

**Minutes of the High Wych Ordinary Parish Council Meeting  
Wednesday 16th January 2019 at 8pm in  
Allen's Green Village Hall**

**PRESENT:** Cllr Tom Payne, Chairman (TP); Cllr Sam Clark (SC) Cllr Gareth Emanuel (GE);  
Cllr Wendy Marks (WM); Cllr Bridget Parrish (BP); Cllr David Smith (DS); Cllr Brian Sullivan (BS)

7 members of the public, County Cllr Eric Buckmaster; District Cllr Ian Devonshire

Clerk: Colin Marks, Clerk to the Parish Council

The Chairman welcomed everyone and opened the meeting at 8pm

**ACTION**

**19.001 Apologies for absence**

1. Councillors: None (all present)
2. Others: Police Sgt Duncan Wallace, PCSO Leon de Bruyn

**19.002 Declarations of Interest and requests for dispensations**

1. **Interests:** Cllr Bridget Parrish re planning application 3/18/2476/HH because she lives at Bakers Farm (*Note: the planning notice was advising of a decision – no discussion needed*).
2. **Dispensation requests:** None received

***At 8.10pm it was agreed to suspend the meeting for public comments***

Linda Emanuel was present and gave a report on the DriveSafe stats for 2018. She agreed to email the report to the Clerk/ parish councillors.

**LE**

*Clerk's note: The report was received and later forwarded to Parish Council members.*

**Clerk**

***The meeting was restored to order at 8.15pm***

**19.003 Minutes of the Ordinary Parish Council Meeting held on 14<sup>th</sup> November 2018**

It was unanimously **RESOLVED that the Minutes of the Parish Council Meeting held on 14<sup>th</sup> November 2018 were a true and accurate record.** The Chairman signed the Minutes at the end of the meeting.

**19.004 Chairman's announcements:** None

**19.005 Police report**

1. It was noted that the Police & Crime Commissioner is refreshing his Community Safety & Criminal Justice Plan
2. PCSO Leon de Bruyn sent a report that was read by Cllr Sam Clerk  
Crime Report for period 17<sup>th</sup> October 2018 to 14<sup>th</sup> January 2019:
  - Indecent Exposure – there were 2 reports of the same incident in High Wych. Police enquiries have been conducted and the matter is now closed with no further reports
  - Assault – There was an isolated incident at a residential address which has been dealt with by attending officers.Incident reports for period 15<sup>th</sup> December 2018 to 14<sup>th</sup> January 2019:
  - Drivesafe – there were 2 co-ordinated Drivesafe assessments carried out on 12<sup>th</sup> and 20<sup>th</sup> December 2018
  - 1 x report of 2 scrambler bikes trespassing on farmland
  - Abandoned call – children reported on open telephone line
  - 1 x Broken down vehicle
  - 1 x Road Traffic Accident
  - 1 x suspicious reported incident regarding the welfare of a residential pet
3. Possible merger of HWPC and STC on Police Locality Panel  
Cllr Eric Buckmaster reported that he had discussed this with Sgt Duncan Wallace and PC

Mark Collins. The Chief Inspector is reviewing how the new panels could best be set up and run, which will hopefully be done by the end of March. However, the problem arises that High Wych would then come under Sawbridgeworth's Town priorities rather than Rural, whereas Allen's Green may want rural priorities that would be better served under Rural Team. Cllr Buckmaster will email when the date of the first meeting is known. Cllr Parrish registered her interest in attending.

EB/BP

## 19.006 Reports by County and District Councillors

### District Cllr Ian Devonshire:

Changes are being made in key officer roles. Kevin Steptoe will be moving from general Development Management to focus on Gilston Park. CEO Liz Watts is resigning for personal reasons. Replacements will be appointed in due course.

There is an oil club initiative whereby householders can consolidate their needs in order to get better price deals. Cllr Smith said that an oil consortium already exists with village halls.

Cllr Devonshire said he will be standing as the District Conservative candidate at the May election.

### County Cllr Eric Buckmaster:

The A414 public consultation is open until 25<sup>th</sup> February. Objectives locally include addressing issues surrounding the need for a Hertford by-pass. The big problem is that there would have to be considerably more housing to generate the significant funding required, which is something of a catch-22 situation. So called Mass Rapid Transit service options are being explored.

The Minerals Local Plan was also mentioned, the timetable being for it to be ready to submit to the Secretary of State in the summer. The Clerk said the Parish Council had received an explanatory dvd which had been passed to the Chairman for circulation to members.

