opportunity of members and the Clerk to include items on an agenda
 - the council should consider the delegation of powers to the Clerk to deal with matters which need to be addressed between Parish Council meetings
 - members of the community should be encouraged to report faults directly to service providers – such as reporting pot holes and faulty street lights to the County Council – rather than to Parish Councillors, for raising at Parish Council meetings.

94/11 Police matters

The Clerk reported that PCSO Martin Bogunovic, of the Wisbech and District Neighbourhood Policing Team, was unable to attend the meeting, He had, however, provided a report detailing recent incidents of crime and disorder within the geographical area covered by Elm Parish Council, which the Clerk presented to members, including:

- Coldham – one incident of theft of agricultural equipment
- Fridaybridge – one theft of a vehicle; three incidents of theft from vehicles; one incident of youths riding motorcycles across private land
- Elm – one incident of theft from a vehicle; three incidents of criminal damage.

The Clerk also informed members of emerging and ongoing issues across the area covered by the Wisbech and District Neighbourhood Policing Team. The most significant emerging issue is thefts of vehicles and items from within vehicles. The Constabulary is formulating a local action plan to address this issue.

With regard to ongoing issues, there have been no further reports to the Police relating to thefts of flowers and other items from graves at Elm Cemetery. Most parishes are now seeing a reduction in metal thefts.

Members decided that the information reported by the Clerk, on behalf of PCSO Bogunovic, be noted.

95/11 Reports from District and County Councillors for the parish

Given the absence from the meeting of County Councillor (Mrs Tuck) who represents the parish of Elm, no report was received by the Parish Council in relation to current County Council issues.

Councillor Sutton, one of the two District Councillors who represent the parish of Elm, informed the Parish Council that he is currently unaware of any specific District Council matters affecting the parish. He informed members, however, that the District Council's main area of focus currently is its budget for 2012/13.

Councillor Sutton also mentioned that the District Council's new refuse and recycling service is working well. The councillor referred to the Boundary Commission review of electoral wards in Fenland, the purpose of which is to equalise the number of electors per councillor in the district. Councillor Sutton expressed the opinion that the review, which the commission has stated will begin in early 2012, is unlikely to affect the current Elm and Christchurch ward; the District Council will be undertaking consultations with local councils regarding this process.

Members decided that the information reported by District Councillor Sutton be noted.

96/11 Highway issues

(1) Local Minor Highway Improvements scheme

The Clerk reported that the County Council's Cabinet recently allocated funding in 2012/13 for the implementation of Minor Highway Improvement Schemes (MHIS) and that proposals are now being invited from community groups – such groups could be district, town and parish councils, community and residents' groups and charities - which wish to submit a bid for funding.

Under the MHIS, applicants are able seek up to £10,000 from the County Council as a contribution to their scheme. The applicant is expected to provide a contribution towards each project of at least 10% of the scheme cost.

Applicants are required to state within their applications how they feel that the proposal would benefit the community.

Projects could involve any highway measure or improvement that is considered to offer benefit to the local community. The Clerk informed members of the application process relating to this scheme and of the method of application evaluation/prioritisation that the County Council will operate.

Long-term maintenance of schemes will normally be the responsibility of the County Council, provided that the scheme is constructed to normal County Council standards.

The deadline for submission of applications is 1 February 2012.

The Clerk reported a request from a local resident for members to consider the submission of a possible scheme, relating to a matter which she had referred to the Parish Council previously (in 2007), for a speed reduction in Gosmoor Lane, Elm.

Members "flagged up" the possible submission of two schemes; these being "stage two of the traffic calming on March Road, Fridaybridge" and "completion of the junction works at Elm High Road and Elm Low Road"; subject to being valid applications under the Local Minor Highway Improvements scheme. Members requested the Clerk to ascertain from the Local Highway Authority whether these would be valid schemes.

In addition, one member suggested that, in the interests of traffic safety (because of the amount of on-street parking and the narrowness of these roads), consideration should be given by the Local Highway Authority (LHA) to introducing a one-way system operating along Elm Low Road and the corresponding section of Elm High Road.

