

HERTINGFORDBURY PARISH COUNCIL

Minutes of the meeting of Hertingfordbury Parish Council held on Wednesday 14th
December 2011 at 7.30pm in Hertingfordbury Cowper JMI School, Birch Green

PRESENT: R Lester (chairman), C Edwards, R Morris, T Brennan, G O'Leary, B Jones, P
Rochford, E Bradbury, K Barden, S Edgell
In attendance: 3 electors and the Clerk: Tom Brindley.

88. APOLOGIES FOR ABSENCE

Apologies were received from District Cllr Linda Haysey

89. CHAIRMAN'S ANNOUNCEMENTS

- 89.1 The chairman proposed and it was RESOLVED to suspend standing order 29J to allow members to speak more than once in debate.
- 89.2 The council has been awarded a grant by EHDC based on the New Homes Bonus. This is payable in two tranches, January and April. It will continue to be paid in April each year while the government's New Homes Bonus scheme operates.
- 89.3 The new guidelines on the electoral register allow for councillors to receive a copy, upon written request. The clerk had prepared copies for all members.

90. DECLARATIONS OF INTEREST

None

91. PUBLIC PARTICIPATION

- 91.1 Members of the public were invited to ask questions and make suggestions regarding the business of the meeting.
- 91.2 Mr N Hunt spoke regarding the temporary fencing at Maitland Wood which he regarded as an infringement of the 1926 Greens Act. The chairman advised that the council had agreed to remove this and Cllr Rochford advised that this would be actioned in the next few days.
- 91.3 Ms H Blake asked about the planning application for a travellers' camp. The chairman advised that this was an agenda item for tonight's meeting.
- 91.4 A question was asked regarding installation of bollards to prevent vehicles parking on Birch Green. It was agreed to consider this under the Greens WP agenda item - see minute 94.

92. MINUTES OF MEETING 9TH NOVEMBER 2011

Accepted as a true record.

93. MATTERS ARISING

- 93.1 (75.3) Howard Flowers had declined to provide copies of correspondence with the police solicitor while discussions were still ongoing.
- 93.2 (79.3) Due to illness this had not yet been completed but the letter would be sent in December.
- 93.3 (81.4) Cllr Rochford is still investigating local sourcing of materials for play area repair.
- 93.4 (81.8) Two insurance brokers had declined to offer insurance against the CROW reserve. The risk could be underwritten at Lloyds but the premium would be disproportionate to the risk.
- 93.5 All other actions had been completed or were covered by agenda items.

94. GREENS PROTECTION WORKING PARTY (GPWP)

- 94.1 Cllr O'Leary reported on the meeting of the working party on 30th November and the survey of residents (notes attached).
- 94.2 The results of the survey showed 53% of residents who replied favoured no physical works to

protect greens.

- 94.3 It was resolved to continue negotiations with East Herts Council regarding the use of Section 77 powers. The latest communication from Simon Drinkwater, while not ruling out use of Section 77 was non-committal.
- 94.4 Concern was raised that the Section 62A notice used to evict trespassers from Birch green expired on 12th January and there was a high risk of them returning.
- 94.5 It was noted that Chief Inspector Jon Speed had arranged a meeting with East Herts to discuss use of powers.
- 94.6 It was noted that Chief Inspector Jon Speed was moving to another constabulary.
- 94.7 Cllr Morris asked about the use of high kerbs to prevent vehicular access. The clerk advised that Hertfordshire Highways had said it would oppose kerbs to the greens.
- 94.8 The chairman had received a reply to his letter to Oliver Heald MP regarding allowing Parish Councils to use Section 77 powers, stating that he would pursue this, but it could be a long process.
- 94.9 The chairman was asked to write a letter to Tony Jackson, leader of East Herts Council asking for his support.
- 94.10 The problem with vehicles parking on the green between numbers 52 and 54 was raised and it was suggested to install bollards to prevent access. Trees were suggested as an alternative. The clerk was instructed to write to the residents of 52 and 54 Birch Green and their immediate neighbours reminding them that it was not permitted to park on the green.
- 94.11 It was RESOLVED to leave the greens open.
- 94.12 It was RESOLVED to assign funds to a legal reserve to use in the case of trespass.
- 94.13 It was RESOLVED to install trees between 52 and 54 Birch Green, subject to underground services, should offenders persist in parking.
- 94.14 It was RESOLVED to pursue the use of Section 77 powers with East Herts Council.
- 94.15 It was RESOLVED to wind up the Greens Protection Working Party.
- 94.16 The Chairman thanked Cllr O'Leary and the members of the Greens Working Party.