HCC has published its vision for Hertfordshire Fire and Rescue Service ahead of a public consultation. The draft Integrated Risk Management Plan (IRMP) sets out what resources the Service needs, and where those need to be located in order to deal with risks across the County both now and in the future. There is a presentation at County Hall on 5<sup>th</sup> February.

HCC has welcomed the NHS 10-Year Plan which aims to see more people have their health and care needs met at home and fewer people staying in hospital.

A Gully Emptying and Cleaning Frequencies programme has been adopted to ensure gullies are emptied based on sound assessment information. Frequencies range from every 6, 12, 18, or 24 months according to the assessment.

The Living Room is among other organisations in the County that provide addiction therapies and counselling. The largest proportion (40%) of those seeking help have alcohol dependency issues.

New proposals are being drawn up for the development of the River Lane site in Bishop's Stortford.

A question was asked about whether there is any progress on plans for the M11 Junction 7A – Cllr Buckmaster said he did not know the current status.

## 19.007 Planning

1. **New Applications.** The Parish Council resolved to make the following comments:

**3/18/2795/OUT Pole Hole Farm:** Demolish agricultural barn and erect 6 no. dwellings – outline permission.

***The Parish Council RESOLVED to object*** Clerk

2. **Decision Notices.**

**3/18/2714/HH Poplars:** Demolish outbuilding; erect single storey detached double garage  
*DECISION AWAITED*

**3/18/2548/ARPN Pole Hall Farm:** Change of agricultural buildings to C3 residential  
*DECISION AWAITED*

**3/18/2476/FUL Bakers Farm:** Build a pair of 3-bed semi-detached houses. ***REFUSED***

**3/18/2452/HH 58 Mabeys Walk:** First floor rear extension; changes to existing. ***GRANTED***

**3/18/2323/HH New House Farm:** Demolish garage; erect cart lodge. *DECISION AWAITED*

**3/18/2318/ARPN Tharbies Farm:** Change agricultural barn to Class C3 dwellings. ***GRANTED***

**3/18/2288/FUL Three Lillies Lodge:** Demolish stables; erect dwelling (retrospective) ***GRANTED***

- 3/18/2139/HH Poplars: Demolish outbuilding; erect 3-bay garage *DECISION AWAITED*  
 3/18/2105/HH High Wych House: Erect boundary railings & fence (retrospective). *REFUSED*  
 3/18/1971/HH Crumps Farm, West Road: Replacement garage with room over. *REFUSED*

**3. Other planning matters, including items received too late for the agenda**

**Late planning applications:**

3/19/0035/HH 17 Mansfield: Two storey side extension, single storey rear extension, alterations to windows. *The Parish Council RESOLVED to make no objections* Clerk

3/19/0038/HH Templewood: Hip to gable roof, raise roof ridge, insert dormer windows to create second floor. Two storey front extension, first floor side extension, single storey rear extension. Convert garage and add/alter windows. *The Parish Council RESOLVED to object* Clerk

3/18/2795/OUT Pole Hall Farm: Demolish barn and build 6 dwellings. *The Parish Council RESOLVED to object* Clerk

1. **County Minerals Plan.** Report received from Cllr Eric Buckmaster (19.006 above) The Chairman will review for the next meeting TP

2. **A414 Corridor Strategy Consultation.** Report received from Cllr Eric Buckmaster (19.006 above). Cllr Sullivan will assess the information and send a report to Cllr Smith for circulation before completing the consultation. BS DS

3. **EHC Section 106 funding.** James Gardner, East Herts' Section 106 Project Manager was present and outlined what s106 funding could be available to the Parish Council and to parish-based organisations. There is a new application process that must go through James Gardner to be referred to the appropriate County and District members (who should not be contacted directly in this context). It was established that the HW Playing Field and Memorial Hall meet the funding criteria, as does the AG Village Hall and anything connected to sports, recreation, or play facilities and equipment. Applications can be for full or partial funding of a project. Approximately £40k is available for community facilities and £140k for sport activities spread across a number of applications. Cllr Dave Smith to liaise with James Gardner, who will provide application forms and advise on content. DS to prepare a paper to present all the requirements. DS

**19.008 Finance**

**1. Treasurer's Report**

**2018-2019 Accounts**

The account balances as at the 9<sup>th</sup> January 2019 are:

Current Account	£279.53	
Deposit Account	£9,415.57	
Total	£9,695.10	

The Reserves/Contingency forecast is £873.98

Summary of transactions since the November meeting – all as per the budget/forecast

