

MAYFIELD AND FIVE ASHES PARISH COUNCIL

7C:04
FINAL

**MINUTES OF THE MEETING OF MAYFIELD
AND FIVE ASHES PARISH COUNCIL
HELD AT MAYFIELD PRIMARY SCHOOL
ON MONDAY 9 JULY 2007 AT 1930 HOURS**

SUMMARY OF MEETING

- Court Meadow decided in favour of Parish Council direct control.
- Arrangements for NCN 21 consultation advised.
- Section 137 “Grants approved”.
- Key Parish Council documents revised.
- Local development framework process discussed.

ATTENDANCE

Martin Pitcher Chairman	(MP)	Present and Voting
Paul Amans	(PA)	Present and Voting
Peter Deller	(PD)	Present and Voting
Jane Driscoll	(JD)	Apologies for Absence (H)
Elaine Wheeler	(EW)	Apologies for Absence (A)
Patricia Balfour	(PB)	Present and Voting
Jayne Bramwell	(JB)	Present and Voting from 20.00 hours
Graham Playfoot	(GP)	Present and Voting
Hubert Hills	(HH)	Present and Voting
Deveda Redman	(DR)	Present and Voting
Catherine Swingland	(CS)	Present and Voting
Robert Fitzsimmons	(RF)	Present and Voting
Chris Lilly	(CL)	Present and Voting
Jerry Watkiss	(JW)	Present and Voting
Tony Lay	(TL)	Present and Voting

Present and voting 13 Present and not voting 0
Apologies for Absence 2 Not present 0 Other Council Business 0

Also Present

ESCC Councillor Robert Tidy (RT), Wealden District Councillors Brian Redman (BR) and Graham Wells (GW); Christine Swan S.A.L.C (CSW); William Bennett (WB), Parish Council Solicitor. David Thompson Parish Clerk (DT) and Caroline Peck, Assistant Parish Clerk (CP)

There were 33 members of the public present.

Apologies for Absence were received from WDC Councillor Jonica Fox (JF), Robert Standley (RS) and ESCC Councillor Chris Dowling (CD)

MINUTES

1. DECLARATION ON INTEREST BY MEMBERS ON AGENDA ITEMS

- 1.1. There were no declarations of interest.

2. CHAIRMAN'S ANNOUNCEMENT

- 2.1. The Chairman apologised on behalf of the Clerk for an error which has appeared in Yellow Pages whereby this meeting had been shown for 11 July instead of 9 July. It was correctly shown on all Notice Boards and the website. The Agenda had been posted on 1 July 2007.
- 2.2. The Chairman informed members of the public that they could, on any subject:
 - Make comment
 - Ask questions

3. PUBLIC QUESTION TIME

- 3.1. L McLean asked whether the Five Ashes Parish Notice Board could be made more accessible by providing a paved area and possibly a seat. It was agreed to place on F & GP Agenda.

ACTION DET

- 3.2. L McLean asked whether the foliage surrounding light No 56 could be cleared, because it affected the performance of the light. The Clerk replied that this item was being taken up with ESCC, the foliage was the responsibility of the Tennis Club. The cost of power was not affected since we are charged an annual fixed rate.
- 3.3. Roy Eastwood concurred with Lloyd McLean that the Five Ashes Notice Board needed attention.
- 3.4. John Neal reported that in the recent bad weather flood water had gathered on the Love Lane/Rotherfield Lane area near the old railway bridge at the bottom of the hill – could the drainage be improved.

ACTION DT

- 3.5. Iris Bruce announced that she would attend meetings on behalf of the Memorial Hall Development Committee should no-one else be available.
- 3.6. Iris Bruce asked for confirmation that Jane Driscoll was the Parish Council representative on the Memorial Hall Development Committee and challenged the need for her presence.

It was noted that the Parish Council had decided to put one of its representatives on each committee:

- H Hills – Memorial Hall Management Committee
 - J Driscoll – Memorial Hall Development Committee
- 3.7. Brian Horwood (Memorial Hall Development Committee Chairman) complained that he had not received a reply to his email with regard to the hall.

The Clerk noted that a reply had been sent to his email address but had failed to transmit, he had therefore sent the message to Iris Bruce and Les Wicker. It was agreed that email addresses would be checked.

- 3.8. Rosemary Neal suggested that Court Meadow be split up separating the building area complex away from the rest of the meadow. The meadow area to be protected as much as possible from possible incursion by Wealden District Council and the European Union. In addition she requested a public meeting to discuss the subject and that a new committee be formed to supervise.

CSW replied that there was a general misunderstanding in the villages – she re-iterated:

- Court Meadow was Parish Council owned since the 1930s and that it had never met the conditions of registrations as a charity.
- The error had only been recently discovered by the Charity Commission who in doing so had sought the highest legal advice.
- What was needed was a tidy and watertight method of control for the future.
- There was a misunderstanding that charity status gave more protection than a local authority – it did not.

