

19<sup>th</sup> February 2024

At a Meeting of Ashdon Parish Council held on Monday 19<sup>th</sup> February 2024 in the Village Hall at 7.30pm.

Present

Councillors Mike Elsey (Chairman), Jane Gray, Melanie Horrigan, Michelle Lee, John Moran and Alice Olley

Cllr. Martin Foley (ECC), Mr. David Green (Clerk)

**1. Apologies for Absence**

There were no Apologies for Absence. All Members being present.

**2. Public Representations**

There were no matters or representations from the public.

**3. Short Address by Councillor Foley on County Council matters**

Councillor Foley reported that the County Council Budget for the fiscal year 2024/25 would be finalised and circulated shortly. Monies were tight and there was less support from central Government. It would be a difficult year and grants may be harder to get. The drainage problems at Radwinter Road had been brought to the attention of Councillor Cunningham, Highways Portfolio Holder. There may be a possibility of a rebate from the Government towards the pothole situation. Overall Highways required a lot of money to clear all the defects. Cllr. Lee reported that there were drainage problems at Church Hill following the very wet February. A meeting would be set up by the Chair, hopefully in April, with Sarah Tomlin, Highways, to advise of the position of speed reduction cameras. It was hoped that a grant would be forthcoming from the County Council Locality Fund towards the setting up of a Youth Club in the village. Councillor Foley asked for the Radwinter Road issues to be logged on the Essex Highway system if not already done so as it would then be allocated a number, and he could follow up. (Cllr Lee)

**4. Short Address by Councillor Moran on District Council matters.**

The District Council would be setting their budget for the fiscal year 2024/25 next week, one item of which would be an increase in Council House rents. The consultation on parking in Saffron Walden had resulted in a reduction on the cost of annual and monthly tickets. A scrutiny committee would be set up to look into the recent problems in obtaining an Operator's License for the refuse vehicles and to determine responsibility for the downtime. This had meant that refuse had not been collected on time and that Braintree District Council and private contractors had covered during the Uttlesford vehicle shortfall.

**Butlers Lane.** Vehicles were still using the site and Enforcement had not taken any action to date. Cllr Moran pointed out that Butlers Lane is not actually in Ashdon Parish. He said that he would speak to the Castle Ward Councillors and also think about freedom of information.

**Affordable Housing.** No further update from UDC. The Chairman reported that he has asked Judith Snares (UDC) for the latest position from the housing department.

Cllr. Foley left the meeting at this point.

5. **Declaration of Interests.** There were no Declarations of Interests.

6. **Co-Option of Julia Goodwin to the Parish Council**

**Resolved** – that Julia Goodwin be co-opted to the Parish Council. Unanimous.

The Chairman welcomed Julia Goodwin to the Council and wished her well in her duties as a Parish Councillor. Julia Goodwin joined the other Members.

7. **Minutes of the Meeting held on 8<sup>th</sup> January 2024.**

It was noted that the correct title of the recipient of the cheques for the Village Hall should be “Ashdon Village Hall Charitable Trust”. The minutes were corrected accordingly.

**Resolved** – that the Minutes of the Meeting held on the 8<sup>th</sup> January 2024 be signed as a true record (Cllr. Elsey/ Cllr. Lee)

8. **Minutes of the Budget meeting held on the 12<sup>th</sup> February**

**Resolved** – the Minutes of the Budget Meeting held on the 12th February be signed as a true record. (Cllr. Elsey/Cllr. Moran)

9. **Matters Arising from the above Minutes**

i Playing Fields:-

Rectory Lane. The Clerk was waiting for the outcome of discussions between the Tenant and Thurlow Estate regarding the access track and cutting back of the hedge.

Cllr. Lee would arrange a site meeting with the supplier of the climbing wall to determine its suitability and where it could be positioned on the playing field. Cost of maintenance was raised. It was Mrs. Lee’s understanding that the wall would be supplied free of charge and paid for by a Lottery Grant. Cllr Lee agreed that she try to speak to other Councils about their experience with this supplier’s offer. The sensory equipment could cost up to £7,200. Further investigations would be made into the provision of, and need for, such equipment with the school.

Church Field. Nothing to report.

The Clerk was obtaining quotations for a pre-RoSPA maintenance check on the equipment.

