

## HERTINGFORDBURY PARISH COUNCIL

Minutes of the meeting of Hertingfordbury Parish Council held on Wednesday 12 October 2011 at 7.30pm in Hertingfordbury Cowper JMI School, Birch Green

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**PRESENT:** C Edwards (vice-chairman), R Morris, S Edgell, T Brennan, G O'Leary, B Jones and P Rochford, K Barden

In attendance: District Cllr Linda Haysey, about 45 electors, Chief Inspector Jon Speed, Sergeant Ricky Bartlett, Kevin Steptoe (EHDC) and the Clerk: Tom Brindley.

### 53. APOLOGIES FOR ABSENCE

Apologies were received from Cllrs R Lester and E Bradbury and Oliver Heald MP.

### 54. CHAIRMAN'S ANNOUNCEMENTS

54.1 Order of business. The chairman proposed and it was agreed that, to allow the police to leave, item 7 be taken immediately following item 5.

54.2 To facilitate the taking of minutes the chairman proposed and it was RESOLVED that Standing Order 71 be suspended.

54.3 To facilitate open discussion the chairman proposed and it was RESOLVED that Standing Order 29J be suspended.

### 55. DECLARATIONS OF INTEREST

55.1 Councillor P Rochford declared a personal and prejudicial interest in the payment to made to Rochford's Ltd as he is a director of the company.

### 56. PUBLIC PARTICIPATION

56.1 The chairman adjourned the meeting at 19:35 to allow the police and public to discuss the travellers camping on Birch Green. The notes are included in an appendix to these minutes for completeness but do not form part of the formal minutes of the meeting.

56.2 After forty-five minutes, the meeting resumed.

### 57. TRAVELLERS AT BIRCH GREEN

57.1 The chairman referred to the clerk's report on the activities relating to the events at Birch Green.

57.2 It was RESOLVED that the amount the clerk can spend under paragraph 3.4 of the financial regulations is increased to £1,000.

57.3 It was RESOLVED that £10,000 is transferred from earmarked reserves to the general fund and allocated towards legal costs of removal of trespassers and greens maintenance for the additional protection measures. See minute 60.3.

57.4 It was RESOLVED that the council engages Breeze and Wyles to pursue the necessary actions for eviction.

57.5 It was RESOLVED that the council attempts to recover any legal costs from the trespassers.

57.6 It was RESOLVED that the clerk, in conjunction with Cllr Rochford, obtain quotations for the protection of greens throughout the parish.

57.7 It was RESOLVED that the council thank the police and local authorities for the support given to the parish during this incident.

57.8 It was RESOLVED to pay and additional fifteen hours for the work undertaken by the clerk.

### 58. MINUTES OF THE LAST MEETING

58.1 It was RESOLVED that the minutes of the meeting held on 14th September 2011 be confirmed and the Chairman authorised to sign the same.

## **59. MATTERS ARISING**

- 59.1 (Minute 44.7) Parking enforcement Clerk will write to EHDC next week.
- 59.2 (Minute 48.2) Bank mandate. Mandate form received from Cater Allen. Clerk to circulate.
- 59.3 (Minute 48.3) The chairman had discussed a memorial for Mrs Lorna Fairclough, long time parish clerk, with Chris Nunn, chairman of Little Berkhamsted Parish Council to which she was also clerk. Little Berkhamsted Parish Council had agreed to fund 50% of a memorial bench and agreed that this be sited on the Little Berkhamsted recreation ground as Mrs Fairclough was a resident of Little Berkhamsted.
- 59.4 (Minute 50.2) Cumberland green. Work complete
- 59.5 (Minute 50.4) Tree on green. Cllr Rochford reported tree is healthy and not causing a problem. Cllr Brennan advised the resident would like tree removed. Cllr Rochford agreed to discuss with resident.
- 59.6 (Minute 50.9) Panshanger quarry liaison meeting set for Thursday, 3rd November at 3pm
- 59.7 (Minute 51.2) Gascoyne Cecil estates contact is Gavin Fauvel [mailto:gavin@cranborne.co.uk]
- 59.8 (Minute 52.5) Broadband East End and Letty Green. The clerk reported that 3G looks best solution but some further investigation is required.
- 59.9 (Minute 52.6) Budget will be discussed at November meeting.
- 59.10 (Minute 52.7) Wreath. Wreath f will be ordered once cheque is signed.
- 59.11 (Minute 52.8) Neighbouring councils. Letters have been sent to WGC and Hatfield Town Council. No reply yet.
- 59.12 (Minute 52.10) Offsted report. The clerk circulated the letter he had sent.
- 59.13 (Minute 52.11) East End Farm. EHC has advised this not a planning issue. Any application for change of use will be considered on its merits.
- 59.14 (Minute 52.12) Parish Conference. Cllr Brennan gave a verbal report.