Members decided

(1) that the information reported by the Clerk be noted;

(2) not to submit an application for speed reduction measures in Gosmoor Lane, Elm;

(3) the Clerk would ascertain from the Local Highway Authority

- whether schemes for "stage two of the traffic calming on March Road, Fridaybridge" and "completion of the junction works at Elm High Road and Elm Low Road" would be valid applications under the Local Minor Highway Improvements scheme;

- the feasibility of introducing a one-way traffic system operating along Elm Low Road and the corresponding section of Elm High Road;

(4) to agree the submission of an application at the next meeting of the Parish Council.

(2) Street Lighting PFI – Cambridgeshire

The Clerk reported a letter from Cambridgeshire County Council detailing the street lighting PFI project which has been operating across the County for around six months and the County Council's contractor is progressing well in delivering the street lighting replacement programme.

The main impact upon communities of installing this more energy efficient form of lighting is that there will be around 10% fewer lighting columns across Cambridgeshire.

Under this scheme, local councils are being offered the opportunity to adopt the columns that would otherwise be de-commissioned. Adoption of these lights would require the local council to meet both the maintenance and energy costs associated with operating these lights.

Details of this programme are available on the County Council's website, via the following link:

<http://www.lightingcambridgeshire.com/newlighting.aspx>.

Members decided that the information provided by the County Council be noted.

(3) Salt bins

Further to minute 81/11 (2), the Clerk reported that the Local Highway Authority (LHA) has installed the Parish Council's five salt bins at the locations identified at minute 108/10 (2).

Some members expressed concern at the siting of the salt bin adjacent to the war memorial at Elm and suggested that it be removed from the grassed area and sited elsewhere in the immediate vicinity.

In addition, the Clerk informed members of a request from a resident of Begdale Road, Elm for the provision of a salt bin at a particular rural location on that road; the resident had informed the Clerk that a number of motor accidents had taken place at the location during recent icy weather and that residents in the vicinity would be happy to spread salt (from a bin) on the carriageway to prevent further accidents. The Clerk reminded members that the cost to the Parish Council of a salt bin is less than £100.00.

Members decided that

- (1) the information reported by the Clerk be noted;
- (2) the Local Highway Authority be requested to remove the salt bin from the grassed area adjacent to the war memorial at Elm and site it elsewhere in the immediate vicinity;
- (3) the Clerk would seek to achieve provision and installation, by the Local Highway Authority, of an additional salt bin, to be sited at the location requested by the resident of Begdale Road.

97/11 Planning applications

Members considered the following planning applications and decided to submit to the Local Planning Authority the comments set out (in italics) below:

Erection of a first-floor side extension to existing dwelling at 19 Kilderkin Close, Fridaybridge – F/YR11/0932/F (applicant: Mr G Busby).

That the application be supported.

In addition, the Clerk reported that planning application reference F/YR11/0866/F (proposing the erection of one wind generator (14.97 metres to hub) on land west of 19 Crooked Bank, Wisbech), considered by the Parish Council at minute 82/11, had been withdrawn by the applicant and that, consequently, the Local Planning Authority would be taking no further action regarding the application.

98/11 Finance

The Clerk reported on the Parish Council's income and expenditure since the last meeting, as follows:

Income

Richard King Memorials	Garden of Rest memorial	£100.00
P Barnes	Interment fee	£250.00
Grounds & Co.	Cottage rent (less fees)	£523.60
Mrs J Craven	Memorial tablet	£100.00
Total Income		£973.60

Expenditure

R J Warren Ltd	Grounds maintenance contract (November 2011)	£1,744.64
R J Warren Ltd	Grounds maintenance contract (December 2011)	£1,368.80
T Jordan	Salary (less income tax of £111.80), Broadband and other expenses	£543.74
Anglian Water	Water for cemetery	£106.72
Royal British Legion Poppy Appeal	Poppy wreath	£17.00
HM Revenue and Customs	Clerk's Income tax (September, October and November 2011)	£367.83
Total Expenditure		£4,148.73

In addition, the Clerk reported on the levels of funding held within the Parish Council's bank and savings accounts as at 30 November 2011 (in the total sum of £129,069.87), together with the month-end figures for each of the preceding six months.

Members decided that

- (1) the income of £973.60 be noted and that the expenditure of £4,148.73 be authorised;

- (2) the levels of funding held within the Parish Council's bank and savings accounts as at 30 november 2011, together with the month-end figures for each of the preceding six months, be noted.

