



# Uttlesford District Council

Chief Executive: Dawn French

## Standards

**Note: This meeting was adjourned from 17 March 2015**

**Date:** Thursday, 14 April 2016

**Time:** 14:00

**Venue:** Council Chamber

**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** Councillors H Asker, D Jones, T Knight and Mrs C Wellingbrook-Doswell (Independent Person).

## AGENDA

### PART 1

#### Open to Public and Press

- 1 Apologies for absence and declarations of interest
  
- No.** Minutes of the meeting on 17 March 2016 - for information 3 - 4
  
- 2 Allegation of a breach of the Code of Conduct of the Hatfield Broad Oak Parish Council 5 - 10
  
- 3 additional documents 11 - 28

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Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

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**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON  
ROAD SAFFRON WALDEN at 10.00am pm on 17 MARCH 2016**

Present: Councillor T Knight – Chairman  
Councillors H Asker and D Jones.  
Mrs C Wellingbrook–Doswell (Independent Person)

Officers in attendance:- M Cox (Democratic Services Officer). C Oliva  
(Solicitor – Investigating Officer) and C Nicholson  
(Solicitor).

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**SC8 APOLOGIES AND DECLARATIONS OF INTEREST**

There were no apologies for absence or declarations of interest.

**SC9 HEARING INTO AN ALLEGATION OF A BREACH OF THE CODE  
OF CONDUCT**

The hearing had been called to determine an allegation of a breach of the Code of Conduct of Hatfield Broad Oak Parish Council.

Councillor Jones raised concern about the validity of this meeting. He said the recommendation on the Investigating Officer's report gave the wrong impression of the purpose of the meeting. The report said 'that members determine whether they accept the findings of the Solicitor or whether they wish there to be formal hearing'

In the light of this wording he had not expecting this to be a formal hearing. This had the following implications

- For a formal hearing he would have requested additional information ie the minutes of the Village Green Committee on 4 November 2015
- Members of the public may have chosen to defer attendance until a formal hearing was held.

The Solicitor said this meeting was being recorded, which would give the public the opportunity to listen live or to replay the recording after the meeting. She confirmed that the subject members and the complainants were aware of the nature of the meeting.

In relation to the request for additional papers, the Investigating Officer said she hadn't received the minutes mentioned but in any event they were not relevant to the details of the complaint. The matter to be considered was specific to whether the motion passed at the meeting was disrespectful.

The Committee felt that the additional information might be relevant to understanding the background of the complaint and could indicate bias.

The members of the committee and the Independent person agreed that it would be unwise to proceed today when there was some doubt as to the purpose of this meeting.

RESOLVED that the meeting be adjourned to 2pm on 14 April 2016 to allow for the preparation of a revised report and for members to receive the additional papers requested.

**Committee:** STANDARDS  
**Date:** 14 April 2016 (adjourned from 17 March 2016)  
**Title:** ALLEGATION OF A BREACH OF THE CODE OF CONDUCT OF THE HATFIELD BROAD OAK PARISH COUNCIL  
**Author:** Christine Oliva Solicitor Litigation and Planning  
Legal 01799 510417

Agenda Item

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## Summary

1. This report is to inform members of the outcome of an investigation into an allegation that Cllr Swainsbury, Cllr Rushton and Cllr Brown of Hatfield Broad Oak Parish Council have breached the Code of Conduct of the Hatfield Broad Oak Parish Council

## Recommendations

2. That members determine whether to accept the finding of Christine Oliva and if so what sanction (if any) to impose with regard to the breach which has been found.

## Financial Implications

3. None:

## Background Papers

4. The papers set out in paragraph 8 below were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

## Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	The investigation has been carried out in accordance with procedures adopted by the council pursuant to the Localism Act 2011
Sustainability	None
Ward-specific impacts	Hatfield Broad Oak only
Workforce/Workplace	None

## Situation

6. On 2 December 2015 the council received a complaint from Cllr Mark Strutt of Hatfield Broad Oak Parish Council that Cllr Swainsbury, Cllr Rushton and Cllr Brown had:

- treated him with disrespect
- bullied and intimidated him
- disclosed information given in confidence
- prevented another person from gaining access to information to which they were entitled
- used or attempted to use their positions improperly for their or another's advantage or disadvantage of others

The above breaches took place when Cllr Swainsbury put forward a motion at the Hatfield Broad Oak Parish Council meeting on 11 November 2015 that:

*Being the subject of a complaint to Uttlesford District Council, and the Charity Commissions, concerning his actions in relation to the village green, Cllr Strutt is hereby suspended from serving on the Village Green Maintenance and Development Committee*

Cllr Brown proposed the motion and Cllr Rushton seconded the motion and the motion was passed by the Parish Councillors.

7. Having discussed the complaint with an independent member of the Standards Committee we agreed that the complaint should be investigated.

8. In conducting this investigation I have considered:

The information supplied by Cllr Strutt when making his complaint

The witness statement of Michael Perry

The Minutes of the Hatfield Broad Oak Parish Council Meeting of 11 November 2015

Statement of Cllr Artus dated 20 January 2016

Statement of Cllr Tracy Brown by e-mail on 27 January 2016

Statement of Cllr Rushton with accompanying documents

Statements of Cllr Swainsbury with accompanying documents

My notes of a meeting with Cllr Swainsbury on 26 January 2016

*Note:* a. Documents included in statements which postdate 11 November 2015 have not been taken into account when making this report.