The Clerk is obtaining quotes for the repair of the zipwire at Rectory Lane. He has obtained one quote so far. Cllr Lee reported that one of the baby swings at Churchfields is dented.

ii. Highways: Traffic Management and Speeding

Already reported by Councillor Foley Item 3. Cllr. Mrs. Lee reported that there would be Speedwatch Training this coming Saturday 24<sup>th</sup> February.

It was noted that there has been further deterioration in the pothole situation and that the recent excessive rains in February have further exacerbated the Highways situation both in Radwinter Road and Church Hill.

iii. Roadworks at Linton

Works now completed. This item to be removed from the Agenda (Cllr. Mrs Lee).

iv. Village Hall and White Horse House.

The Chairman presented drawings from Cannon Architects in A1 form regarding the toilets at the Village Hall. Councillors had requested these which had been done before Trustees responsibility was split from the Parish Council meetings. Members would study the drawings in turn and revert at the next meeting of the Village Hall Trustees.

Land Registry; Registration of the hall

There was a discussion surrounding the e-mail circulated by the Chair on the 18<sup>th</sup> February regarding a meeting that he had had with Adams Harrison on the registration of the Village Hall and car park with the Land Registry. Surprise was expressed as to why the e-mail included a fee for £250 plus VAT. The e-mail from the Chair specifically stated that Adams-Harrison had not been instructed. It was pointed out that without a signed engagement letter no invoice should be raised for what is in effect a scoping meeting. Both Cllr Horrigan and Cllr Gray had offered to support the Chair in attending the meeting, but no response had been received. It was also unclear whether Adams-Harrison had been supplied with the fact summary prepared by Cllr Horrigan and sent to the Chair in an e-mail on 25th January 2024. The Chair confirmed that he had attended the meeting alone.

Cllr Moran asked why advice was being sought regarding the terms of the trust. Specifically, the Chair has sought advice on the following: -

- a. What property referred to in that conveyance is subject to the trust deed?*
- b. What does the trust deed actually do and what obligations are imposed?*
- c. Who is entitled to any proceeds of sale or rental monies as a consequence of the property constituted within the trust deed?*

The request for this advice (a)-(c) , above was not part of the remit agreed by the Councillors. Cllr Moran expressed concern that this course of action had not been agreed in any Parish Council meeting and it was unnecessary and a backward step. The resolution to repay the monies to the Charity had been unanimous recorded decisions in the January Parish Council meeting. The Chair indicated that the advice was necessary to enable the Council to legally pay the monies back to the Charity – these monies could not be repaid until it was clear who is entitled to the rent received from the White Horse House tenants. Cllr Horrigan stated that the Charitable Trust Deed was very clear in this regard. WHH is a charity asset.

Cllr Horrigan clarified that legal advice on this very matter had already been received by the Parish Council and why would the Council spend money on

receiving this legal advice again for something that is clearly stated in the Trust Deed. Previous advice received by the Parish Council was as follows:  
In 2004 – Peter Gerrard (PC Chair and lawyer) had sought advice from the Local Council Advisory Services (Paul Clayden). The answer received was that WHH is a charity asset'. *The deed clearly subjects both properties to the trusts in the Third Schedule' and that 'when the loan repayments fall below the WHH rent and the committee's voluntary contribution, the committee should reduce its payments to the Council to no more than the loan repayments' and 'the rent from WHH is income of the charity'* (Source: letter to the Ashdon Parish Council Clerk dated 17th June 2004).

i.e. Charity funds need to be used in accordance with the governing document (trust deed) for the operation and maintenance of the Village Hall.

The advice was reiterated in 2006 *'This income belongs to the trustees of the village hall and should be paid to them regularly by the council with the appropriate entries being made in the councils accounts'*.

In 2007 the Parish Council replaced the Committee as the managing trustee of the Charity. The PC continued to receive the WHH rental income and treated it as its own unrestricted income by not putting it into a separate charity account and so not ensuring that it is demonstrably spent for the purposes of the charitable trust.

By continuing to receive the WHH rentals and not keeping them in a separate bank account from the precept money it appears that the PC is in breach of its own Financial Regulation 16

*'where a council is a sole managing trustee of a charitable body the Clerk shall ensure that separate accounts are kept of funds held on charitable trust and separate financial regulations made in accordance with Charity Law and legislation'*

The Parish Council as the sole trustee of the Charity needs to act in the Charity's best interest. If it acts in breach of its legal duties, it can be held responsible for the consequences that flow from such a breach and for any loss the charity incurs as a result. It is important that the Parish Council complies with the Charity's governing document – the trust deed - and makes sure that the Charity's assets are only used to support the Charity. - Para 12-14 of the trust deed are particularly pertinent in this regard.