95. FINANCE

- 95.1 The financial statement was received and noted.(attached)
- 95.2 It was RESOLVED that three payments to be authorised;
- HAPTC for a contribution towards the Clerk's training: £50.00
(£100 had been received as a bursary and Little Berkhamsted Parish Council was also contributing £50)
 - The clerk for expenses incurred: £64.29
 - Local Council Advisory Service: £182.00
- 95.3 2012/13 Budget. It was noted that due to exceptional items this year and the ongoing risk of legal expenses in the future together with any development plans reserves were rapidly being exhausted and could require a substantial increase in next year's precept.
- 95.4 A probable increase of 10% was proposed bringing the precept to £11,500 – an increase of £1100 (about £4 p.a. per household).
- 95.5 The clerk was instructed to prepare a budget based on current expenditure plus inflation plus a legal reserve of £3000 and a Open Spaces reserve budget of £6300.

96. PLANNING APPLICATIONS

- 96.1 The planning application for an EFW plant had been received ([CM0932 6/2570-11](#)). The

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county council is the planning authority for Waste. The consultation period runs until 31st January 2012 and it was agreed to give members more time to study the documents.

96.2 Planning application 3/11/1511/FP for a traveller's camp at land north of The Old Coach Road was discussed.

96.3 It was RESOLVED to object on the grounds that:

1. Birch Green is a category 3 village. As such there is a presumption against development (see OSV3 of the Local Plan).
2. The proposed development is contrary to policy GBC1 Appropriate Development in the Green Belt in that it does not meet the identified needs of the village or parish in accordance with Policy HSG5 (Rural exceptions).
3. The site also lies within an Area of Archaeological Significance (EH238), where Policies BH1, BH2 and BH3 apply; and within a buffer zone relating to Birch Green Pond Wildlife Site (58/056), where Policy ENV14 applies.
4. The proposal is within the greenbelt and therefore does not meet the dispensation requirements of HSG10 III (Accommodation for Gypsies).
5. The site is adjacent to several grade II listed buildings and detrimentally impacts upon their setting and curtilage.
6. The visibility for vehicular traffic entering or exiting the site is poor and could be dangerous given the nature of the road and the proximity to the traffic calming island.
7. In addition, we note that two planning applications have been refused for the same site in the past: 1988 (Ref 3/88/2612/OP) & 1993 (Ref 3/93/1650/OP)

Applications refused by East Herts Planning for the following reasons:

1. The application site lies within the Metropolitan Green Belt.
2. The proposed development would constitute piecemeal development on backland and would be out of character with and unrelated to the form of the existing hamlet.
3. Development of the type proposed would constitute an intrusion into open countryside, progressively detracting from the open and rural appearance and character of the area.

96.4 It was noted that application 3/11/1807, 12 Staines Green, had been granted.

97. REPORTS

97.1 Crossings and Greens:

Covered elsewhere in the agenda

97.2 Highways and Byways:

The clerk and Cllr Brennan had attended a meeting with the Assistant District Area Manager, Eralp Yucelt, minutes to be circulated.

97.3 Play areas:

No problems noted other than those being actioned following the inspection report.

97.4 Waterhall Quarry

Nothing to report.

97.5 Walter Wallinger's Charity

A local recipient for a grant had been identified.

97.6 Panshanger Quarry:

Nothing to note

97.7 Car parking in Birch Green

The clerk had written to EHC asking for increased enforcement at school drop-off times.