- b. I received a tape purporting to be a recording of the proceedings at the Hatfield Broad Oak Parish Council meeting on 11 November 2015 and a tape purporting to be extracts from the same meeting. Transcripts were made and circulated. The first tape received was incomplete and I received several comments that both tapes were a recording of the Village Green Maintenance and Development Committee meeting held on 4 November 2015 and not a recording of the Parish Council meeting on 11 November 2015. While I have no reason to doubt that both tapes were believed to be of the Parish Council meeting on 11 November 2015,

because of the doubts about this and the fact that neither tape was complete, I decided to disregard the tapes in my investigation.

### **Facts not in dispute**

9. Cllrs Swainsbury Cllr Rushton and Cllr Brown are elected to Hatfield Broad Oak Parish Council
10. Cllr Strutt is elected to Hatfield Broad Oak Parish Council and he was elected by the Parish Council to serve on the Village Green Maintenance and Development Committee.
11. Hatfield Broad Oak Parish Council has adopted the council's Code of Conduct.
12. Cllr Strutt is one of the Trustee Directors of the HBO Sports and Community Club Limited, company registration no. 07137376 and a registered Charity no. 1135737.
13. On 24 September 2015 Cllr Swainsbury and Cllr Rushton met with the Chief Executive and gave him documents which they stated showed dishonesty on the part of Cllr Strutt in relation to the activities of HBO Sports and Community Club Limited. The documents were passed to the Monitoring Officer and he asked the Manager of the Council's Internal Audit Team to consider the documents to see if there was evidence of dishonesty. On 9 October 2015 the Monitoring Officer and the Manager of the Internal Audit Team had a meeting and decided there was no evidence of dishonesty on the part of Cllr Strutt. This information was passed to the Chief Executive on the same day.
14. On 8 October 2015 the Clerk to Hatfield Broad Oak Parish Council wrote to the Charity Commissioners concerning the activities of Cllr Strutt in relation to the HBO Sports and Community Club Limited; and on the same day sent the same documents to Uttlesford District Council Monitoring Officer stating there had been a breach of the Code of Conduct and making the complaint on behalf of Village Green Maintenance and Development Committee. The Monitoring Officer found that the Village Green Maintenance and Development Committee had no delegated power to make such a complaint and complaints should be brought by individuals and there would be no investigation. The Monitoring Officer informed the Clerk of his decision on 9 October 2015.
15. On 12 October 2015 Cllr Rushton submitted virtually the same documents submitted by the Clerk on 8 October 2015 to the Monitoring officer alleging a breach of the Code of Conduct by Cllr Strutt. The Monitoring Officer and an Independent Person considered the documents and decided that throughout the time the alleged breach took place Cllr Strutt was not conducting the business of Hatfield Broad Oak Parish Council and therefore the Monitoring Officer could not investigate. Cllr Rushton was informed of this decision on 16 October 2015.
16. Following a query by Cllr Swainsbury asking for an up-date on the progress of the investigation relating to the documents given to the Chief Executive on 24 September 2015, the Chief Executive sent an e-mail to him on 13 October 2015 stating: "Thank you for your email: matters are being investigated by our internal audit team and we have not reached a definitive conclusion. I'll be in touch when we have."
17. On 3 November 2015 The Charity Commission informed the Clerk to the parish Council that they did not consider that there had been a breach of Charity Law and they were not going to investigate.

18. On 11 November 2015 the Hatfield Broad Oak Parish Council passed the motion set out in paragraph 6. Above and removed Cllr Strutt from the Village Green Maintenance and Development Committee. There has been no allegation that this motion was put forward in breach of the rules of procedure or that the Parish Council did not have the authority to pass such a resolution. It appears to me there was no irregularity. Cllr Strutt was not present at the meeting.

#### **Facts which are not agreed**

19. Cllr Swainsbury as Chairman of the Parish Council meeting Cllr Brown as proposer of the motion and Cllr Rushton as seconder of the motion believed Cllr Strutt was under investigation by Uttlesford District Council and the Charity Commissioners on 11 November 2015 when they voted to suspend Cllr Strutt from the Village Green Maintenance and Development Committee.
20. The Councillors declined to give details of the investigations to the Parish Council Meeting as they did not wish to put the details of what they believed to be wrongdoing by Cllr Strutt into the public domain. They all stated they had wished to protect Cllr Strutt from public knowledge but felt they could no longer allow him to serve on the Committee while investigations continued.

#### **Findings of Fact**

21. On 3 November 2015 the Charity Commissioners had informed the Clerk that they were not investigating Cllr Strutt or the HBO Sport and Community Club Limited. The Councillors could not have had an honest belief that Cllr Strutt was under investigation by the Charity Commissioners on 11 November 2015.
22. On 16 October 2015 the Monitoring Officer had informed Cllr Rushton that Cllr Strutt was not to be investigated for a breach of the Code of Conduct. The Councillors could not have had an honest belief that Cllr Strutt was under investigation by the council for a breach of the Code of Conduct on 11 November 2015.
23. On 13 October 2015 the Chief Executive had e-mailed Cllr Swainsbury stating that an investigation into the activities of the Charity was ongoing. This was incorrect but the Councillors could not have known, therefore they did have an honest belief that Cllr Strutt was being investigated by the council for possible dishonesty on 11 November 2015.

