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UPWELL PARISH COUNCIL

Minutes of an Ordinary meeting of the Parish Council, duly convened on Monday, 9th June 2008 at Upwell village hall. Commenced at 7.30 pm with Councillor Neil Morgan in the chair.

Attending:

Cllr. David Barnard
Cllr. Chris Crofts
Cllr. Jill Gooch
Cllr. Andrew Harrison
Cllr. Frank Humm
Cllr. Prue Lester
Cllr. Neil Morgan
Cllr. David Pope
Cllr. Chris Robinson
Cllr. Sylvie Short
Cllr. Ros Shorting

Clerk – Kate Cobley
Assistant Clerk - Kate Bennett

1. Apologies for absence

Apologies were received and accepted from Cllr. Mungham, Cllr. Keith Harrison and County Councillor Humphrey.

2. Declarations of Interest

No declarations were made.

3. Public Forum

Mr Nigel Smith of Upwell addressed the Council regarding an ongoing issue with a right of way at his property on Mill Rigg.

There is a public footpath running along Mill Rigg. Over the past few months the Parish Council had received a number of complaints about locked gates having been placed across the footpath. The Council had forwarded these complaints to the appropriate Rights of Way officer at Norfolk County Council.

Mr Smith (the owner of the gates) was approached by David Mills, the Rights Of Way Officer investigating the complaints and was told to remove the gates or at least leave them unlocked. Mr Smith is now in a difficult position. He has not installed gates in a position where there were none before – having merely replaced old dilapidated gates that were installed in 1946/7. He has documentation which shows there having been gates across the drove for many years and is of the opinion that the footpath runs to the right of the track, alongside the dyke and not along the middle of the drove which is the area covered by the gates. He is adamant that the gates should remain locked as he has suffered from arson attacks at his home and has placed the gates there as additional security. He has allowed a 'passage' of approximately 3ft wide to the right of the gates to allow pedestrians and cyclists etc continued use of the footpath.

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The County Council's legal documents do not show any gates present along the footpath and will not allow the path to be blocked or impeded in any way.

Mr Smith feels aggrieved and alleges that the situation has been mishandled by the Parish Council. He told the meeting that it would have been proper for a member of the Council to approach him personally first before reporting matters to the County Council. He asked the Parish Council to reveal the names of all those who had complained about the locked gates under the Freedom of Information Act. He asked why there was a delay between the time when the gates were erected (August 2007) and the sudden onslaught of complaints (which started a few months ago). He advised the Council that the gates would remain locked as he had suffered two arson attacks since January 2008 and that the Police had advised him to install more gates. He advised the Council that he was protecting his home and family by doing so and had a number of statements from users of the footpath reporting that they were happy with the situation and had no problems using the path with the gates locked.

Mr Smith informed the Council that if the Council continues to allege that the footpath is being blocked, he will enforce the bylaw which prevents the footpath from being used by cyclists, pushchair/wheelchair users, horse riders and the like. He will ensure that the local school can not use the drove for their cycling proficiency tests and that the local stables can not use it for their charity rides.

He has taken legal advice and has been advised that he can claim for the recovery of costs for time and materials.

Cllr. Morgan responded on behalf of the Council, having visited the disputed area with Mr Smith and having heard the full background to the complaint.

Mr Smith was told that the Council was sympathetic to his situation. The Council does not dispute that the footpath originally ran to the right of the drove. An amicable solution, based on compromise, is all that is desired in this matter. He reminded Mr Smith that the fact was that members of the public had reported that the footpath was blocked, both to the Parish Council and directly to the County Council and that our only involvement in this matter was to pass on that information to the appropriate office so that it could be dealt with – the Rights of Way Office at Norfolk County Council. The Parish Council has, nor needs to have, any further involvement in the matter.

There was a general discussion and questions were put to Mr Smith by a number of Councillors.

Cllr. Morgan thanked Mr Smith for attending and asked whether he could visit him soon to discuss the closure of the matter. Mr Smith agreed and thanked the Council for the opportunity to talk to them before leaving the meeting.

4. Report from Council Surgery

No one attended the Council Surgery this month.

5. Minutes of the Ordinary meeting held on May 12th 2008

On a proposal by Cllr. Shorting, seconded by Cllr. Humm, the minutes were agreed as a true record and signed by the Chairman.

6. Minutes of the AGM held on May 12th 2008

On a proposal by Cllr. Harrison, seconded by Cllr. Barnard, the minutes were agreed as a true record and signed by the Chairman.

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7. Matters arising from the Minutes (information only)

Item 9.1 Planning. Cllr. Harrison reported that the hedge at the Baptist Chapel had now been removed and a chain link fence was being positioned in its stead.

Item 9.2 Report by Cllr. Barnard. Cllr. Gooch asked whether the list of names had been provided to the Clerk as promised by Cllr. Barnard. Cllr. Barnard suggested that there were groups of people and that a list of names would incur a great deal of extra and unnecessary work. There was a discussion about the situation which resulted in a general agreement that the issue was divisive and should be laid to rest

8. Report of the Finance Committee.

The report of the June Finance meeting had been previously circulated. On a proposal by Cllr. Pope, seconded by Cllr. Andrew Harrison, the finance report was accepted.

