Datchet Parish Council

MINUTES OF THE COUNCIL MEETING
HELD IN THE VILLAGE HALL, ALLEN WAY, DATCHET
ON MONDAY 13TH MARCH 2017 AT 7.30PM

Present: Cllrs Mrs J. Stickland (Chairman), Mrs Barnes-Taylor, H. Clasper, P. Darban, Mrs M. Davies, Miss K. Fitzgerald, E. Larcombe, L. O’Flynn, T. O’Flynn, I. Thompson

Clerk to the Council – Katy Jones & Mrs V. Hibbird

Apologies: Cllrs Clemens, Miss Darban, Grey and Verma

There were 5 members of the public present.

16.193 ANNOUNCEMENTS – None.

16.194 PUBLIC QUESTION TIME
Mrs J. Almond would like to have addressed Cllr Grey, but in his absence commented on the removal of the lamp post outside ‘Spices Restaurant’, which the Parish Council had objected to, and had now left that area rather dark. She had put in a Freedom of Information request to RBWM and had been advised that there had been no incidents and no record of complaints being received. The lamp post had been there for 32 years. This work had been at great public cost and there was no basis for the lamp post to be removed.

The Chairman commented that the Parish Council were only given 3 days’ notice of this removal and had previously written a letter to RBWM asking for the cost associated with this work, to which no reply had been received. She also commented that the parish council were not aware of any other plans by RBWM in relation to this lighting.

16.195 DECLARATION OF INTERESTS – Cllr Larcombe declared an interest in planning application 17/00401 – 138 Horton Road. Cllr Clasper declared an interest in agenda item 9) as he is a member of the Datchet Hall Management Committee and also in planning application 17/000681 – Rivergate, Southlea Road, as he lives opposite this property.

16.196 MINUTES OF THE COUNCIL & PART II MEETINGS HELD ON THE 13TH FEBRUARY 2017
The minutes were approved as a true record and signed by the Chairman.

16.197 MATTERS ARISING FROM THE ABOVE MINUTES
Council Meeting 13th February 2017
16.174 – CEMT Meeting – Meeting held 09.03.17, very productive.
16.179 – Lamp Post outside Spices Restaurant – No plan of action was given to the Parish Council as requested, only an email giving 3 days’ notice. Cllr Thompson would like to ask Cllr Grey’s reasons for overriding the Parish Council. It was also noted that a reply had not been received in response to a letter sent to RBWM.
16.180 – Correspondence i) Complaints – Cllr Mrs Barnes-Taylor commented that she had not been given the opportunity to give her side of the case in relation to these complaints before they went to the Monitoring Officer at RBWM. She did not feel that this was correct.

The Chairman advised that this would be bought back to the next meeting.

16.198 CORRESPONDENCE
i) Thames Path Mighty Hike 29th July – Noted.
ii) Horton Road-Parking Restrictions – An email had been forwarded to the Parish Council in relation to a proposal for double yellow lines on Horton Road. It was noted that this had not come directly to the Parish Council from either RBWM, or the Ward Councillors. Following discussions, it was proposed by Cllr Larcombe, seconded by Cllr Thompson and RESOLVED that the Clerk write to RBWM to advise that the Parish Council AGREE with the proposal for the double yellow lines along Horton Road and also to ask why we were not directly advised of this proposal.

Clerk

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P.T.O.
RBWM - Street Name - Redevelopment of Former Datchet Mead Cottage – The Council has been asked for their agreement to the proposed street name of ‘Mead Close’. Following discussions, it was agreed to ask the Clerk to write to the Borough to ask them to hold this until the next meeting of the Council to allow for other suggestions to be considered. The final decision to be an agenda item for April.  


Residents email regarding speeding along Slough Road. Noted.

16.199 CHAIRMAN’S/CLERK’S REPORT

i) Protocol for Correspondence – The Clerk outlined the sample draft protocol that had been circulated. Following discussions, it was agreed that the Clerk and Cllr Mrs O’Flynn put together a draft protocol for Datchet and bring this back to Council.

ii) Legal Costs for DRCCT – The Chairman read out a briefing note that had been circulated to all members for them to consider, approve and authorise the cover of legal costs in relation to DRCCT. She outlined:

The Legal Work required:

1. Deed of Variation
   i. Reflecting Trustee roles and responsibilities
2. Governing Document for The Charity
   i. Reflecting how the Trust is run and based on a model set of Articles
3. Letter of Agreement
   i. Reflecting the use of the land and buildings

The Recommendations for DPC approval:

1. Instruct Robert Craig of Howard Kennedy to carry out the legal work required
2. Split the costs between the DPC and the DRCCT up to £10,000
   i. DRCCT have agreed to pay £2,000 towards costs (20% of the Charity reserve fund) leaving DPC to cover up to £8,000
3. Seek budget approval of up to £8,000 from DPC to complete the work.