#### **Reasoning as to whether there have been failures to comply with the Code of Conduct**

24. Cllr Strutt alleges a failure by the three Councillors to treat him with respect which is a breach of the Code of Conduct under general obligations 3.1. He goes on to allege under obligation 3.3. bullying, intimidation, disclosure of confidential information, preventing access to information to which he was entitled, bringing their office into disrepute and improperly attempting to secure for themselves an advantage or a disadvantage for others. I do not consider that any of the allegations under 3.3. can be justified.
- The passing of a motion to suspend Cllr Strutt from the Village Green Maintenance and Development Committee, properly passed and the Parish Council having control of the membership of the Committee cannot be bullying or intimidation.
  - Cllr Swainsbury refused to give details of the alleged investigations to the Parish Council in the presence of the public. The motion disclosed that an investigation was taking place. As Cllr Strutt was performing a function on

behalf of the Parish Council in being a member of the Committee, on balance I do not think this can be considered disclosure of confidential information if the belief by the three Councillors was honestly held.

- There is no evidence that the Councillors withheld information from Cllr Strutt.
- The Councillors did not bring their office into disrepute, the motion was correctly tabled and the Parish Council controlled the membership of the Committee.
- There is no evidence of the Councillors seeking any advantage for themselves. Cllr Strutt may feel disadvantaged by being suspended from the Committee, but the membership of the Committee was validly determined by the Parish Council.

25. The Councillors were entitled to propose to change the membership of the Village Green Maintenance and Development Committee and to suspend members. To table that proposal was not disrespectful. It would be disrespectful to Cllr Strutt to give reasons to support a motion that they believed to be untrue. I find that the Councillors could not have had an honest belief that Cllr Strutt was being investigated by the Charity Commissioners; but they did have an honest, although mistaken, belief that Cllr Strutt was being investigated by the council. In particular Cllr Swainsbury admitted to me on 26 January 2016 that on 11 November 2015 he knew Cllr Strutt was not being investigated by the Charity Commissioners.

26. I find that the tabling of the motion at the parish Council meeting of 11 November 2015 to suspend Cllr Strutt from the Village Green Maintenance and Development Committee by Cllr Swainsbury, Cllr Brown and Cllr Rushton was not disrespectful. When stating the reasons for the motion they were disrespectful in stating that Cllr Strutt was being investigated by the Charity Commissioners as they could not have had an honest belief that this was the case. They did believe Cllr Strutt was being investigated by the council. It would be reasonable for a member of the public present at that meeting and anyone reading the minutes to consider that investigation for the same reasons by the council and the Charity Commission was more serious than investigation by the council alone. In this limited case I find the Councillors did not treat Cllr Strutt with respect.

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Any person dissatisfied with the decision may seek judicial review	1 – given the practical effects of a finding of a breach of the Code it is unlikely that someone would embark on this course	2 – the council is likely to win any application for a judicial review with a costs award in its favour but some resources would be required in its defence and some expense would not be covered by an award of costs	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



# Hatfield Broad Oak Parish Council



## Minutes

Of the Full Council Meeting held on Wednesday 14th of October 2015 at 7.30 p.m. in the Sausage Factory Boardroom

**Present Cllrs:** Keith Artus Keith Flack Heather Scadden  
Tracy Brown Ian Rushton Mark Strutt

**In the Chair:** Cllr Ken Swainsbury (all items with exception of item 10.2.3 7th row)  
Cllr Ian Rushton (for the item 10.2.3 7th row)

**Clerk:** Urška Sydee

**Also present:** 10 members of the public

### 1. Response to the Public Participation

10 minutes for Cllr Swainsbury to reply to queries from the previous meeting(s).  
None.

### 2. Public Participation

15 minutes for members of the public to address councillors.

- A comment was made that it was mentioned that goals on the village green would be available to everyone to play; a question was asked how much it cost and where the money came and that football club should pay for the container.

Cllr Strutt replied that the cost was £3000 to £4000; grants were obtained by the club.

Cllr Swainsbury added that Village Green Maintenance and Development Committee is already dealing with the matter.

### 3. Apologies for Absence

To record absent councillors.

Apologies were received from Cllrs Sanders and Smith and were accepted.

### 4. Declarations of Interest

Councillors to declare any Disclosable Pecuniary Interests, Other Pecuniary Interests or Non-Pecuniary Interests relating to the items on the agenda.

- Cllr Rushton declared a pecuniary interest item before last in the table under item 10.2.3 (ScrewFix), because of paying the bill.
- Cllr Swainsbury declared a pecuniary interest in last item under item 10.2.3 (ScrewFix & Wickes), because of paying the bill.

## **5. Minutes**

### **5.1 Approval of Minutes**

To receive and approve as a correct record of the minutes of the meeting held on 16th September 2015.

Cllr Artus proposed 3 amendments and Cllr Strutt seconded them. Two of them were voted against by majority (2 for, 5 against). The third, below, was accepted.

To replace word "action" with the word "entrance" (in italics) on pg. 922 8th line so it reads:  
... about it because it's a temporary *entrance*.

Proposed: Cllr Artus    Seconded: Cllr Strutt

**Agreed unanimously.**

To receive and approve as a correct record the minutes of the meeting held on 16th September 2015 with the amendment on pg. 922 8th line so it reads (amendment in *italic*):  
... about it because it's a temporary *entrance*.

Proposed: Cllr rushton    Seconded: Cllr Swainsbury.

The Councillors voted in the following manner:

For: 2; Against: 2; Abstained: 3 as they weren't present at the meeting;

The Chairman used his casting vote and he voted for.

The Chairman (Cllr Swainsbury) signed the minutes.