**Receipts**

WWI funds from HWMH	1,411.09
WWI funds from Val	15.00
Interest	15.57
<b>Total</b>	<b>1,441.66</b>

**Payments**

**Statutory power**

Clerk mileage Oct/Nov	21.60	LGA 1972 s112 (1), (2a); LA 2011 s41
Clerk phone/broadband	8.00	LGA 1972 s111
Clerk home working	3.00	LGA 1972 s111
Car park leaf clearance	20.00	LG(MP)A 1976 s19(1)
Website software	17.96	LGA 1972 s142
Path clearance (alley)	75.00	HA 1980 s43, s50
Clerk SLCC subs (1/4th)	57.00	LGA 1972 s111
Litter Picking November	45.00	OSA 1906 ss9 &10
Clerk Salary November	193.48	LGA 1972 s112(1), (2A)

HMRC PAYE Nov	48.40	LGA 1972 s112(1), (2A)
Clerk expenses	34.77	LGA 1972 s112 (1), (2a); LA 2011 s41
Clerk Salary December	193.48	LGA 1972 s112(1), (2A)
Litter Picking December	45.00	OSA 1906 ss9 &10
HWMH broadband subsidy	127.20	LG(MP)A 1976 s19(3)
Outreach Post Office Subsidy	87.50	LA 2011 ss1-8
HWMH Hall Hire	12.00	LGA 1972 s111
HMRC PAYE Dec	48.40	LGA 1972 s112(1), (2A)
<b>Total</b>	<b>1,037.79</b>	
VAT included	NIL	To be reclaimed under VAT Act 1994 (1), (3)

### Treasurer/Clerk Interface

Mandate change submitted to Barclays Bank. Further clarification requested by Barclays. Access to the HWPC Accounts file for the Clerk to be set up via Dropbox.

### Grants/Finance

To be reviewed along with any finance available through Section 106 money

### 2. Accounts Reconciliation as at 09/01/2019

	Current Account	Deposit Account	Total
Actual bank balances	279.53	9,415.57	9,695.10
Balance as per books			9,695.10
Difference to pay in			0.00

Clr Wendy Marks, as a non-signatory member, signed the reconciliation sheet and bank statement to verify reconciliation.

### 3. (i) Budget and Precept for 2019-2020

Further to the Treasurer's Report at the November Council Meeting and the Council's provisional approval of the 2019-2020 budget and precept for £11,350, the Clerk said he had received information and advice from the East Herts Interim Electoral Services Manager, Philip Hardy. Although the communication covered the spectrum of issues raised by the forthcoming May elections, one section focussed on the recharge of election costs.

The Clerk emphasised that any recharge related only to a contested election where there is a poll, ie where more candidates stand for election than the number of council seats being contested. The advice to parish and town councils specifically stated that, "You need to make sure that you include provision within your parish precept or from any reserves accordingly for any recharge."

The information also stated that it was difficult to indicate how much a parish council election might cost. However, an example of possible costs was given: "In a by-election held in 2017 with an electorate of 750 the standalone election cost £3,500. If this was a combined poll the recharge would be nearer half of this...". A combined poll is one where District elections are held on the same day and share the a polling station. Factors affecting the cost include the size of the electorate and the number of polling stations. Using the example as a basis, the Clerk said that if an electorate of 750 with one polling station cost £3,500, then High Wych, with an electorate of 585, could cost £2,700, although it could be more due to having two polling stations, whilst conversely being approximately halved where certain administrative costs are shared.

The Clerk said that although in his experience he had not known to EHC recharge election costs, the information appears to reflect a change of policy and he therefore had no option but to advise the Parish Council to consider making budget and precept adjustments accordingly.

The precept will be recovered by EHC through Council Tax. According to the High Wych Tax Base set by EHC for 2019/20, the precept thus recovered over the year will be approximately £2.98 per Band D household per £1,000 precepted. Band A households will pay 6/9ths of that sum whereas Band H households would pay 18/9ths of the band D rate.

Taking account of the advice given, it was unanimously **RESOLVED to increase the provisionally agreed Precept by £1,000 to £12,350.**

The Clerk recommended that the Parish Council proactively advises parishioners of the reasons for the increase in the precept that will be reflected in the Council Tax set by EHC.

3. (ii) The Chairman, Clerk and two councillors signed the 2019-2020 Precept levy form at the end of the Meeting.

Clerk

4. **Asset Register:** The Asset Register was presented to the Council but was not updated.