Funds had been passed to the Parish Council by the Charity to enable the PC to carry out external maintenance of the Village Hall, White Horse House and Village Hall car park.

However, there is a backlog of external maintenance on the Village Hall, White Horse House and Village Hall car park.

The Council has not made good this maintenance backlog and so the Charity has asked for its monies to be returned. A financial analysis has worked out how much unspent charity money remains in the Parish Council's bank account for the 6 years ended 31 March 2023. As the Parish Council has not used the Charity monies for maintenance of the Charity's property – the VH, WHH and VH car park – it had been agreed by the Councillors that these monies now need to be returned to the Charity to enable the Charity to do the work directly.

It was concluded that there is no legal reason why these funds should not be repaid to the Charity.

Cllr.. Moran asked if the cheque for £17,102.00, as resolved at the meeting on the 8<sup>th</sup> January, had been paid to the Village Hall yet. The Clerk reported that it had not. He was waiting for confirmation from the RCCE Village Halls Advisor as to the legal situation regarding the payment of the lump sum. Once confirmation had been received this would be done.

The resolution made by the Council in the PC meeting of 8th January was voted on again: -

1. Resolved- that the Parish Council pay the Village Hall Charitable Trust £17,102 this being the White Horse House rental income from the year ended 31st March 2018 to 31<sup>st</sup> March 2023

2. Resolved – Now that the outstanding monies have been received from Fairstone Group those monies be passed to the Village Hall Charitable Trust

3. Resolved – That both payments be made without further delay.

#### VAT

Cllr.Olley also requested an update on the repayment of VAT reclaimed on behalf of the Ashdon Village Hall Charitable Trust. The Clerk confirmed that the latest claim would be paid following the meeting, the other outstanding sum would be paid when he had a chance to dissect the repayment from HMRC as this contained both the Parish Council and Village Hall sums.

In addition, Cllr Olley asked for clarification as to the £84 shortfall on a previous payment. The Clerk confirmed that this had been submitted three times but rejected by HMRC online due to a single digit being changed on the Parish Council identification number - this having been done without the Parish Council's knowledge. When finally sorted out a month end had passed which put the outstanding sum out of date for reclaiming reducing the claim by £83.70. The Hon Treasurer of the Village Hall Committee had previously been informed to this effect.

Councillors Moran and Gray would obtain three quotations for registering the Hall with the Land Registry for presentation at the next Trustees meeting.

**Resolved** – that all payment to the village hall should now be made out to “Ashdon Village Hall Charitable Trust” (Cllr. Moran/Cllr. Horrigan)

- v Community Led Housing. Councillor Moran stated he had nothing further to report on this. Budgetary issues may mean that the project is delayed.
- vi Neighbourhood Watch. Councillor Mrs. Lee reported a recent break in attempt to a shed in Radwinter Road which had been unsuccessful.
- vii Allotments. The Councillors asked the Chair if he had any idea of the proposal terms from the landowner. Concern was expressed on who would be responsible for maintenance and upkeep if the allotments were taken on by the Parish Council. The hybrid goat willow tree needs work and could be expensive. These costs need to be factored into any discussions. The Chair agreed to contact the landowner to ask for terms before the Councillors could make any decisions on whether to go ahead.

#### Assets of Community Value:

Cllr Gray remind the Councillors that the village has 3 assets of community value- the Allotments, the Rose and Crown and the Windmill. It has come to the attention of the Council that unfortunately, two of these (the Allotments and the Rose and Crown expired on 31 October 2023. The windmill runs out in

April. UDC sent a letter to the Parish Council on 23<sup>rd</sup> October but didn't get an answer. A letter would have been sent to each landowner. The councillors asked why they had not been informed of these deadlines. The Clerk stated that the letter had been received from UDC and he had e-mailed it to the Councillors. Councillors said that they had not received this e-mail and they requested that a copy of the original e-mail be recirculated by the Clerk and that a calendar alarm be set up going forward so that important deadlines for the village are not missed again.

The Clerk agreed to supply Cllr Gray with a copy of the previous application for the Rose and Crown and the Allotments and she agreed to submit renewal applications to UDC for the two assets which had expired without further delay. (Clerk and Cllr Gray)

- viii. Village Handyman. Councillors Moran and Mrs. Lee would investigate the feasibility of employing a Village Handyman. No report on the handyman employed by Arkesden PC was given (Cllr. Moran Mins 8<sup>th</sup> January 2024).