Trustees	Local Authority Status
<ul style="list-style-type: none"> • Professional advice needed. • Decisions had to be made in consultation. 	<ul style="list-style-type: none"> • Permission from Parish Council Meeting for change of status • Permission from Secretary of State for change of status from recreational. • Any change needed to be advertised.

- 3.9. Richard Nabavi, with reference to his earlier paper circulated to members Ref (1), argued that with a charitable trust it was difficult to dispose of land because protection is much greater and argued that in his view the Council were not ready to make a decision.
- 3.10. Sue Foster argued that the Parish Assembly held on the 21 May was inadequate and that a further special meeting should be called.
- 3.11. Ian Wordsworth had concerns over whether it was known if charitable status gave more or less protection.
- 3.12. William Bennett (Parish Solicitor) noted that a charity:
- Must maximise return on assets – high rents
 - Needs to be created over a very tight framework
 - Is easily able to sell off charitable land – many examples
 - Is difficult to advise
- 3.13. J Coulter, Mayfield and Five Ashes Society reminded the Council of the problems encountered on the attempt many years ago to extend the Memorial Hall car park. LM also drew attention to Wealden District Council’s management of the Argos Hill Windmill.

Ref: (1) Nabavi, Richard (2007): Court Meadow – A discussion paper for the Mayfield and Five Ashes Parish Council

- 3.14. Tony Woodliffe considered it a legal matter, and the original document would need to be re-examined.
- 3.15. CSW noted that before she had retired she had written to the Charity Commission challenging the legal status she had read many times the original Mayfield document. The Charity Commission having taken the best legal advice, had come to the conclusion that the Charity was unlawful and would need to be re-registered or managed separately.
- 3.16. Annette Nabavi noted that the choice was to register as a charity or take forward and register later if required, to which Brian Horwood added that motion 7C02B could be amended to allow for the consideration of later re-registration. Christine Swan agreed that this was so.

4. ANSWERS TO WRITTEN QUESTIONS TO THE CLERK FROM COUNCIL MEMBERS

- 4.1. Jane Driscoll had asked whether the loss of charity status would affect the amount of council tax paid by current users of the field. Answer: Each building had a value on which council tax was based and the amount of council tax was that agreed with Wealden District Council. Charity status of Court Meadow had no bearing on the decision on council tax.

5. MANAGEMENT OF COURT MEADOW

- 5.1. PD opened the debate by stating:
 - R Nabavi's paper had been noted
 - There was a clear misunderstanding over charity status advantages
 - The Council had been elected to decide issues for all residents – they were able to change the Council in four years hence
 - No new issues had arisen
- 5.2. DR also agreed that the decision needed to be made by the elected members who would act for the best solution for the management of land in the Parish and its residents at the same time keeping control simple.
- 5.3. CL observed that there were two factions, both with the same interest that Court Meadow stayed green in perpetuity. He noted that if owned by the Parish it was protected as it would be by a charity but there were no complications.
- 5.4. CSW announced that she had read all the original documents and that the land had been acquired by compulsory purchase as a recreational asset by act of parliament. The document itself was a simple conveyance. HH asked where the original document was now held.

6. PAPER ON THE FUTURE OF COURT MEADOW

- 6.1 MP announced that having debated the issues on Court Meadow it was time to vote on the two resolutions placed before the Council. Members were invited to vote for one of the two alternatives.

6.2 Court Meadow Resolutions

RESOLUTION 7C02A – COURT MEADOW CHARITY

Papers and Clerk's recommendations previously circulated.

That the Mayfield and Five Ashes Parish Council RESOLVES to:

- **Place the land known as Court Meadow under Charity status by using the powers the council now enjoys under the Local Government Act 2000 to execute a charitable declaration of trust over the land known as Court Meadow and ask for Charity Commission to retain the land on the register.**
- **Form an independent Management Committee to manage the charity.**
- **That the Charity Management committee manage the land as a recreational asset.**

RESOLUTION 7C02B – COURT MEADOW

Papers and Clerk’s recommendations previously circulated.

That the Mayfield and Five Ashes Parish Council RESOLVES to:

- **Place the land known as Court Meadow under direct Management of the Mayfield and Five Ashes Parish Council.**
- **Instruct the Charity Commission to remove the said piece of land from the Charity Commission Register.**
- **That the Mayfield and Five Ashes Parish Council manage the land as a recreational asset.**

6.3 The results of the vote were as follows:

For Resolution 7C02A NIL

For Resolution 7C02B 13

No of Councillors present and voting 13

RESOLUTION 7C02B WAS ADOPTED BY UNANIMOUS VOTE

7. MINUTES OF THE FULL COUNCIL MEETING HELD ON 11 JUNE 2007 (7C03)

- 7.1. Two changes were accepted to the minutes after which they were approved by UNANIMOUS VOTE.
- 7.2. There were no matters arising from the minutes.