99/11 Parish Precept and Concurrent Functions Grant 2012/13

Members considered the level of Parish Precept for the financial year 2012/13 and the submission of an application to Fenland District Council for a Concurrent Functions Grant in relation to the same period.

The Clerk presented a detailed report on the Parish Council's income and expenditure as at the half-year, the financial position as at 30 November 2011, estimates of income and expenditure for 2012/13 and various notes to aid members' deliberations regarding the level of Parish Precept to be set.

With regard to the Concurrent Functions Grant, the Clerk reminded members of the need to identify specific locations for installation of the three street lamps to be funded from the 2011/12 grant.

Members decided, being mindful of the current economic circumstances and its financial position, that

- (1) the Parish Council's financial position as at the half-year, the income and expenditure position as at 30 November 2011 and the estimates for 2012/13 be noted;
- (2) the level of Parish Precept for 2012/13 be set at £27,500 (i.e. the same level as for 2010/11 and 2011/12);
- (3) application be made to Fenland District Council for a Concurrent Functions Grant, relating to the same items as in previous years, for 2012/13;
- (4) specific locations for the new street lamps be agreed at the next meeting.

100/11 Elm Cemetery – rules and memorials

Further to minute 85/10, members considered the draft cemetery rules and regulations which had been produced and circulated to members in advance of this meeting by Councillor Pinnock.

The Clerk suggested that members may, given the absence of Councillor Pinnock from the meeting, wish to defer to the next meeting the consideration of this item of business. However, members felt able to reach a decision on the matter at this meeting.

A number of members had concerns regarding a variety of aspects of the draft rules and regulations, which they articulated at the meeting, and questioned generally the need for such prescriptive processes; the view expressed by members was that much of the content of the document relates to operational/administrative issues which should be a matter for the Clerk in dealing with the council's customers, and not prescribed by regulations set by the Parish Council.

Members are aware that the Parish Council has, in its capacity as a Burial Authority, operated Elm Cemetery for many years without the need for formal rules and regulations in that regard and consider that an "if it isn't broke, don't fix it" situation should apply in this matter. It was also felt that if the Parish Council were to introduce rules and regulations for Elm Cemetery, it would be important to ascertain, before implementation, that such rules complied with best practice and had been "tested" elsewhere.

Members decided, unanimously, that rules and regulations of the nature set out in the document produced by Councillor Pinnock be not adopted by the Parish Council and that the current practices relating to operation of Elm Cemetery be continued.

101/11 War memorials in Elm Parish

Further to minute 70/11, the Clerk reported on progress regarding the proposed cleaning and restoration works to the war memorials at Elm and Fridaybridge.

The Clerk informed members that all three contractors had provided satisfactory responses to his request for additional information and that it is now possible for acceptance of a tender to take place.

Members decided the quotation in the total sum of £1,856.00 (plus the cost, at £1.00 per letter, of any re-painting of letters found to be required at the Fridaybridge memorial), submitted by Fairhaven and Woods Limited, the lowest received, be accepted.

102/11 Correspondence

- (1) Fenland Rural Roads Safety Action Network - request for financial assistance.

The Clerk reported a request from the Fenland Rural Roads Safety Action Network for financial assistance towards the organisation's costs of continuing its current campaigning projects to promote the reduction of speeds outside schools in Fenland and to move to the next level of campaigning.

The letter of request detailed the actions being undertaken by the Fenland Rural Road Safety Action Network (FRRSAN) and the success that the network appears to be having in changing the behaviour of motorists.

Members decided that the request for financial support be not supported.

- (2) Elm Friendship Club.

Further to minute 11/11, the Clerk read to members a card of thanks from the Elm Friendship Club in relation to the continued financial support provided to the club by the Parish Council.

Members decided that the content of the letter be noted.

103/11 Dates of meetings for 2012

Members decided that meetings of the Parish Council in 2012 (all commencing at 6.30 pm (except Annual Assembly, which commences at 7.00 pm) and taking place in the Parish Council office on Begdale Road, Elm) be held on the following dates: 17 January, 21 February, 20 March, 17 April, 22 May (Annual Meeting of the Council, following the Annual Assembly), 19 June, 17 July, 14 August, 18 September, 16 October, 20 November and 18 December.

Meeting finished at 8.00 pm

Signature:.....(Council Chairman).

Date:.....