### **5.2 Receiving of Minutes**

To receive draft minutes of the Village Green Maintenance and Development Committee meeting held on 7th October 2015.

Received and noted.

## **6. Matters Arising from the September Meeting**

**6.1 For the clerk and councillors to report on progress against items from the last meeting not covered under other agenda items.**

Cllr Artus declared that Council should send an apology to a contractor whose name had been mentioned on the Village Green Maintenance and Development Committee agenda. The clerk agreed to write an apology.

The clerk reported that trees need to be trimmed in the recreational ground and that the working group will be informed of the concerns.

Cllr Strutt advised tree survey should be done.

**6.2 To receive the Clerk's report (circulated before meeting).**

Received and noted.

## **7. Reports**

### **7.1 Pedestrian & Road Safety Working Group**

Mr Smith from Community Speed Watch Group advised that Police agreed to additional location for their activities in Cage End.

### **7.2 Affordable Housing**

None.

## **8. Short Course for Councillors**

Cllr Swainsbury explained that he deferred the item last time because some of the Councillors were absent. He wanted to know whether the Council wanted to make decision tonight or defer it again as some councillors were absent from tonight's meeting. He advised that two absent councillors expressed their opinion that they don't want to attend the course. Council agreed they want to make decision tonight.

Cllr Artus declared that all the problems are procedural issues and that clerk needs the training and not the councilors. Cllr Swainsbury agreed. Cllr Artus then declared that he's a

representative on EALC and offered to speak to them. Cllr Swainsbury asked if Cllr Artus attended training that Uttlesford District Council Standards Committee recommended. Cllr Artus replied that he intended, but the training was cancelled and that he's a member of the Standards Committee. He added he is due to attend.

*8.1 Short Course for Councillors (deferred from July and September meeting)*

To discuss and decide whether to attend the course for Councillors provided by EALC - prices circulated before meeting (deferred from September meeting).

It was agreed **by majority** (for: 6; abstained: 1) not to attend the course.

Proposed: Cllr Swainsbury    Seconded: Cllr Flack

*8.2 In house Course for Councillors (deferred from September meeting)*

To consider the appointment of EALC to undertake an in house course for members regarding current issues. Cost: estimated to £1,000.00.

In the light of a discussion above it was agreed **by majority** (for: 6; against: 1) not to undertake the course.

Proposed: Cllr Swainsbury    Seconded: Cllr Rushton

Cllr Artus added that the clerk should undertake additional training.

**9. Telephone Box (first on the agenda in July, put by Cllr Swainsbury)**

To discuss and decide to sell red telephone box in Hammonds Road.

The Clerk reported there were no offers received.

Cllr Swainsbury explained that one member of the village expressed wish to renovate the telephone box at their expenses and are willing to make it useful for the public, if the Council agreed to rent it to them for free. Once quotes are received by the parishioner further information is expected.

**10. Financial Matters**

*10.1 OTHER FINANCIAL MATTERS*

*10.1.1 Budget Update*

To review the budget update (circulated before meeting).

Received and noted. The clerk and Chairman to discuss some amendments for the budget presentation.

*10.1.2 Bank Reconciliation*

To approve bank reconciliation (circulated before meeting).

Proposed: Cllr Strutt    Seconded: Cllr Brown

**Agreed unanimously.**

*10.1.3 Reserves*

To agree to allocate £17,500.00 from Special Project Reserves to the Recreational Ground Equipment Reserve.

Cllr Artus proposed to use some of the money from general reserves and Cllr Swainsbury as proposer agreed.

To agree to allocate £17,500.00 to the Recreational Ground Equipment Reserve, £4,900.00 allocated from Special Project Reserve and £12,600.00 allocated from General Reserve.

*10.1.4 External Audit*

To receive and note section 3 - External auditor certificate and report 2014/15.

Received and noted.

The Clerk advised that copies of all three sections will be put on the notice board for 14 days; if anyone wants to see detailed accounts they can be seen prior to appointment at clerk.

### 10.2 APPROVALS

10.2.1 To approve a donation of £50.00 for the British Legion for laying of a wreath, allocated from the Chairman's Allowance.

**Agreed.**

10.2.2 To approve expenditure of £ 80.00 for Risk Assessment Course held on 3rd December 2015.

Proposed: Cllr Brown    Seconded: Cllr Strutt

**Agreed unanimously.**

Allocated from Precept/Training.

Cllr Artus brought to the attention of the Council that the flag next to the pump in the village needs replacement. He wanted to propose purchase of new one.

The clerk declared that items not on the agenda can't be discussed nor agreed. The Council nevertheless decided to put the following motion on the agenda:

To approve expenditure for up to £100.00 for the flag next to the pump.

Proposed: Cllr Artus    Seconded: Cllr Brown

**Agreed unanimously.**

Allocated from Special Projects Reserve. Cllr Artus to order and organise.

10.2.3 To approve the following payments

It was **agreed unanimously** to approve the following payments.

Proposed: Cllr Swainsbury    Seconded: Cllr Brown

To	Clerk No.	Particulars	Sum (£)	Funded from
Edwin Cattermole	1253	Recreational Ground Cleaning September 2015	52.00	Precept/RG Maintenance
Affinity Water	1254	Standing Charge & Water	31.89	Precept/VG Maintenance
Mobile Mini UK Ltd	1255	Container Rental, Inv. No: 714107741 (from 11.09. to 08.10.2015)	38.94 + 7.79 VAT	Precept/VG Maintenance
PKF Littlejohn LLP	1256	External Audit 2014/15	200.00 + 40.00 VAT	Audit
Urška Sydee	1257	Salary for September 2015 Broadband for September 2015 Stamps Post	503.55 11.00 12.96 2.36	Precept/Salary Precept/Post, Phone, Broadband

Cllr Rushton left the meeting.