98. CORRESPONDENCE

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

99. MATTERS TO NOTE OR FOR FURTHER DISCUSSION

None

100. It was RESOLVED to exclude the press and public under Standing Order 68.

101. CONFIDENTIAL MATTERS – see Part 2 Paper – Page 155A

The chairman closed the public element of the meeting at 9.54 pm

Signed

Dated

Hertingfordbury Parish Council

Financial Statement as at 31 Nov 2011

Balance at 1/4/2011 **36,789.66**

xcheck 0.0

Total receipts **11,152.55**

<u>Payments:</u>		<u>Budget:</u>
Admin	2,261.33	2,200
Open spcs & maint.	5,467.00	6,100
Greens maint	950.00	6,300
Staff salary	1,326.81	3,300
Staff expenses	322.05	500
War memorial	0.00	0
S.137	20.00	50
VAT	1,519.58	
Total Payments	<u>11,866.77</u>	<u>18,450.00</u>
Unpaid cq	0.00	
Unbanked receipts	0.00	
Current Balance	<u>36,075.44</u>	

<u>Bank a/c:</u>	
Cater Allen	36,075.44
 <u>Reserves:</u>	
War mem	8,121.69
Insurance	2,000.00
Op spaces	.00
CROW	10,000.00
Available	<u>15,953.75</u>

Movements since last report

<u>Receipts since last report</u>	<u>Net</u>	<u>VAT</u>	<u>Gross</u>	<u>Reconcile</u>	
				B Fwd	40,169.20
				Movements	4,093.76
				Unpaid cq	0.00
Totals	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	Unbanked receipts	0.00
				Balance	36,075.44
					0.00
Payments since last report					OK
<u>Payee</u>	<u>CQ</u>	<u>Net</u>	<u>VAT</u>	<u>Gross</u>	
Tonks*	85	790.91	0.00	790.91	OK
ICO*	86	35.00	0.00	35.00	OK
Breeze and Wyles*	87	908.00	180.00	1,088.00	OK
Coopers*	88	844.00	168.80	1,012.80	OK
T Brindley*	89	192.14	14.91	207.05	OK
Open Spaces*	90	800.00	160.00	960.00	OK
					OK
					OK
Totals	3,570.05	523.71	4,093.76		

* = approved at Nov meeting

Total movement **4,093.76**

Payments for approval at meeting on 14 Dec 2011

Payments since last meeting

NONE

OK
OK

<u>Payments due</u>		<u>Totals</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Payee</u>	<u>Description</u>	<u>CQ</u>	<u>Net</u>	<u>VAT</u>	<u>Gross</u>
HAPTC	Clerk Training	91	50.00	0.00	50.00
T Brindley	Expenses	92	59.73	4.56	64.29
Totals		109.73	4.56	114.29	

OK
OK
OK
OK
OK

Powers:

Grass cutting: Open Spaces Act 1906 s.10
 Play area/Glebe land: LG (Misc Provisions) Act 1976 s.19
 HAPTC membership: LGA 1972 s.143
 Audit, Insurance, Training: LGA 1972 s.111
 Salary/expenses: LGA 1972 s.112(2)

Hertingfordbury Parish Council - Greens Working Party (GWP)

Update 14th December 2012 - Prepared by Gary O'Leary

The Parish Council appointed the Greens Working Party to look at options for protection of the Parish Greens: The appointed working party group was: Brenda Smith, Steve Davies, Cllr Catherine Edwards, Cllr Gary O'Leary, Cllr Rob Lester, Cllr Roger Morris, Cllr Shobha Edgell, Cllr Karen Barden, Tom Brindley (Clerk)

Meetings & activities to date:

2/11/2011 GWP Meeting - Present: Brenda Smith, Catherine Edwards, Gary O'Leary, Rob Lester, Roger Morris, Steve Davies, Tom Brindley,

6/11/2011 Walk Greens: Present: Gary O'Leary, Roger Morris, Steve Davies

30/11/2011 GWP Meeting - Present: Catherine Edwards, Gary O'Leary, Steve Davies, Tommy Brennan

4/12/2011 GWP Survey Distribution: Thanks to: Catherine Edwards, Gary O'Leary, Haidy Blake, Jacky O'Leary, Tommy Brennan.