The Clerk brought to Members attention the fact that employment of a person, full or part time, raised questions of the amount of work to be done particularly during the winter months; matters raised concerning provision of equipment and the cost thereof; pension rights and insurance. The village had always managed with a self-employed person when tasks needed doing and volunteers which served the purpose of residents taking an interest in their own community and helped engendering "community spirit". There was already a group of willing ladies undertaking gardening jobs, War Memorial, etc in the village. It was agreed that this would be investigated in more detail and a business case put together to see whether it would be a value for money proposition for the Council (Cllrs Moran and Lee)

- ix. Up to date quotes requested to check on all HR, H&S, and necessary contracts.

Cllr. Gray reported that she had received three quotations for updating HR and H&S:-

Each for three years with final total. Monies in Pounds Sterling ex vat

Stallard Kane	4224	2244	2244	8712
Worknest	2750	2750	2750	8250
Peninsula	3676	3676	3676	11,028

**Resolved** – that Worknest be appointed to provide H&S and HR support to the Parish Council for the sum of £2,750.00 per annum for three years. A total of £8,250.00 (Cllr. Horrigan/Cllr. Gray).

The Clerk queried the "Best Value" of the above. He had previously reported the fact that many of the HR and H&S services are available through the EALC of which the Council is a member. Cllr. Ms. Gray informed the Meeting that she had not contacted the EALC before obtaining the quotations. The Clerk had been informed that any matters over and above those provided by the EALC could be referred by the EALC to Worknest who they, the EALC, already had a working agreement with. Cllr Gray clarified that the Worknest contract would provide dedicated support to bring our systems and procedures up to date. It also gave Councillors access to an extensive database of training material which should save significantly on the training budget and with such courses being available to all.

- x. Replacement Seat at the Cemetery. The Clerk reported that the family had informed him that they would pay for a replacement seat. A best value option was through Cyan which included a 10% discount and a free memorial plaque for the sum of £358.50 inc. vat and delivery. The family had agreed to this. A new seat would be ordered and installed.

**10. Correspondence.** No matters raised.

**11. New Items.**

- i. School Fun Run.

**Resolved** – to sponsor the school fun run to £250.00 (Unanimous).

- ii. Members Surgeries. It was agreed that surgeries should be held at the Wednesday Hub currently held in the village hall when Members would be available to meet and speak to residents and resolve any queries. A rota would be drawn up and actioned. (Action Cllr Moran)

**12. New Planning Applications**

- i. UTT/23/3239/FUL. Proposed demolition of existing dwelling and construction of new dwelling with associated garaging, swimming pool and extensive soft landscaping and retention of existing stable block.  
Lang Meadows, Bartlow Road

**Object. Members were concerned about disturbance to wildlife during, what would be a major construction/excavation project; carbon release for the site works; lack of a drainage plan and possible detrimental effect on the chalk stream. Councillor Moran confirmed that he had asked that the application be called in to ensure compliance with the Ashdon Neighbourhood Plan.**

- ii. UTT/24/0339/FUL. Proposal: S37 application to vary condition 2 (in accordance with approved drawings) of UTT/20/2896/FUL (change of use of land from agricultural to domestic. Demolition of garage and storage building. Single storey link to south range. Internal and external alterations) – amendments to approved drawings to include retrospective works (installation of timber panel clad in feather edge board, matching the materials of the SE gable end of the south range, to provide emergency egress from 1<sup>st</sup> floor bedroom).  
Barn Owls, New House Lane.

**No Objections**

- iii. UTT/24/0263/FUL. Retention of timber panel (approx. 660mm x 1000mm) clad in feather edge board matching the materials of the SE gable end of the south range to provide emergency egress from 1<sup>st</sup> floor bedroom – further to UTT/20/2897/LB  
Barn Owls, Newhouse Lane.