It was **agreed unanimously** to approve the following payment:

Proposed: Cllr Swainsbury    Seconded: Cllr Strutt

To	Ch. No.	For	Sum (£)	Funded from
ScrewFix * (Ian Rushton)	1258	Sadolin, Cones; Inv. No.: A1859675045	78.32 + 15.65 VAT	Precept/VG Maintenance

Cllr Rushton returned to the meeting.

Cllr Swainsbury left the meeting.

Cllr Rushton took the Chair.

It was **agreed unanimously** to approve the following payment:

Proposed: Cllr Rushton    Seconded: Cllr Flack

To	Ch. No.	For	Sum (£)	Funded from
ScrewFix Wickes (Ken Swainsbury)	1259**	Tape, Inv.No: A186893175 Poles, Inv.No.: 01-5607	4.99 36.94	Precept/VG Maintenance

Cllr swainsbury returned to the meeting and took the Chair.

## 11. Planning

11.1 To respond to the following applications:

None.

11.2 Appeal 

Appeal reference:APP/C1570/D/15/3133310 (circulated before meeting)

Noted.

## 12. General Correspondence to Reply and to Note

12.1 To receive correspondence

- An invitation was received for the SSE Parish & Town Council Liaison Group Meeting. This takes place on the 22nd October 2015 at the Priors Green Community Hall starting at 8pm - Cllr Scadden will attend.
  - Invitation received for the Annual General Meeting of Uttlesford Citizens Advice, which will be held at 12.30 pm on Monday 12th October 2015 in Saffron Walden Town Hall (circulated 05.10.2015) - noted, no one attended.
  - An email regarding Essex Rural Strategy consultation was received, comments due by the 4th December 2015 (circulated 08.10.2015) - to be submitted by individuals if they wish.
  - SSE guidance for Stansted Airport departure route trials consultation was received (circulated 05.10.2015) - noted.
- Cllr Artus expressed wish to see the draft reply to express Council's support for Performance Based Navigation Public Consultations - which was agreed at the last meeting because he wants to add something.
- Notification of the adoption of Essex County Council's Statement of Community Involvement – Update 2015 (circulated 05.10.2015) - noted.
  - Travel Experience Public Consultation papers received (available on request) - noted.

- An invitation to a Celebration of Youth Work in Uttlesford, 7.00pm – 9.30pm Wednesday 25<sup>th</sup> November 2015 at Council Chamber Uttlesford District Council Offices was received (circulated 08.10.2015) - Cllr Strutt might attend.

12.2 To receive late correspondence (received not later than 12.10.2015)

- Email asking regarding firework - noted - for the Clerk to forward to the organisers.
- Local Plan Update - received and noted.

### 13. Information Exchange & Items for Next Meeting's Agenda

For Councillors and clerk to exchange information and next meeting's agenda items only.

- Cllr Strutt asked for approval for the Christmas Tree to be decided - if possible to obtain the quote.
- Cllr Strutt advised that tree survey should be done at the recreation ground - if possible obtain the quote.

Cllr Swainsbury wanted payment for the street planters to be approved.

The clerk declared that items not on the agenda can't be discussed nor agreed. The Council nevertheless decided to put the following motion on the agenda:

To approve payment of £135.00 for the plants for the street planters.

Proposed: Cllr Swainsbury    Seconded: Cllr Strutt

**Agreed unanimously.**

Allocated from Ring-fenced Reserves/Street Planters.

### 14. Next Meeting

The next meeting will be held in the Hatfield Broad Oak Sausage Factory boardroom on Wednesday 11th November 2015 at 7.30 p.m. All meetings are on the second Wednesday of every month at 7.30 p.m. with exception of the August meeting.

**Meeting Closed at 8.20 p.m.**

Minutes approved on the 11th November 2015.

Signed \_\_\_\_\_ Chairman  
Ken Swainsbury

**Hatfield Broad Oak Parish Council  
Full Council Meeting**



**CLERK'S REPORT November 2015**

Meeting Date	Agenda Number	Minute Reference	Information and Decision Made	Action Taken and Outcome
08.07.2015	11	Emails	To create individual email accounts for the usage of the councillors through the current web site having the @hatfieldbroadoakofficialsite.co.uk suffix.	When time permits.
08.07.2015	11	Emails	To check if the the suffix could be changed to shorter one (e.g. HBOPC.co.uk).	Email to Mr Cunning sent 04.08.2015 Reply received he was on holiday and will give me an answer in September.
16.09.2015	1	Public Participation	An overgrowing hedge on the pavement outside Great Chalks. The Clerk to write to the owners to cut it down.	Not done; lack of time
16.09.2015	1	Public Participation	The Clerk to write to the owners of Woodview to reinstate the footpath.	Spoken to Mr Richard Broad, Footpath representative; he would have a look and make recommendations.
16.09.2015	14.1	General Correspondence to Note & Reply	The clerk to contact the author asking what they had in mind and to obtain quote(s) to replace the bench in Cage End.	Not done; lack of time

Meeting Date	Agenda Number	Minute Reference	Information and Decision Made	Action Taken and Outcome
16.09.2015	14.1	General Correspondence to Note & Reply	Performance Based Navigation Public Consultations - Agreed for the Clerk to reply to express Council's support.	Not done; lack of time
14.10.2015	6.1	Matters Arising from the September Meeting	Cllr Artus declared that Council should send an apology to a contractor whose name had been mentioned on the Village Green Maintenance and Development Committee agenda. The clerk agreed to write an apology.	Not done; lack of time
14.10.2015	10.1.1	Budget Update	The clerk and Chairman to discuss some amendments for the budget presentation.	