8. MINUTES OF THE FINANCE AND GENERAL PURPOSES COMMITTEE HELD ON 25 JUNE 2007 (7F03)

- 8.1. The minutes of the meeting were confirmed, with the acceptance of two minor errors.
- 8.2. It was noted that Green Electricity for public lighting would be reviewed at the September meeting.
- 8.3. The enhancements to the website were noted.
- 8.4. With regard to minute 6F7/14.2 the Clerk reported that this item had been held pending the outcome of the future of Court Meadow.
- 8.5. In answer to a question from Iris Bruce it was noted that the Parish Council representatives on the Memorial Hall Committee were as follows:

Memorial Hall Management Committee HH

Memorial Hall Development Committee JD

9. FINANCE REPORT MAY 2007

9.1. CL reported on the results for May 2007:

- Council reserves had not yet been called upon
- Grants received referred to a grant application for £15,000 which had been refused.
- There were some above budget increases in administration.
- There would be a full financial review at the 12 weeks outturn.

9.2. The Financial Report was adopted by UNANIMOUS VOTE.

10. REPORT FROM ESCC COUNCILLOR R TIDY

10.1. R Tidy reported that the 'Atkins' report on the development of the NCN21 had now been published, as a basis for discussion. Consultation would take place in Mayfield and Heathfield with interested parties during August.

10.2. It was noted that questions, comments and statements over the report would be taken. RT agreed to get some hard copies of the report.

ACTION RT

10.3. CS suggested the possibility of a one item meeting in August.

ACTION DT

11. REPORTS FROM WDC COUNCILLORS GRAHAM WELLS (GW) AND B REDMAN (BR)

11.1. BR reported on two areas of importance:

- The Local Development Framework (LDF) consultation.
- The LDF consultation would take place between 2 July and 13 August.
- The Corporate Plan which had also been published.
- PD noted that settlements in Mayfield were planned for the East West axis.

11.2. G Wells reported that in connection with the LDF a number of exhibitions were being organised throughout the area.

- IB reported that meetings were being held in Crowborough and Heathfield and a document questionnaire was available.
- There would be an exhibition at Heathfield Co-op on 28 July.
- CL noted that the Development Committee would deliberate on behalf of the Council.

11.3. It was noted that the outcome of the Central Government Review due in September had to be incorporated into the LDF review.

12. SECTION 137 GRANTS

12.1. Four resolutions for Section 137 grants were considered.

12.2. RESOLUTION 7C03 – SECTION 137 GRANT FOR ANCHORS STAYING P'T

- That Mayfield and Five Ashes Parish Council RESOLVE to make a grant of £250 to Anchors Staying Put under the provisions of Section 137 of the Local Government Act 1972, and such a grant would provide benefits to the elderly of the Parish.

Proposed HH Seconded DR VOTE UNANIMOUS

12.3. RESOLUTION 7C04 – SECTION 137 GRANT FOR OPEN DOOR

- That Mayfield and Five Ashes Parish Council RESOLVE to make a grant of £400 to Open Door, under the provisions of Section 137 of the Local Government Act 1972, and such a grant would provide benefits to the well being of the Parish.

Proposed DR Seconded RF VOTE UNANIMOUS

12.4. RESOLUTION 7C05 – SECTION 137 GRANT FOR MAYFIELD PRIMARY SCHOOL

- That Mayfield and Five Ashes Parish Council RESOLVE to make a grant of £50 to Mayfield Primary School, under the provisions of Section 137 of the Local Government Act 1972, and such a grant would provide benefits to the wellbeing of the Parish.

Proposed HH Seconded TL VOTE UNANIMOUS

12.5. RESOLUTION 7C06 – SECTION 137 GRANT FOR FIVE ASHES PRIMARY SCHOOL

- That Mayfield and Five Ashes Parish Council RESOLVE to make a grant of £50 to Five Ashes Primary School, under the provisions of Section 137 of the Local Government Act 1972, and such a grant would provide benefits to the wellbeing of the Parish.

Proposed GP Seconded JW VOTE UNANIMOUS

13. MINUTES OF THE PLANNING COMMITTEE MEETINGS, 11 JUNE 2007 (7P06) AND 25 JUNE 2007 (7P07)

13.1. There was one minor amendment to minutes 7P06, after which both sets of minutes were confirmed.

13.2. PD reported:

- Three week meeting cycles – approved by Council
- Footpath identification would be accommodated by giving advance information to Rights of Way Committee and also advance copy of the meeting minutes.

