



# MELTON PARISH COUNCIL



**Minutes** of an ordinary meeting of the Melton Parish Council on Thursday 9<sup>th</sup> July 2009 commencing at 19:00 in The Lindos Centre Main Hall Saddlemakers Lane Melton IP12 1PP.

**Present:**

Cllr Mrs BK Abbott

Cllr Mrs ME Addington

Cllr Mr PJ Brockett (Chairman)

Cllr Mr AG Dunford

Cllr Mr HM Needham

Cllr Mrs JEJ Eckersley

Cllr Mrs EJG Hilson

Cllr Miss LS Leonard

Cllr Miss KS Martin

**In Attendance:**

Mr MJ Green [Clerk to Melton Parish Council]

**09.147 TO RECEIVE APOLOGIES FOR AND CONSENT TO ANY ABSENCE**

**09.147.01 Cllr Miss EA Barrington - Illness**

**09.147.02 Cllr Mr GK Butterwick – Holiday**

**09.147.03 Cllr Mr MN Bond – SCDC Meeting**

**09.147.04 Cllr Mr HM Needham – previous long standing arrangement**

Council considered these apologies and **it was RESOLVED** to receive the apologies and consent to the absences.

**Proposed by:** Cllr Martin

**Seconded by:** Cllr Dunford

Apology for absence due to late working was received by the Clerk electronically at 19:20 from Cllr Mr MW Sherwen

**09.147.05 Cllr Mr J Bidwell – SCDC Meeting**

Council noted this apology

**09.148 TO RECEIVE DECLARATIONS OF INTEREST WITH REGARD TO ITEMS ON THE AGENDA AND ADDITIONS TO THE REGISTER**

Revised Register of Members' Interest forms were received, duly signed, and dated by the Clerk from:

Cllr Mrs ME Addington

Cllr Mr MN Bond

Cllr Mr GK Butterwick

Cllr Mrs EJG Hilson

Cllr Miss KS Martin

Following the receipt of the amendments to the register the Chairman made the following statement:

*“Councillors and officers of local authorities, which includes parish councils, can incur personal civil and criminal liability as a result of their actions, both within the authority and as a result of their actions carried out on behalf of a wide range of outside bodies. Councillors and officers have statutory immunity from civil liability where they act within the powers of the authority. However, this immunity does not apply where they act in bad faith or negligently, or where they are acting on outside bodies to which they may have been appointed by the authority, and it does not protect them from criminal liability, for example for fraud or for corporate killing where they exercise managerial responsibilities.*”

*Local government law can be very complex, and whilst all councillors must exercise caution to ensure that they are acting within the authority's powers, or within the individual councillor's powers, no councillor can be expected always to understand exactly where those limits lie. There is a public interest in encouraging councillors to be proactive and to take prompt decisions when required.*

*A council is a corporate body and as such it is responsible of its own decisions and liabilities (LGA 1972 s14)*

*The decisions of the council are made by a majority and individual councillors cannot act or speak on behalf of the council unless expressly given permission to do so (LGA 1972, sch 12, para 39 (1)).*

*Each councillor has taken an undertaking to abide by the Code of Conduct 2007 which covers a number of areas including disclosing confidential information, bringing your authority into disrepute and using your position improperly. The Code is there to essentially protect councillors by providing an ethical framework and to help avoid situations where a councillor may be compromised.*

*This can be a very sensitive area and often councillors will act with the best intention without realising that even as chairman they must not act on behalf of the council unless authorised to do so.*

*It is considered opinion that this means that councillors must not correspond by any means on behalf of the council unless council has expressly given them permission to do so. It is not believed that simply by being chairman, vice chairman or committee chairman gives them that permission. Examples recently of express consent have been in the boundary review consultation and the LDF consultation."*

**09.149 STANDING ORDER 24 - WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**

Noted that there were no written questions received.

**09.150 PUBLIC PARTICIPATION SESSION**

**09.150.01 To receive representations from Councillors who have declared a prejudicial interest under item 09.148**

There were no representations.

**09.150.02 To receive representations from members of the public in respect of items on the agenda only**

There were no representations.

It was **RESOLVED** to lift standing orders.

**09.151 OPEN FORUM FOR MEMBERS OF THE PUBLIC TO TALK TO COUNCILLORS**

There were no members of the public present.

**09.152 TO DISCUSS VILLAGE MATTERS RAISED BY MEMBERS OF THE PUBLIC OR COUNCILLORS**

**09.152.01 Allotments**

It was noted that there was a possibility that allotments were available in the Wickham Market Area – the Clerk to investigate.

**09.152.02 Riverside Home Boats**

Questions were raised regarding who provides the services such as sewage, water, rubbish collection, etc., to the residents of the house boats, The Clerk to investigate.