## Hatfield Broad Oak Parish Council



### Minutes

Of the Meeting of Village Green Maintenance and Development Committee held on Wednesday the 4th of November 2015 at 7.30 p.m. in the Hatfield Broad Oak Village Hall

**Present Cllrs:** Keith Flack                      Jenny Sanders  
Tracy Brown                                      Mark Strutt (arrived at 7.35)

**In the Chair:** Cllr Ian Rushton  
**Clerk:** Urška Sydee

**Also present:** Anthony Wilson as non-councillor member of the Committee  
3 members of the public

#### 1. Public Participation

15 minutes for members of the public to address councillors.  
None.

#### 2. Apologies for Absence

To record absent councillors.  
Apologies were received by Cllr Strutt and were accepted.

#### 3. Declarations of Interest

Councillors to declare any Disclosable Pecuniary Interests, Other Pecuniary Interests or Non-Pecuniary Interests relating to the items on the agenda.

- Cllr Brown expressed non-pecuniary interest in items 6, 7 and 8 because she lives near the village green and walks her dog on it.
  - Cllr Flack declared non-pecuniary interest in items 6,7 and 8 because he lives near the village green.
- Cllr Strutt arrived.
- Cllr Sanders expressed non-pecuniary interest in items 6, 7 and 8 because she lives close to the village green and being a school governor.
  - Cllr Strutt expressed non-pecuniary interest in all items except item 6.1.2.2, because being a Chairman of Hatfield Broad Oak Youth Football Club, being an acting secretary of the Cricket Club and being a treasurer and instructor of Hatfield Broad Oak Ch'uang Chang Do Kung Fu Club.  
He also declared pecuniary interest in item 6.1.2.2 because of being a trustee of Hatfield Broad Oak Sports & Community Club.
  - Cllr Rushton expressed non-pecuniary interest in items 6, 7 and 8 because he walks a dog on the village green.

#### **4. Approval of Minutes**

To receive and approve as a correct record of the minutes of the Village Green Maintenance and Development Committee meeting held on 7th October 2015.

The minutes of the Village Green Maintenance and Development Committee meeting held on 7th October 2015 were approved as a correct record of events and signed by the Chairman (Cllr Rushton).

Proposed: Cllr Flack      Seconded: Cllr Rushton

**Agreed unanimously.**

#### **5. Matters Arising from the October Meeting**

*5.1 For the clerk and councillors to report on progress against items from the last meeting not covered under other agenda items.*

None.

*5.2 To receive the Clerk's report*

Noted.

#### **6. Non Routine Matters**

*6.1 Vehicular Access from Dunmow Road*

6.1.1 Unauthorised Activities

To receive, discuss and decide upon the reply from Monitoring Officer regarding Complaint made.

Agreed to put it on the agenda of the full council to confirm the intention.

6.1.2 Completion of the Vehicular Entrance (put by Cllr Rushton)

6.1.2.1 To discuss and decide upon which course of action is favoured, as set out in the quotations obtained.

Cllr Rushton explained that it has to be done and completed as one job because at any point in between the entrance won't be safe. Cllr Strutt asked some questions which were answered by Cllr Rushton.

To approve £ 287,50 for Classification Testing of Soil Prior to Off Site Disposal as per quote 139-06-14 - Option A received from Pryor.

Proposed: Cllr Brown      Seconded: Cllr Sanders

**Agreed by majority.**

Allocated from Precept/VG Maintenance.

6.1.2.2 To discuss and decide should the Parish Council pursue legal action for recovery of excess costs etc. at this stage or await the result of the testing of the materials.

Cllr Strutt left the meeting.

To pursue legal action for recovery of excess costs etc. before the results of the testing of the materials.

Proposed: Cllr Rushton      Seconded: Cllr Flack

**Agreed unanimously.**

The Clerk asked for what sum and expressed opinion that full Council should approve the expenditure and confirm to seek advice. It was replied that the expenditure of £1,000 for that purpose was already approved at the September full council meeting.

Cllr Strutt returned to the meeting.

### 6.2 Grass Cutting

6.2.1 To receive grass cutting update.

Noted.

6.2.2 To instruct the clerk regarding remaining cuts for this season.

For the clerk to inform the contractor to do one more cut if under his judgement weather permits.

6.2.3 To discuss and decide upon grass cutting for the next year (draft letter circulated before meeting, put on by Cllr Rushton)

To approve the draft letter suggested by Cllr Rushton to be sent to the contractor.

Proposed: Cllr Sanders    Seconded: Cllr Brown

**Agreed unanimously.**

### 6.3 Container (put on by Cllr Rushton)

To discuss the container usage (circulated before meeting).

The Committee felt that it would probably be better to remove the container and try to buy one. It was agreed for Cllr Rushton to ask the provider to remove the container.

### 6.4 Logs (put on by Cllr Rushton)

6.4.1 To approve expenditure of £150.00 for cutting the logs.

Cllr Rushton explained his view. Cllr Strutt expressed concerns regarding the legality of the action because of the newts.