Findings to date & next steps:

1 Total Greens area that could need protection is approx 2000m.

2 Costs for protection are in range £6 - £16 per linear metre = £12-32K excluding any additional maintenance costs.

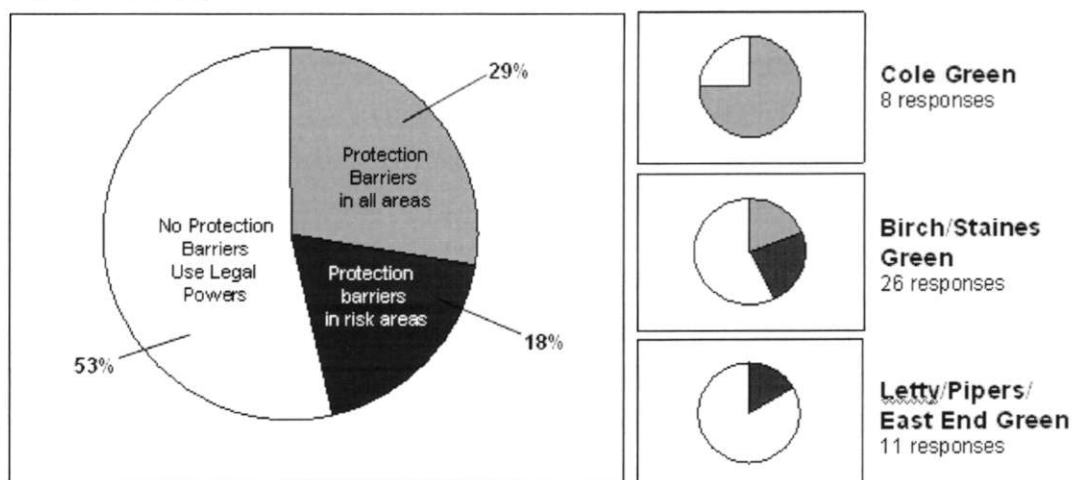
3 The GWP survey received 45 responses with a slight majority in favour of having no protection barriers around the Greens - see below.

4 If Greens protection is to be based on exercise of legal powers. Clear action plan needs to be in place & agreed with EHDC & other authorities. Likely to be needed in Jan 2012.

5 Discussion of findings at Parish Council meeting 14th December 2012.

HPC Survey – Greens Protection

(45 responses total)



Survey questions attached

Greens Protection Questionnaire

The Hertingfordbury Parish Council appointed a Working Party to consider different ways of protecting the Village Greens and Greens areas, for which the Parish Council is responsible. This is to primarily stop unauthorised encampments and/or remove at them at the earliest opportunity. The Working Party concluded that before recommendations are made, residents should be given the opportunity to give their opinion.

This survey gives you that opportunity.

Everything has a cost whether that be removal of trespassers or physical protection. So any final recommendations will have to take costs into account - in forming workable recommendations:

Your Name & Address (Birch/Cole/Letty/Staines/East End Green)

.....

Please tick your preferred option and give any additional comment below

PROTECTION

- ☐ Leave the Greens free from protective barriers and rely on swift legal process to ensure any encampments are removed
- ☐ Provide protection for all Greens and Greens land which could be at risk from illegal encampment.
- ☐ Protect only High Risk areas from illegal encampment. I would consider these areas to be:

.....

COSTS

- ☐ Protection measures which could need an increase in the *precept* (which is the Parish Council portion of Council Tax). This should be charged to all households of the Parish.
- ☐ If high risk areas are addressed only. Individual contributions should be sought and the costs not added to the *precept*.

Return Address: Steve Davies, 6 Birch Green or email
e-sdavies@hotmail.co.uk