

North Somercotes Parish Council

Minutes of the North Somercotes Parish Council meeting held on Monday 25th March 2019 At 7.00 pm in the Luke Walmsley Pavilion

There were no members of the public present and the Chairman opened the public session at 7.00pm.

Public Session

a. Any issues raised by members of the public, comments from members of the Public on agenda items or issues for consideration for future agenda

i. Donna Nook Realignment Site – complaints had been made to the parish council and Lincs Wildlife Trust about the Environment Agency ploughing up the Marsh and Bee Orchids and disturbance of nesting Larks and other birds. The EA has been contacted for a response, which is awaited.

ii. Removal of veteran trees at RAF Donna Nook for operational reasons – a query had been raised regarding removal of trees at the RAF especially in terms of timing and habitat loss. The Forestry Commission had confirmed that Natural England had declined the RAF's offer of replanting other trees on the site as according to NE there should not be any trees in this habitat; this despite the fact that the trees had grown there quite naturally and been there over 100 years.

iii. Antisocial behaviour problems on Thursday evenings – the police have had to be involved with various gathering of youths as already discussed at a previous meeting, and most recently youths have been gathering on a Thursday evening on the brick seat on Keeling St by the junction with Woolpack Meadows. They have been causing distress to residents – by shining lights into windows, banging on windows, making rude gestures, banging on the windows of the village hall, etc and this has been reported to the police. The Youth Club are trying to achieve funding to deploy staff to speak to these youths and try and get them to attend the Youth Club, and the Police have been requested to patrol the area on Thursday evenings.

b. District Councillor/County Councillor McNally update on District Council and County Council Matters – no report owing to Cllr McNally's absence from the meeting.

The Chairman closed the public session and started the meeting

Monthly Meeting

25/3/19-1 a. Present: Cllr Steve Brooks (Chairman), Cllr Neil Drewery (Vice Chairman), Cllr Stuart Arundel, Cllr John Kennedy, Cllr Roger Maidens, Cllr Trisha Newman, Cllr Paul Walmsley, Cllr Ros Webster. **b. Apologies for Absence** Cllr Danny McNally – it was RESOLVED to accept the absence and reasons given for Cllr McNally's absence.

c. Resignations – the resignations of Cllr Dowson and Cllr Hopper were noted, and the Chairman expressed thanks to both of them for their contribution to the council and the community. Owing to the proximity of the elections it was RESOLVED to take no action for co-option in line with the statutory process.

25/3/19-2 To receive any declarations of pecuniary or non-pecuniary interest on any item on the agenda in accordance with the Localism Act and the Council's Code of Conduct and Standing Orders – none.

25/3/19-3 Minutes of 25th Feb 2019 Meeting – It was RESOLVED to adopt and sign the minutes as a true record.

25/3/19-4 Clerk's Report on matters outstanding – the Clerk updated on the following for information only:

a. Coastal Path – a useful meeting had been held with the RAF and it had been agreed to request a joint meeting with Natural England – see Agenda item 7b. **Chapel Fields** – a request for Community Land Trust steering group members had been put in the Communication magazine, and a meeting held with Lincs Rural Housing Association – see Agenda item 14a. **c. Cemetery Actions** – the mower has now been sold, and the Quinquennial type inspection done on 15/3. **d. War Memorial** – letter replacement outstanding. **e. Crime Prevention** – the ANPR camera suggestion has been taken up with the police – see Agenda item 8. **f. Anglian Water** – the Toilets meter has now been changed to one that can be read. **g. Parish and District Elections** – the deadline for nominations was noted. **h. ELDC response re litter bins during seal season** – this was very disappointing see agenda item 7 below. **i. St Mary's Tree works** – response from ELDC still awaited. **J – Budget v Forecast** – end of year outturn – see agenda item 11.

North Somercotes Parish Council

25/3/19-5 To receive reports from councillors who are representatives on Village Organisations/Committees

a. Playing Fields Association - Cllr Walmsley – Easter Egg Draw Raffle coming up, and the Party in the Park in June would include afternoon as well as evening entertainment.

b. Police Panel – Cllr Newman – comments regarding speeding in the village continue to be made, but there are no volunteers coming forward to run the Speedwatch scheme. A conversation with Chief Superintendent Timmins re the ANPR camera had been held, and PC Precious has also been contacted via the Clerk.

c. Emergency/Flood Planning – Cllr Newman/Clerk – It was noted that Cllr Newman has now ceased to be the Voluntary Flood Warden for the village, and she was thanked for her contribution to this activity, which had been very much appreciated.

d. Village Hall Committee – no report.

e. DTE Wildlife Group – Cllr Newman/Clerk – next meeting 1.30pm 23rd April 2019.