5. It was **RESOLVED to accept the Accounts Report and Bank Reconciliation as at 9th January 2019 and to approve all payments.**

19.009 **Correspondence:** The list of correspondence was noted as it appeared on the Agenda:

- Police & Crime Commissioner: invitation to input into the Community Safety and Criminal Justice Plan (19.005.1)
- Mark Prisk MP: 14<sup>th</sup> January Meeting re the County Minerals Extraction Plan (19.007.3.1)
- Salvation Army: Re hosting a clothing bank (19.010.3.6)

19.010 **1. Highways and Public Rights of Way**

1. Traffic speed near the school and possible action: Cllr Eric Buckmaster confirmed that he is pursuing with Highways Officers what (if any) action might be implemented. Linda Emanuel, the DriveSafe organiser, was present and said that it is not possible to operate the Drivesafe scheme at that location.

2. **Footpaths and other Public Rights of Way (PRoW):** Cllr Wendy Marks' report:

1. **FP 2 and 6:** New signs have been ordered. Repairs to the two dangerous styles on FP6 are being followed up by the PRoW Officer.

**FP17:** The PRoW Officer has written to the new owner of the adjoining field, inviting his help in identifying who installed the fence across the path and making it clear that the fence will be removed unless there is conclusive evidence that it is legal.

3. **Other Parish Matters**

1. **PSPO consultation:** It was **RESOLVED to support the consultation variations.** Areas to be covered included are the King George V Playing Field, Allotments, and Allen's Green Village Green. The Clerk to submit agreed areas to EHC.

Clerk  
SC

2. **Link magazine:** Continuing as at present; Cllr Sam Clark liaising with the editor

3. **Joint Town/Parish meeting on community transport:** Cllr Eric Buckmaster reported that there have been only three responses to the social media enquiry; an uptake of 16 is required to fill a community bus and make it viable. So project is held in abeyance.

4. **Village shop sign:** A Highways Officer has confirmed that signposts for individual shops are no longer permitted under new legislation introduced in 2016. A portable A-Frame sign is a possible alternative solution. The new ruling does lay open the possibility of illegal fly posting.

SC

5. **Allen's Green broadband:** Fibre has now been laid to the cabinet and Openreach are taking orders. Thanks are recorded to Cllr Brian Sullivan for pushing this.

6. **Salvation Army clothing bank:** For want of a suitable location, it was **RESOLVED to thank the SA for their work but to decline the offer of a clothing bank in the parish.**

Clerk

19.011 **Village Reports**

1. **Playing Fields and buildings**

The Play Inspections annual play area survey expires in January. East Herts' RPII contractor has been booked to undertake an inspection in the summer (cost approximately half that of Play Inspections). To ensure safety cover for the play area equipment in the interim, it was **RESOLVED to ask Play inspections to undertake an inspection asap.** The Clerk advised that apart from the annual inspection, the Parish Council's insurer would ask for a paper trail of regular visual risk assessments in the event of a claim for injury whilst using equipment – these are recommended to be monthly for compliance. It was **RESOLVED to ask the litter picker to do the monthly risk assessments in the course of his regular duties, and for an additional £5 per month.**

DS

It was further **RESOLVED that Cllr Sam Clark source three play equipment suppliers with a view to tendering for a new suite of equipment.**

SC

**2. Allotments**

- 1. Review of Terms & Conditions: with Cllr Sam Clark SC
- 2. Tenancy agreements: Cllr Sam Clark signed two new agreements. Cllr Dave Smith and Linda Emanuel to review the Terms & Conditions. DS/LE
- 3. The supplying of plants for the village planters: No progress DS

**Additional item: Car Park.**

- 1. An apparently abandoned car in the car park is believed to belong to a man who sadly died some months ago. Cllr Wendy Marks and Cllr Dave Smith agreed to lise and ask his partner if its removal could be arranged. WM/  
DS
- 2. The builders working adjacent to the car park have not cleared away their mess or reinstated the verge as agreed. Cllr Dave Smith to speak the site office again before writing. DS

**19.012 Creation of parking spaces on Allen’s Green Playing Field (Village Green)**

The Clerk submitted the following report:

**Background**

The context and substance of a request to permit parking on a small portion of the Village Green are recorded in the public comments section of the Parish Council Minutes for 14<sup>th</sup> November 2018.

**Determined position**

The Village Green in question (ie, to the west of the road) is a Registered Village Green entitled Allen’s Green Playing Fields with the registration ID of VG015. Documents from the 1960’s indicate the land is owned by the Parish Council, although I have not been able to find a Land Registry title doc to prove that. It is also registered with the Charity Commission under the same name, charity registration number 302323.