**09.152.03 SPAM Emails**

The Clerk confirmed that the Webmaster was researching ways of preventing spam by obfuscation of email addresses on the Website.

**09.153 TO RECEIVE THE COUNTY COUNCILLORS REPORT**

Paper MPC(09)P153 previously circulated was received and noted.

**09.154 TO RECEIVE THE DISTRICT COUNCILLORS REPORT**

Paper MPC(09)P154 previously circulated was received and noted.

**09.154.01 St Audry's House Nuisance**

It was reported that a Planning Contravention Notice had been issued by SCDC and the following additional information had been received by Cllr Bond from the enforcement section:

- (a) Our policy requires service of formal notices within 28 days of authority being given. This notice was served within 22 days.
- (b) Before it could be served a Land Registry search had to be carried out.
- (c) The PCN includes 28 questions which had to be drafted and checked with me and the Council's Solicitor before the formal notice is produced.
- (d) At our meeting on 15 June it was made clear that the full enforcement process in respect of St Audry's House would probably take at least a year and it could be longer. In the circumstances, I think getting the PCN out in 22 days should be regarded as a good service and should not be considered as 'delayed'.

**09.154.02 75 Bredfield Road Melton**

SCC had confirmed on 2<sup>nd</sup> July 2009 that their solicitors had been asked to proceed with legal action in the form of serving a Section 138 Notice under the Highways Act

It was **RESOLVED** to reinstate standing orders.

**09.155 TO APPROVE THE MINUTES OF PREVIOUS MEETING**

**09.155.01 Minutes of meeting on 11<sup>th</sup> June 2009**

It was **RESOLVED** that minutes MPC(09)M7 of the parish council meeting held on 11<sup>th</sup> June 2009 previously circulated be received, noted and signed as a correct record by the Chairman.

**Proposed by:** Cllr Addington

**Seconded by:** Cllr Leonard

**09.156 TO RECEIVE AND CONSIDER REPORTS AND MINUTES OF COMMITTEES AND SUB COMMITTEES**

**09.156.01 Planning Committee 22<sup>nd</sup> June 2009**

It was **RESOLVED** that minutes PLA(09)M6 previously circulated be received and noted.

**Proposed by:** Cllr Brockett

**Seconded by:** Cllr Hilson

The Chairman of Planning Committee had raised his concerns about works currently being carried out at Tollgate Cottage under the Certificate of Lawfulness granted by SCDC Legal. The reasons for his concerns had been circulated to all councillors on 3<sup>rd</sup> July 2009 by email included his following proposal that would be put in his absence:

*'It is proposed that this council instructs the Clerk to communicate with SCDC setting out council's concern that a demolish and rebuild by a non-resident developer precedent is in danger of being set by application C09/0855'*

Following discussion the following amendment to the proposal was put:

Remove the words 'non-resident developer'.

**Proposed by:** Cllr Brockett

**Seconded by:** Cllr Hilson

It was **RESOLVED** that this council instructs the Clerk to communicate with SCDC setting out council's concern that a demolish and rebuild precedent is in danger of being set by application C09/08565'

The amendment having been carried the original proposal falls.

**09.156.02 Recreation Committee 29<sup>th</sup> June 2009**

The Chairman of the Recreation Committee gave the following verbal report of the meeting:

- (a) The dry rot in the pavilion had been investigated and turned out to be wet rot – removal of the boiler [no longer used] identified as the cause of the problem would be put in hand
- (b) An electrical safety check of the pavilion would be put in hand as a matter of urgency as any refurbishment is likely to be some time away

- (c) Investigation would be put in hand regarding the signage on the riverside footpath advising 'no cycling permitted'
- (d) Tenders for the playing field footpath would be opened by the Chairman of Planning and the Clerk on Tuesday 14<sup>th</sup> July 2009 at 10.00 a.m. – funding would be applied for from the Playing Space Fund
- (e) Various outstanding works would be completed by 10<sup>th</sup> July and the committee would revisit the maintenance contract in the autumn

**09.157 TO RECEIVE AND CONSIDER REPORTS FROM REPRESENTATIVES TO OUTSIDE BODIES**

**09.157.01 Burness Parish Room Management Committee**

Nothing to report.

**09.157.02 Melton Trust**

Nothing to report.

**09.157.03 Safer Neighbourhood Team (SNT) Tasking Group**

The Chairman's notes of the meeting held on 9<sup>th</sup> June 2009 tabled were received and noted.

The Clerk advised that he was meeting with Peter Haig [T/Sergeant Woodbridge Safer Neighbourhood Team] to discuss what information could be publicly circulated following tasking meetings.

**09.157.04 Suffolk Association of Local Councils**

Nothing to report.

**09.157.05 Transport**

Paper MPC(09)P)157.05 previously circulated was received and noted.