Cllr Rushton as proposer agreed for the amendment to add at the end of the motion words (in italics): "*subject to not infringing the newt regulation.*"

To approve expenditure of £150.00 for cutting the logs subject to not infringing the newt regulation.

Proposed: Cllr Rushton    Seconded: Cllr Sanders

**Agreed by majority.**

6.4.2 To discuss removal of the dead Ash tree near the pond.

Cllr Rushton declared quotes are awaited.

### 6.5 Area between Pond and Shrubbery (put by Cllr Rushton)

To discuss and decide what action to take regarding renovation of the area between the pond and the shrubbery.

Cllr Strutt suggested nothing to be done before newts regulation is checked and explained that the area was meant to be as a wildlife area. It was agreed in principle to change the use of the area from wildlife to something else.

## 7. Finance

To discuss draft budget for the year 2016/17 for the confirmation of the Council (circulated before meeting).

Cllr Rushton explained that the current budget for this year is £6,000 and suggested to ask full council to confirm the same sum for the next year.

Cllr Strutt was of the opinion that the sum above is not enough and suggested that discussion continues at the next meeting.

Cllr Rushton explained that a proper regime should be set so that the increase could be justified.

To ask the full council for the sum of £6,000.00 for the Village Green Maintenance for the year 2016/17.

Proposed: Cllr Brown    Seconded: Cllr Sanders

**Agreed by majority.**

## **8. Routine Matters for November (by Cllr Rushton)**

### *8.1 Trees*

8.1.1 To receive report and/or reported concerns.

None.

8.1.2 To discuss and decide upon an action regarding reported problems.

None.

8.1.3 To discuss and decide upon tree survey (draft letter circulated before meeting).

It was agreed to send the letter drafted by Cllr Rushton to the tree survey company used last year, but after the full council's meeting so that the paragraph about Recreational Ground tree survey can be included in the same latter.

### *8.2 Paths*

8.2.1 To receive report and/or reported concerns.

None.

8.2.2 To discuss and decide upon an action regarding reported problems.

Cllr Brown asked whether something can be done regarding gully near the path. Cllr Rushton explained that there is a problem delivering the pebbles due to the entrance.

### *8.3 Pitches*

8.3.1 Fertilising and Weed-killing

To discuss and decide upon fertilising and weed-killing on the football and cricket pitches.

Letter drafted by Cllr Rushton was approved unanimously. Contractor to be found.

8.3.2 Football

8.3.2.1 To receive report and/or reported concerns.

None.

8.3.2.2 To discuss and decide upon an action regarding reported problems.

None.

8.3.3 Cricket

8.3.3.1 To receive report and/or reported concerns.

None.

8.3.3.2 To discuss and decide upon an action regarding reported problems.

None.

8.3.4 Cricket Outfield

8.3.4.1 To receive report and/or reported concerns.

None.

8.3.4.2 To discuss and decide upon an action regarding reported problems.

None.

### *8.4 Fences*

8.4.1 To receive report and/or reported concerns.

Cllr Strutt reported that the surface of the concrete round the post by the container is cracked.

8.4.2 To discuss and decide upon an action regarding reported problems.

None.

### *8.5 Gates*

8.5.1 To receive report and/or reported concerns.

Cllr Rushton reported that nut and washer from the top hinge are missing which caused the drop of the gate.

8.5.2 To discuss and decide upon an action regarding reported problems.

None.

### *8.6 Pond*

8.6.1 To receive report and/or reported concerns.

Cllr Rushton declared he will look for the overflow.

8.6.2 To discuss and decide upon an action regarding reported problems.

None.

### *8.7 Access Road and barriers/gates*

8.7.1 To receive report and/or reported concerns.

Report regarding Church field gate was noted.

8.7.2 To discuss and decide upon an action regarding reported problems.

None.

### *8.8 Litter Bins*

8.8.1 To receive report and/or reported concerns.

None.

8.8.2 To discuss and decide upon an action regarding reported problems.

None.

### *8.9 Outside User Requests - planned*

8.9.1 To review arrangements and to resolve any identified issues.

None.

8.9.2 To receive, discuss and decide upon reply regarding received request for using the football pitch.

The letter from Bishop Stortford Rovers was noted.

Cllr Strutt was of the opinion that Hatfield Broad Oak Football Club should be asked.

The committee was of the opinion that clear instruction on booking management system should be in place if there were more users. That would probably be an extra job that someone would have to undertake. Mr Wilson agreed to look into the possibilities of how to present bookings online for the next meeting.

The clerk to inform Bishop Stortford Rovers that they will receive reply shortly.

### *8.10 Outside User Requests - casual*

To review arrangements and to resolve any identified issues.

None.

### *8.11 Youth Shelter*

8.11.1 To receive report and/or reported concerns.

None.

8.11.2 To discuss and decide upon an action regarding reported problems.

None.

### *8.12 Shrubbery*

8.12.1 To receive report and/or reported concerns.

None.

8.12.2 To discuss and decide upon an action regarding reported problems.

None.

### 8.13 Vermin

8.13.1 To receive report and/or reported concerns.

None.

8.13.2 To discuss and decide upon an action regarding reported problems.

None.

### 8.14 Health and Safety Matters

8.14.1 To receive report and/or reported concerns.

Cllr Sanders reported that water post should be put somewhere safe. Cllr Strutt suggested the post could be stored in green container. Cllr Sanders added that the bolts are missing from the access lid and suggested to put in a proper manhole.