### **No Objections**

- iv. UTT/24/0272/TCA. Crown reduce 2 no. Ash trees, one by 2.5m – 3m and the other 1.5m – 2m and thin crown.  
Dorvis Cottage, Dorvis Lane

### **Since - No Objections UDC**

## **13. Planning Applications Determined**

- i. UTT/23/3041/HHF. Conversion of outbuilding to annexe.  
Brook Farm, Steventon End

### **Refused**

- ii. UTT/24/0051/CLP. Installation of solar panels to rear of the property  
Pheonix Cottage, Rectory Lane

### **Refuse Certificate of Lawfulness**

- iii. UTT/23/2844/HHF. Whole house thermal upgrade works to an existing detached property which include external wall insulation, insulating roof above rafters, installation of solar panels on the thermally upgraded roof and installation of an Air Source Heat Pump (ASHP)  
Old Lamb, Walden Road

### **Withdrawn**

## **14. Finance**

- i. Accounts for payment

Cllr Gray queried the payment to D Cannon for £420 for VH toilets as this work had not been requested by the VH Trustees. A copy of the December invoice showed that this was for building specification work for the VH toilets. It was queried why and who had requested this work as no decisions have been made by the VH Trustees on the layout of the VH toilets. This work had been authorised in a meeting attended by the Chair and Cllr Lee. Cllr Gray queried the legitimacy of making decisions with only two councillors present.

**Resolved** – that the Accounts (Appendix i) be passed for payment (Cllr. Lee/Cllr. Elsey).

- ii. To resolve the Budget for the fiscal year 2024/25.

Given that the meeting had significantly overrun it was agreed that this item be deferred until the meeting on 18<sup>th</sup> March. Cllr Horrigan made the following observation for Councillors to consider in advance of the next meeting:-

a. due to time pressures and a lack of a more detailed budget the precept had been set based on the budget presented by the Clerk in the budget meeting of the 12<sup>th</sup> February. It had been agreed at that meeting that the precept level would remain unchanged from the previous year.



b. Councillors were keen to refine and improve the budgetary setting and monitoring process going forward based on discussions in the 12<sup>th</sup> February meeting and requests had been made to the Clerk in this regard.

c. The amended budget following the budget meeting in February now shows a deficit of £18.8k – based on the wishlist of expenditure items discussed. Councillors need to be comfortable with this deficit and the impact it will have on reserves. As the precept is set, the question to consider is whether some expenditure be reduced/deferred to reduce the 2024/25 deficit. The reserve policy should also be reviewed.

d. given c. above should the numbers be revisited once the Clerk has finalised the numbers for the year ended 31 March 2024 and completed his variance analysis?

- iii. To review the scale of fees and charges at the Cemetery (previously circulated) Deferred until the meeting on the 18<sup>th</sup> March.

## 16. Items for the Next Agenda

- i. Dog Fouling, fly tipping and control of dogs in the cemetery.

The Clerk had previously brought to Members' attention the fact that dogs were being walked off the lead in the Cemetery despite prominent signage to the contrary, causing distress to those with relations buried there. He also reported that there was fly tipping in the Cemetery and that the Churchwarden had informed him of dog fouling in the Church Yard, also in the village by the Museum.

When the Clerk had tried to bring this to Members' attention Cllr. Moran asked the Clerk not to raise such matters at this time as the meeting had seriously overrun and to put it on the agenda for the next meeting.

## Appendix i

### PARISH COUNCIL MEETING MONDAY 19<sup>th</sup> FEBRUARY 2024 8<sup>th</sup> JANUARY TO 19<sup>th</sup> FEBRUARY 2024

Monies Received.	£
HMRC. VAT Repayment (Village Hall )	695.59
H.J. Paintin. Interment fee re Sam Davies	55.00
Fairstone Group. Recharge Fire Alarm & Lease	7,159.78

#### Monies passed for Payment

N Power . Electricity December Account	79.10 Ch.No. 102928
D. Green. Stamps	12.00 Ch.No. 102929
D. Green. Materials for mounting cemetery/playing field signs	30.00 Ch.No. 102930
N.Power. Electricity. January Account	85.21 Ch.No. 102931
Ashdon Village Hall Committee. VAT Repayment 2023 <b>Cancelled</b>	695.59 Ch.No. 102932
Grasshopper Lawncare. Treat War Memorial grass	28.00 Ch.No. 102933

John Thorn. To replace mislaid cheque 102673. Since Cancelled	48.70 Ch.No. 102934
Cannon Architectural Design. V.H. toilets	420.00 Ch.No. 102935
D. Green. Bench at cemetery	358.50 Ch.No. 102936
Ashdon Village Hall Charitable Trust. VAT repayment	659.59 Ch.No. 102937

Balances at Bank on 19<sup>th</sup> February 2024:-

Current Account:-	£11,506.45
Saver Account:-	£1,082.58
Saver Account:-	£74,198.40

10.03.24