14. REPORT FROM THE MEMORIAL HALL DEVELOPMENT AND MANAGEMENT COMMITTEES

- 14.1. Report of the Annual General Meeting of the Memorial Hall Committee had been circulated.
- 14.2. MP asked that the Silver Band be invited to take part in the plans for the new Memorial Hall. It was noted that negotiations were taking place but it was difficult because many band members lived outside the area.
- 14.3. The Clerk was asked by the Memorial Hall Development representation to inform the local doctor of the Parish Council policy concerning the likelihood of land availability on Court Meadow.

ACTION DT

15. REPORT FROM MAYFIELD CHARITIES

- 15.1. The Clerk informed the meeting that representatives of the Mayfield Charities were unable to attend but had sent copies of their draft Annual Accounts which had been circulated.
- 15.2. It was agreed that the Charities be summoned to the September meeting.

ACTION DT

16. MINUTES OF THE DEVELOPMENT COMMITTEE MEETING 4 JUNE 2007 (4D03)

- 16.1. There was one minor error to the minutes after which they were approved by UNANIMOUS VOTE.
- 16.2. DR reported that the meeting largely consisted of background reports to bring new membership up to date on the work of the committee.
- 16.3. It was noted that the forthcoming LDF consultation would be covered at the next meeting.

17 MINUTES OF THE YOUTH COMMITTEE HELD ON 20 JUNE 2007 (7Y01)

- 17.1 D Redman reported that the Youth Committee had stood down for the summer and would restart in the autumn. An application for a grant had been unsuccessful and as a result the Committee had a shortfall in funds.

ACTION DT

- 17.2 PD drew attention to the fact that the Committee was working well and there had been a substantial increase in Youth membership up to 35.
- 17.3 The minutes were approved by UNANIMOUS VOTE.

18 SECURITY COMMITTEE REPORT

- 18.1 R Fitzsimmons reported that security arrangements were now in place for the MMM event on 14 July 2007.

19 TRAFFIC COMMITTEE

19.1 PD reported that the Traffic Committee would be meeting on 25 July 2007. Topics for discussion would be:

- 20 mph speed limit for Mayfield
- Traffic speed limits revision

There were no questions.

20 MINUTES OF THE RIGHTS OF WAY COMMITTEE MEETING HELD ON 20 JUNE 2007

20.1 The Minutes were approved and the re-appointment of six lay members was noted.

20.2 JB reported that Mr Sharma had allegedly broken the injunction with regard to his control over his dogs. There was a need for witnesses so that further action could be taken.

20.3 There were no questions on Rights of Ways matters.

21 DOCUMENTATION

21.1 RESOLUTION 7C07 STANDING ORDERS 2007

Approved with amendment by the Finance and General Purposes Committee on 25 June 2007. Copy previously circulated.

- **That Mayfield and Five Ashes Parish Council RESOLVE to adopt Standing Orders 2007 for use by Mayfield and Five Ashes Parish Council.**

Proposed CL Seconded PA VOTE UNANIMOUS

21.2 RESOLUTION 7C08 – FINANCIAL REGULATIONS (VERSION 2)

Approved with amendment by the Finance and General Purposes Committee on 25 June 2007. Copy previously circulated.

- **That Mayfield and Five Ashes Parish Council RESOLVE to adopt Standing Orders for use by Mayfield and Five Ashes Parish Council.**

Proposed DR Seconded CL VOTE UNANIMOUS

21.3 RESOLUTION 7C09 – CODE OF PRACTICE FOR HANDLING COMPLAINTS (VERSION 2)

Approved with amendment by the Finance and General Purposes Committee on 25 June 2007. Copy previously circulated.

- **That Mayfield and Five Ashes Parish Council RESOLVE to adopt Code of Practice for handling complaints for use by Mayfield and Five Ashes Parish Council.**

Proposed by DR Seconded TL VOTE UNANIMOUS

22 CLERK'S REPORT

22.1 The list of Councillors and Lay Members directory was noted.

22.2 The list of Council Meetings directory was noted.

22.3 There were no other comments on the Clerk's report.

23 VILLAGE OF THE YEAR COMPETITION

23.1 On behalf of Diane Kirkness the Clerk reported that the Village of the Year Competition presentation to the judges had been held. He considered that the event had passed off well. The results were awaited.

24 ITEMS OF INFORMATION AND NEXT AGENDA ITEMS

24.1 PD drew attention to the website which still showed the Annual Meeting as the Annual General Meeting. A correction will be made.

ACTION DT

THE MEETING CLOSED AT 2141 HOURS.

THE NEXT MEETING OF THE FULL COUNCIL WILL BE:

VENUE: MAYFIELD PRIMARY SCHOOL

DATE: MONDAY 10 SEPTEMBER 2007

TIME: 1930 HOURS