8.14.2 To discuss and decide upon an action regarding reported problems.

None.

## 9. Correspondence to Reply and to Note

### 9.1 To receive correspondence

- None received at the time of the agenda.

### 9.2 To receive late correspondence (received not later than 02.11.2015).

- An email from the villager was received asking if the ashes of their dog could be buried on the village green and the tree planted in his memory.

The Committee agreed to give permission for the ashes to be buried in biodegradable box, but no tree planted. Cllr Brown to meet them and show the location.

- An email from Cricket Club was received asking permission to create a cricket "net" area on the village green. The Committee was in favour in principle but would like to receive proposal.

## 10. Information Exchange & Items for Next Meeting's Agenda

For Councillors and clerk to exchange information and next meeting's agenda items only.

- Benches
- Cricket "net" area

## 11. Next Meeting

The next meeting will be held in the Hatfield Broad Oak Village Hall on Wednesday 2nd December 2015 at 7.30 p.m. ; All meetings are on the first Wednesday of every month at 7.30 p.m. with exception of the August meeting.

**Meeting Closed at 9.40 p.m.**

Minutes approved on the 2nd December 2015.

Signed \_\_\_\_\_

Ian Rushton, Chairman of the Village Green Maintenance and Development Committee

## Hatfield Broad Oak Parish Council



# Village Green Maintenance and Development Committee Terms of Reference

(Appointed 10th June 2015)

To agree to appoint a Village Green Maintenance and Development Committee (VGMDC) with full delegated powers to deal with all matters relating to the maintenance of the village green and the development of any building proposals including negotiations with the landowner and applications to Grant Funders. In the event that the clerk is unavailable to sign grant applications or any other paperwork in connection with any matters relating to the Village Green, then the chairman is hereby authorised to do so.<sup>1</sup>

### 1. Objective<sup>2</sup>

To maintain and develop the Village Green in order to provide a facility for public use that offers a well maintained appearance with sports pitches and recreational facilities that meet the perceived needs of potential users.

### 2. Meetings

The Committee will meet on Wednesdays, monthly in the first week of the month, other than August, when there will be no meeting, so that a draft minutes is presented<sup>3</sup> to the monthly Council meeting. Meetings will be open to the public.

### 3. Consultation

In order to meet the Objective the Committee will be required to consult persons or organisations who may be interested or affected so that their views can be reflected in recommendations to the Parish Council. This requirement will be satisfied by inviting active participation in the decision-making process by attendance and participation in discussion at the meetings of the Village Green Committee. Comments and observations made at Committee meetings will be recorded in the minutes.

### 4. Specific Responsibilities

#### i) Trees

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<sup>1</sup> Parish Council Meeting, 10th June 2015 pg. 902, min. 9.1.2

<sup>2</sup> Parish Council meeting, 16th September 2015, pg. 918, min 6;

<sup>3</sup> Change of Terms of Reference: Parish Council meeting, 9th December 2015, pg. 940, min 9;

The inspection and monitoring of the condition of trees, with particular reference to their structural integrity and, therefore, risks to users of the Village Green and pedestrians and houses on Dunmow Road.

**ii) Fences**

The inspection and monitoring of fences with a view to maintaining a sound barrier to the ingress of farm animals and wildlife considered detrimental to the safe use of playing surfaces, paths and any potentially affected facilities erected or constructed on the Village Green.

**iii) Pond**

Checking that any recommended provisions for the safety of users of the Village Green are in place and adequate to fulfil their intended purpose.

**iv) Grass-Cutting and Husbandry**

To establish a regime such that the pitches are suitable for their intended purpose and that they offer a standard of provision compatible with the level of sport being undertaken, with particular emphasis on the safety of the surfaces. Decisions with regard to the use of fertilisers and weedkillers will be made with a view to ensuring that the quality of the surfaces for cricket or football is satisfactory to the users.

**v) Agreements with Other Organisations to Use the Village Green**

To review and revise, in the light of experience, the agreements made with users of the facilities to seek to ensure that there is no confusion as to who is responsible for what activity and, especially, where responsibility lies. Check lists will be provided to users as aide-memoires to seek to avoid oversights and omissions.

**vi) Routine checks on the condition of infrastructure**

A schedule of routine checks will be created and monitored to seek to ensure that there is no significant problem arising that goes unnoticed and without attention in a timely manner.

**vii) Maintenance Schedule**

Routine maintenance needs will be identified, and amended as necessary, in order to keep the Village Green in as good a condition as possible and to avoid any aspect of its maintenance falling into arrears and thereby causing a greater problem, or additional remedial expense, through neglect or oversight.

**viii) Health and Safety**

Health and Safety issues will be specifically reviewed at each meeting.

**ix) Developments of Buildings, Infrastructure or Facilities**

The Committee will take responsibility for obtaining quotations, assessing specifications, making recommendations to the Parish Council with regard to decisions to proceed with expenditure in excess of the limit delegated to the committee and the awarding of contracts. Such recommendations will be written, cover all factors involved in the matter under consideration, and will form part of the agenda papers for the Parish Council Meeting at which any decision will be taken. The Committee will be responsible for overseeing the implementation of any project, even if a project manager is appointed, as it is believed that a continuing interest and involvement is important to keeping suppliers or contractors aware that they are under scrutiny.

**x) Meetings**

All meetings will have an agenda.

**xi) Minutes**

Minutes of meetings will be made and circulated to Parish Councillors.