9. Report from the Planning Committee.

Item 7.a Town Street railings. Cllr Harrison asked whether any information had been forthcoming from County Councillor Humphrey after his promise to investigate this situation in April. The Clerk confirmed that there had not.

ACTION: Cllr. Morgan to approach Cllr. Humphrey for an update.

Item 7.c Traffic calming along A1101. Cllr Robinson reported on a meeting with Outwell Parish Council regarding the possibility of promoting a joint traffic calming scheme for the villages. There were positive discussions but it was felt that Outwell's planned use of road narrowing and zebra crossings would not be suited to the areas in Upwell, which were in specific need of speed restriction.

Item 8.0 Enforcement. Cllr Crofts reported on his work investigating the new procedure for reporting complaints about planning issues and infringements (delayed from last month's agenda). He reported that the complaints form is now available on-line but currently the system does not work well and there is no facility or requirement for declaration of interest (as currently happens). Cllr. Gooch suggested that it would be better for all comments or complaints to be channelled through the Council and the meeting agreed that this was a far better way to handle complaints.

Item 9.0 Brambles in ditch – allotments on Squires Drove. Cllr Pope asked how it was proposed these should be cleared. Cllr. Harrison offered to clear them but after this there was a brief discussion and it was agreed that enough had been done to clear the rabbits and that the matter should rest.

10. Report from the Environment & Leisure Committee.

The report of the May Environment & Leisure Committee meeting had previously been circulated. On a proposal by Cllr. Crofts seconded by Cllr. Humm, the report was accepted.

Item 13.0 Open Gardens. Cllr. Short had previously circulated the latest meeting minutes of the Open Gardens Group. She offered her thanks to Cllr. Humm for arranging a visit to the event by the Mayor of Kings Lynn and was able to confirm that the Mayor of Wisbech was also planning to attend the event at 5.30 on Friday, 27th June. Cllr. Morgan offered the thanks of the full Council

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to Cllr. Short for all her hard work in organising this event and wished her the best of luck for the day.

11. Report from the Village Halls.

A report from Upwell had previously been circulated and Cllr. Morgan gave a verbal update on activities.

12. Correspondence

The Clerk drew members' attention to a number of items received and reminded them to look at the correspondence folder for information about activities.

Item a Letter Received from Tracy Brenchley. A letter had been received from Tracey Brenchley, the proprietor of The Crown pub in Outwell. She was unhappy at Upwell Village Hall's Management Committee's decision to terminate her position as Premises Supervisor. She had written directly to the Management Committee asking for an explanation and had forwarded that letter, with her comments, to the Parish Council as the owners of the hall. The Clerk read out both letters and Cllr. Morgan responded to the points made. There was a brief discussion about the situation and the Clerk then read a reply that she had prepared earlier having discussed the situation with a number of council members. The meeting agreed that the reply was suitable and it was agreed that the Clerk should send it to Mrs Brenchley.

ACTION: Clerk to send reply forthwith.

13. Health and Safety Issues.

Cllr. Morgan handed out a photocopy of an example village hall risk assessment and asked members to study it with a view to producing one tailored to Upwell village hall. He asked for volunteers to help carry out the exercise. The Clerk handed out copies of the revised Health and Safety Procedure and asked all members to add this to their Members Handbook.

14. Internal Council issues.

Item a Clerk's Hours. The Clerk handed out a sheet with new contact times for members' reference.

15. Parish Affairs.

Item a Town Street Railings. Cllr. Morgan reported that there was no further development on this issue. Cllr. Pope suggested the Parish Newsletter could be used to ask for information regarding the railings.

ACTION: Clerk to prepare article for June Newsletter.

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Item b Community Speed Watch. Cllr. Humm informed the meeting that the training for this scheme would be carried out in the village hall on Saturday, June 28th between 10.00am and 12.00pm. Cllr. Robinson voiced concerns over the scheme, primarily with regard to the risk individuals were putting themselves at by taking part. He also offered the opinion that this was a Police role and shouldn't be undertaken by volunteers. There was some discussion about this issue and Cllr. Morgan reminded members that this was a police initiative. Experience of the scheme working would be monitored

ACTION: Cllr. Humm to contact the volunteers recruited with information.

Item c Recycling Facilities. Cllr. Crofts proposed that a recycling centre be placed in the new car park at the Health Centre to deal with items not currently handled by the Borough Council's domestic waste collection (namely glass and clothing). He reported on a meeting with Mr Barry Brandford at BCKLWN who had identified the best position and offered to fund the initiative. Cllr. Crofts urged the Council to support this idea as very little was done in Upwell to support recycling at the present time. There was a fierce debate out this issue with concerns being raised about the maintenance of the site, collections, attraction of the site to vandals, lack of other consultation, suitability of the chosen location and ultimate disposal of the waste collected.

No councillor offered to second the proposal and the Chairman advised that, as there was no support, the proposal could be taken no further. He did ask for suggestions as to possibilities for promoting recycling to be brought to the next meeting.

16. Agenda items for the next meeting.

- Recycling facilities in Upwell

17. Date and time of the next meeting.

Monday, 14th July 2008. Commencing at 7.30pm at Upwell village hall.

Apologies were received in advance from Cllr. Morgan who will be away on holiday.

Signed as a true record of the meeting: _____

Date: _____