25/3/19-6 Planning - To consider any Planning applications received and RESOLVE the way forward on these and other Planning matters

The Clerk left the meeting at 7.32pm owing to an interest in the next item.

a. Tree Preservation Order: N.Somercotes, 1980 (132.01), Tree(s): A9 Application Reference Number: 0031/19/TPA

APPLICANT: Mr Geoffrey Pearce PROPOSALS: A9 - Willow, Sycamore & Poplar - Sycamore (T5 on plan) - Fell.

LOCATION: Warren Studio, Warren Road, North Somercotes REASON(S): A9 - Tree is 'one-sided'. Retention would make planning permission economically unviable. Following discussion it was RESOLVED to support the application for felling the Sycamore and replacing with a suitable alternative specimen.

The Clerk rejoined the meeting at 7.40

b. to note outcome of recent planning applications – i. Oasis Lakes Glamping pods – approved with conditions on screening/planting **ii. Conisholme Road** – approved with application of S106 agreement to ensure the Affordable housing is kept in perpetuity for the benefit of those with local connection. The Clerk will circulate the website link to the audio of the Planning Committee for this item.

c. Any other Planning matters/applications - none

25/3/19-7 Highways, Paths and Lighting – to discuss/RESOLVE the way forward on relevant Highways issues

a. verbal update on problem areas/new issues – **Donna Nook Litter problem in Seal Season** – the response from ELDC was felt to be somewhat unhelpful and it was RESOLVED that the Clerk should pursue the matter to ensure that the situation was properly understood to see if a more reasonable response could be achieved.

b. English Coastal Path/future access to Donna Nook – the Chairman and Clerk reported on the discussions held at the meeting with the RAF and other Landowners. Following discussion it was RESOLVED that the Clerk should request a meeting between the Parish Council, Natural England (NE) and the Landowners – inc the RAF and also draft a response to NE and the RAF clarifying the Parish Council's point of view that the historic walked path is clearly outwith the Danger Area, so outside of the Byelawed land delineated by the danger boards, and therefore in accordance with the relevant legislation could/should be proposed by NE - rather than propose a costly and unnecessary buckthorn route which would be vigorously objected to and precipitate the Public Right of Way Claim which was being held in abeyance. The RAF had confirmed there was no intention to make any changes to the historic and clearly agreed public access to the walked path, beach and dunes, but that a review of safety implications of increasing public usage alongside operational demand, was clearly indicated. The Parish Council has a copy of the agreed draft Byelaws and accompanying letters from 1974 and 1975, which show a smaller Range Danger Area which mirrored the written undertaking to recognise the existing historic public usage by leaving a clear and safe corridor when the Range was in use.

c. any other urgent highways issues - none

25/3/19-8 Police Response to suggestion of ANPR camera at Axe and Cleaver Crossroads – the response from the police has been circulated, including the indicative costs, and it was RESOLVED for the Clerk to request the police to proceed with the necessary assessments regarding need, potential benefits, privacy issues, etc.

North Somercotes Parish Council

25/3/19-9 Risk Management Review, Standing Orders, Code of Conduct and Financial Regulations

Following discussion it was RESOLVED to adopt the Clerk's updated Risk Management Review, pending inclusion of the two changes recommend by the Internal Auditor regarding the handling of cash receipts and the addition of specifying the amounts of receipts and payments in the minutes of the monthly meeting, in addition to having the signed sheet. The Clerk noted that Standing Orders, Code of Conduct and Financial Regulations were adequate, but due for review in May/June.

25/3/19/10 Annual Audit – a. Following receipt of the **Internal Auditors Report**, which was discussed, it was RESOLVED to accept the Report and action the two recommendations accordingly, for inclusion in the Risk Management Review as noted in Item 9 above.

b. the updated Asset List was received, and the Clerk noted the changes made during the year, following which it was RESOLVED to accept the updated list.

c. the statement of the General and Specific Reserves was examined and following discussion it was RESOLVED to approve the allocations as per the statement.