Hopefully not to confuse things, the land to the east of the road is registered Common Land, called Allens Green and with the registration ID of CL084. From the documents I have seen its ownership is not so clear and Land Registry would have to be approached to provide a copy of the title. The relevance of this common land will be explained later on.

I have discussed at some length with HAPTC, and with reference to NALC’s legal team, the issues surrounding granting permission (ie, an easement) for vehicles to drive on or over a Registered Village Green. The legal position is a complex mixture of statute and common law and, frankly, there is not a one-size-fits-all answer. The main statutes governing this (but by no means all of them) are s12 of the 1857 Inclosure Act, and s29 of the 1876 Commons Act. (You will probably appreciate the problem of interpreting 19<sup>th</sup> century pre motor-car legislation and applying it in the 21<sup>st</sup> century).

Further legislation under s127 of the 1972 Local Government Act interprets the granting of an easement as a disposal of part of the land which, even if permitted, involves leasing that part for a limited period at the going rate so as to compensate for the loss or hindrance of its use by the public. I have explained the particular circumstances and have been told that the only way to determine the possibility is to get legal advice, but have also been told that a positive outcome is unlikely. I know the NALC lawyer who handles this sort of stuff and his initial advice would almost certainly cost around £500-£600. Feel free to use your own imagination as to what costs might accrue if the matter had to be further determined in court. Add to that the cost of drawing up of a 7-year lease etc.

This is all very depressing for Allen’s Green Village Hall. But there is another possibility that is not as complicated: I understand that parking or easements may be easier to obtain for common land. If the common on the other side of the road could be determined as belonging to the Parish Council (about £35 for a copy of the title from Land Registry if no one has a copy – HCC don’t have one) this might provide a solution, albeit not the preferred option.

The above is a precis of my investigation to date and my initial optimism at finding a solution has been severely dampened during the course of it. I submit this report for your consideration as to how to proceed.

Having received the report, the Treasurer noted that there were no funds in the earlier agreed 2019/20 budget/precept that would finance a legal opinion and it was therefore **RESOLVED that 1) any action be deferred to the 2020/21 fiscal year; 2) the Clerk obtain a quote for obtaining legal advice; 3) £600 be included in the 2020/21 budget to obtain that advice, subject to the solicitor's quote.**

Clerk  
DS

**19.013 Items for future agendas**

- No items received

**19.014 1. Calendar of Meetings for 2019/20:** Not considered due to lack of time.

Clerk  
Clerk

**2. Date of next meeting:** Wednesday 13th March, 8pm, High Wych Memorial Hall

Cllr Dave Smith and Cllr Brian Sullivan both offered their advance apologies that they would be away for the March meeting.

Clerk

There being no further business, the Chairman thanked everyone for attending and closed the meeting at 10.35pm.

**Signed.....Dated.....**

**ACTIONS**

Cllr Tom Payne

- Review the County Minerals Plan for the March meeting

Cllr David Smith

- Review asset register and ongoing discussion on budgeted work programme DS/Clerk
- Circulate Cllr Sullivan's A414 review
- Liaise with James Gardener and HTC re Section 106 money
- Ask litter picker to take on play area risk assessments
- Possible supply of plants for village planters
- Ask builder to remove rubbish and reinstate car park verge
- Earmark £600 in 2020/21 budget for legal advice re Allen's Green
- Review Allotments T&Cs with Linda Emanuel
- Liaise with WM to arrange removal of abandoned car from car park

Cllr Brian Sullivan

- Review A414 Corridor Strategy Consultation for response. Send to DS to circulate.

Cllr Sam Clark

- Link magazine: liaise with editor
- Provide magazine editor with a precis of meeting/minutes
- Source 3 potential suppliers for new play equipment
- Village shop sign – discuss possibility of a portable A-frame??

Cllr Bridget Parrish

- Attend Police Locality Panel meeting when date is known

Cllr Wendy Marks

- Liaise with DS to arrange removal of abandoned car from car park

Clerk

- Submit planning comments
- Circulate Drivesafe report
- Submit Precept levy form
- Submit designated PSPO areas to EHC
- Decline Salvation Army clothing bank
- Obtain quote for legal advice re parking on Allen's Green
- Provide Calendar of Meetings for 2019
- Send Cllr Devonshire and Link editor Calendar of Meetings when agreed
- Note advance councillor apologies for March PC meeting

Undertermined

- Booking HW Memorial Hall for 13<sup>th</sup> March
- Booking Allen's Green VH for 15<sup>th</sup> May