## **60. FINANCE**

- 60.1 The financial statement was received and noted.
- 60.2 It was RESOLVED that five payments to be authorised;
- The clerk for expenses incurred £83.48
  - Coopers Grass Cutting September £1107.60
  - BDO for the external audit £198
  - Rochfords for emergency work on Cumberland Green, £1140
  - Royal British Legion for a wreath, £20.
- 60.3 Movement of reserves
- 60.3.1 The clerk explained that while a budget of £18,450 had been set for 2011/12 the precept had been set at £10,400, implying a movement from reserves to the general fund of £8,050.
- 60.3.2 Due to the interregnum of clerks, this movement had not been resolved by the council.
- 60.3.3 In order to meet the budget and to allocate money for legal action and greens protection, it would be necessary for an additional sum to be transferred from reserves.
- 60.3.4 The clerk, on taking advice from the internal auditor, proposed reducing the Insurance Reserve and using the Open Spaces Reserve.

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- 60.3.5 The internal auditor had suggested maintaining the CROW reserve at the present level.
- 60.3.6 The clerk explained that the Insurance Reserve was a sum allocated to self insure the bus shelters. The clerk advised that it was likely that an amount of £2000 would be sufficient to cover the risks until the 2012/13 budget was set.
- 60.3.7 It was RESOLVED that £5000 from the Insurance Reserve and £5000 from the Open Spaces Reserve is moved to the general fund.

### **61. PLANNING APPLICATIONS**

- 61.1 The planning applications for 3/11/1599 and 3/11/1724 were discussed and the council agreed it had no comments to make on any of them.
- 61.2 It was noted that applications 3/11/0574, 3/11/0770 had been granted, application 3/11/1389 had been refused and application 3/1/1303 had been withdrawn.
- 61.3 It was note that application 3/11/1470, Land off Old Coach Rd, Birch Green, had been referred to the development control committee set for 9th November 2011.

### **62. REPORTS**

#### **Crossings and Greens:**

- 62.1 Risk assessments on the greens.
- 62.2 Cllrs Lester and Barden had walked the greens and prepared an updated risk assessment.
- 62.3 Staines Green: Trees prevent walking the green and will soon need the crowns raised.
- 62.4 Cole Green: No Change
- 62.5 Letty Green: Some dead branches were noted and removed.
- 62.6 East End Green: Fallen trees were noted. Clearance to be arranged.
- 62.7 Birch Green: A broken branch was cleared. The handrail needs attention.

#### **Highways and Byways:**

- 62.8 Missing signs had been referred to the highways area engineer. The missing 30 mph sign means the police cannot enforce the speed limit.
- 62.9 The clerk was asked to follow up and to set up regular meetings with the highways engineer.

#### **Play areas:**

- 62.10 No problems noted.

#### **Waterhall Quarry:**

- 62.11 Cllr Morris had attended the recent meeting. It is still unclear if the restriction on movements included vehicles crossing from one side of the road to the opposite site. There was a report on possible future development on the Bunkers site. Gravel extraction is due to finish in 2014. It was noted that there is extant planning permission for a large shed.

#### **Walter Wallinger's Charity:**

- 62.12 Cllr Edgell attended the recent meeting. Several grants had been issued

#### **Panshanger Quarry:**

- 62.13 Next meeting set for 3<sup>rd</sup> November 2011. The chairman agreed to pursue.

#### **Car parking in Birch Green**

- 62.14 Nothing to note

### **63. Poppy Collection**

63.1 Cllr Edwards has agreed to deputise for Eric Vince if necessary.

**64. CORRESPONDENCE**

64.1 All correspondence had been scanned and circulated by e mail.

**65. MATTERS TO NOTE OR FOR FURTHER DISCUSSION**

65.1 District Councillor Haysey advised the council that Hertfordshire Highways would be issuing an invitation to all parish councils to attend a meeting on 21<sup>st</sup> November where the new arrangements for locality funding would be explained.

The chairman closed the meeting at 9.20 pm

Signed

Dated

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### **NOTES OF PUBLIC MEETING**

In answer to a question on the use of the Law of Property Act, Chief Inspector Speed advised that traveller eviction was not an appropriate use for that law and ACPO guidance was not to use this act.

In answer to a question on the use of the Section 77 of the Criminal Justice and Public Order Act, the clerk advised that, the Parish Council had tried this route but that it is now known that a Parish Council is not deemed to be a local authority for the purpose of the act and so cannot use this section.

Chief Inspector Speed advised that the District Council could issue a section 77 notice but had chosen not to use this route.

The clerk explained that the Parish Council had consulted solicitors and was now advised to obtain a county court order to force the travellers to vacate the council's land. This action would commence after tonight's meeting had approved the funding.

In answer to a question regarding section 61 of the Criminal Justice and Public Order Act, the clerk advised that, while an attempt had been made to use this it had also been found to be unusable. While the Parish Council had appeared to use this with the previous incursion of travellers on Cumberland Green, in fact those travellers had left voluntarily. Section 61 can only be used where permanent damage has occurred.

In answer to a question relating to road tax, the police advised this was a DVLA enforcement responsibility but that they had provided evidence to the DVLA. The police would enforce no insurance but ask the public to note that it was not necessary to have road tax in order to have insurance.

In answer to a question on children not using child seats or seat belts, Sgt Bartlett advised that the police would enforce where any offence was witnessed but this has to be witnessed by a police officer in person.

In answer to a question on the use of gas canisters, Kevin Steptoe agreed to enquire if this was an offence on environmental health grounds.

In answer to a question on the vulnerability of other greens the chairman advised that this was an agenda item for the Parish Council meeting.

Several members of the public volunteered to help with protection measures.