25/3/19-11 Finance

- a) the bank reconciliation for March 2019 was checked and signed by the Chairman.
- b) Following receipt and examination of the amounts, it was RESOLVED to approve the March schedule of payments £ 1,879.68 inc vat and receipts of £2,428.93
- c) The circulated report on the year-end position for 2018/19 – Outturn v Agreed Budget was noted
- d) any urgent/other Financial matters - none

25/3/19-12 Annual Village Meeting to be held on 10th April 2019 at 7pm – the proposed Notice and Agenda for the Annual Village Meeting was agreed and would now be put on the noticeboard and website.

25/3/19-13 General Correspondence for March, Website Updates & Communication – were received and noted.

25/3/19-14 Items for Discussion/inclusion at next meeting – Monday 29th April 2019 at 7pm

- Chapel Fields Housing Development • Coastal Footpath • Quinquennial Inspection Results/Actions
- Annual Audit Approvals, Notices and timetable

25/3/19-15 Confidential Matters – it was RESOLVED to move into closed session by reason of the confidential property matters to be transacted – there were no members of the public/press present at the meeting at this point.

a. Chapel Field Housing Development – the Clerk provided an update on discussions with Lincs Rural Housing Association (LRHA), and a decision on the items proposed was still awaited from LRHA.

b. Community Land Trust – following advertisement in the Communication Magazine, initial members of the Community Land Trust (CLT) were now: Stephen Brooks, Paul Walmsley, Sheila Pearce, Peter Pulford, Geoff Pearce, Stuart Arundel and Neil Drewery. The Clerk will now i. discuss setting up the first Steering Group meeting with Martin Field (who has replaced John Mather) at East Midlands Community Land Trust (EMCLT) who are advising and supporting the parish council, and ii. look at the potential for now obtaining grant funding to facilitate the admin and meetings required to set up the CLT, rather than use Parish Council finances.

It was noted that the Clerk's Report on setting up the CLT clarified the following:

A Community Land Trust is a corporate body which:

1) is established for the express purpose of furthering the social, economic and environmental interests of a local community by acquiring and managing land and other assets in order -

- *to provide benefit to the local community*
- *to ensure that the assets are not sold or developed except in a manner which the trust's members think benefits the local community*

North Somercotes Parish Council

2) is established under arrangements which are expressly designed to ensure that:

- any profits from its activities will be used to benefit the local community (otherwise than by being paid directly to members)
- individuals who live or work in the specified area have the opportunity to become members of the trust (whether or not others can also become members)
- the members of a trust control it.

All legal formats must be designed to **benefit a designated community/the public/section of the public** - rather than members, or any private individuals such as shareholders. The legal formats need to protect the assets (such as land, buildings and money) of the CLT through a provision in the governing document (all legal formats have a governing document) called an **asset lock** - this will mean (amongst other things) that if the CLT is wound up any assets will have to go to a similar organisation once creditors have been paid.

The legal formats will dictate that any profit made by the CLT (and it should be planned that the CLT will make profit) will only be able to be used to further the objectives of the CLT – so profits/surpluses will need to be **reinvested** in the CLT rather than shared amongst members as dividends. The legal formats must also contain provisions to offer opportunities for local people to become **members**, and for the members to control the CLT - thus ensuring that the trust is **accountable** to the local community.

The legal formats are:

- Community Benefit Society** (also known as an Industrial and Provident Society for the Benefit of the Community);
- Community Interest Company Ltd. by Guarantee** (also known as a CIC);
- Company Ltd. by Guarantee which is also a registered Charity;**
- Company Ltd. by Guarantee** (but only if it has custodian member of the constitution to ensure that the Asset Lock cannot be voted out).

All these legal formats are **Limited Liability** – which means that the organisation has its own legal personality, so in the event of the CLT not being able to repay its debts, the liability of the members (including directors) is limited to either the amount they have paid for their shares (if a Community Benefit Society) or the amount they have guaranteed which is usually £1 (if a CIC Ltd. by Guarantee or a Company Ltd. by Guarantee).

The only eventuality leading to a member becoming individually liable for costs incurred by the CLT would be if that member acted 'ultra vires' (outside the law).

The Clerk therefore confirmed that setting up the CLT as a Community Interest Company, or other similar suitable legal format, would not incur financial liability for the members beyond initial share membership, or guarantee amount, which as noted is usually £1.

The Chairman thanked everyone for attending and closed the meeting at 8.25pm



Parish Clerk and Responsible Financial Officer

Chairman

Date