It was also noted that a copy of the latest edition of the transport guide was available on the website.

**09.158 TO RECEIVE AND CONSIDER REPORTS FROM WORKING GROUPS**

**09.158.01 Local Government Review Working Group**

Nothing to report.

**09.158.02 Melton Ufford Boundary Review**

Confirmed that the consultation letter had been finalised by SCDC and would be circulated to consultees shortly. The October target deadline for completion of the review and report to SCDC remains.

**09.158.03 New Development Working Group**

The Vice Chairman reported the following:

- (a) A full response was still awaited from SCDC to the pre-action protocol letter from GAG
- (b) It is understood that GAG has been given permission to access the site to carry out an ecological survey
- (c) Due to outstanding issues unlikely that the application will be considered by the Development Sub-Committee in July
- (d) Understood that two other groups, Parham Wind-Farm and SORR may be considering taking action against SCDC regarding their handing the issues concerning those groups

**09.159 TO CONSIDER ANY MATTERS ARISING FROM CORRESPONDENCE CONTAINED IN THE WEEKLY REPORTS CIRCULATED TO COUNCILLORS**

There were no matters raised by councillors.

**09.160 TO RECEIVE A PROGRESS REPORT ON ACTIONS TAKEN ON MATTERS ARISING FROM PREVIOUS MEETINGS NOT OTHERWISE ON THE AGENDA**

There were no matters to report.

- 09.161 TO RECEIVE AND CONSIDER RESOLUTIONS OR RECOMMENDATIONS IN THE ORDER THAT THEY HAVE BEEN RECEIVED**  
Noted that there were no resolutions or recommendations made.
- 09.162 TO CONSIDER THE MONTHLY FINANCE REPORT**  
Paper MPC(09)P162 previously circulated was received and noted.
- 09.163 TO CONSIDER PROPOSED BESPOKE COUNCILLOR TRAINING SESSIONS**  
Paper MPC(09)P163 previously circulated was received and noted.  
**It was RESOLVED** to engage SALC to provide two bespoke training sessions to be held in the Lindos Centre Conference Room in the evening covering [1] Roles and Responsibilities and [2] Powers and Duties  
**Proposed by:** Cllr Abbott **Seconded by:** Cllr Addington
- 09.164 TO CONSIDER INVITING GAVIN HODGE FROM SUFFOLK ACRE TO A FUTURE MEETING OF FULL COUNCIL TO DISCUSS THE GOOD NEIGHBOURS SCHEME**  
Paper MPC(09)P164 previously circulated was received and noted.  
The Clerk was asked to investigate the possibility of inviting Gavin Hodge to an open public meeting and seeing if this could be arranged jointly with St Andrew's Church using the church building as the venue.  
The Clerk to report back at a future meeting.
- 09.165 TO CONSIDER THE COUNCIL RESPONSE TO THE SUFFOLK COASTAL'S CLIMATE CHANGE STRATEGY AND ACTION PLAN**  
Paper MPC(09)P165 previously circulated was received and noted.  
Councillors and residents were encouraged to respond to the consultation individually using the following website link:  
<http://www.suffolkcoastal.gov.uk/yourdistrict/greenissues/ccs>
- 09.166 TO AUTHORISE CHANGES TO ANNUAL RETURN AS INSTRUCTED BY EXTERNAL AUDITOR**  
Paper MPC(09)P166 containing the revised documents previously circulated was received and noted  
**It was RESOLVED** that the amendments to the annual return and bank reconciliation be authorised..  
**Proposed by:** Cllr Leonard **Seconded by:** Cllr Eckersley
- 09.167 TO CONFIRM THE LEVEL OF EXPENDITURE CURRENTLY COMMITTED TO PROVIDE FOR THE PROFESSIONAL REPRESENTATION IN RELATION TO THE DEVELOPMENT OF THE FORMER GIRDLESTONE SITE.**  
**It is RESOLVED** that Melton Parish Council confirms the level of expenditure they are currently committed to provide to be no more than £1,667 plus VAT.  
**Proposed by:** Cllr Dunford **Seconded by:** Cllr Abbott  
**It is RESOLVED** to request that a VAT invoice for the MPC proportion is provided by Richard Buxton Environmental & Public Law direct to MPC for payment in due course.  
**Proposed by:** Cllr Leonard **Seconded by:** Cllr Abbott
- 09.168 CHAIRMAN'S URGENT BUSINESS**  
There was no urgent business
- 09.169 DATE OF NEXT MEETING**  
Parish Council Meeting Thursday 13<sup>th</sup> August 2009 in the Lindos Centre Main Hall commencing at 19:00

There being no further business the meeting closed at 21:20

Signed: \_\_\_\_\_ Date: \_\_\_\_\_