Cllr Larcombe asked if it was about ownership of the Sabatini land and was told it was not. He advised that he considered that DPC already owned the Sabitini land on grounds of adverse possession.

Cllr Miss Fitzgerald explained that the purpose is to set into place the deed of variation and the articles as to how the Charity is run. It is about having the right framework in place and to do that DPC need the correct legal advice.

The Chairman advised that no decisions would be made without coming back to Council first but need approval for up to £8,000 to get the legal advice first.

Cllr Thompson disagreed with spending the Councils money on legal fees. He felt the advice given by the Charities Commission was clear, nothing had changed, and that DPC are the proper trustees of the land and buildings. DPC did not have to go to a solicitor to confirm this. He felt that ‘unauthorised’ trustees had caused loses and expenses to the rightful trustees and that DPC had the right to recoup costs from these individuals.

Cllr Clasper asked, before the council give credence to Cllr Thompsons notes, could these be circulated along with the supporting evidence.

Cllr Mrs Davies stated that Cllr Thompson was reading from the Governing Document acquired from the Charities Commission which states how the Trust should be governed. She asked Cllr Clasper if this still stood or had it been thrown out. Cllr Clasper stated that the 1976 document refers to the Trust Deed for a charity that was subsequently de-registered.

Following further discussions, Cllr Mrs Barnes-Taylor read out from a letter written by Mr Jefferson (ex-parish councillor) confirming that the Trustees are the Parish Council and not the Datchet Hall Management Committee.

Cllr Miss Fitzgerald stated that the briefing note above was the way forward to clear up the grey areas and formulate how both parties work together.

Cllr Clasper stated that the deed of variation would formulise the custodian and management trustee roles. Cllr Mrs Davies stated that DPC as a whole body are the sole trustees.

It was proposed by Cllr Mrs Stickland, seconded by Cllr Miss Fitzgerald that DPC approve the budget of up to £8,000 to seek legal advice and put the deed of variation, governance documents and letters of agreement in place.
It was counter proposed by Cllr T O’Flynn, seconded by Cllr C that DPC do not agree to produce the £8,000 as it threatens the stability and the legality of the DPC being the sole Trustee of the DRCCT.

In accordance with Standing Orders voting took place on the counter proposal first. The voting being:

For; Cllrs Larcombe, O’Flynn, Mrs O’Flynn, Thompson, Mrs Barnes-Taylor and Mrs Davies (6)
Against; Cllrs Mrs Stickland and Miss Fitzgerald (2)
Abstaining; Cllr Darban (1)

(Note – Cllr Clasper declared an interest as he is a member of the Village Hall Management Committee and took no part in the voting)

Cllr Larcombe asked for confirmation that, in accordance with Standing Orders, this decision cannot come back to Council for 6 months. The Clerk confirmed.

iii) Heathrow Expansion, Runway Consultation – Further to discussions it was agreed that Cllr Mrs Barnes-Taylor draft a response to this consultation on behalf of the Parish Council and the Clerk to forward this on. All councillors to email their comments and concerns to Cllr Mrs Barnes-Taylor.

It was noted that a legal challenge will be submitted by the Borough Council.

16.200 PLANNING APPLICATIONS

The Lead Member presented the planning application list. The decisions being as follows;


Since no further information had been made available for the Council to base a decision on it was agreed at the meeting to formally OBJECT to the proposals on the following grounds.

• The plans do not correlate with what is existing on site ie. the existing elevation drawing does not show the existing two rear chimney stacks, the existing elevation drawing shows a side window on the upper floor which is not there at present. We would ask that the applicant rectifies the drawings.
• It was noted that the application is retrospective yet the proposal is for a brick structure not wooden as the applicant has built.
• Also, the brick structure is double the size of the wooden structure which the applicant has been told to demolish.
• The Parish Council are of the opinion that this should be a new application not a retrospective one.
• The ordnance survey site plan submitted is confusing as it shows the properties are in a terrace of four but the dividing lines are not clear, also the relationship to the adjacent building is not shown on the drawings.
• The consensus is that the drawings are not accurate and as such the Parish Council Object to these proposals.

17/00401 – Former 138 Datchet Cottage, Horton Road – Outline application for landscaping only to be considered at this stage with all other matters to be reserved for a 2.5 storey building comprising 8 flats with car parking and cycle storage.

Further to discussions in which members expressed the opinion that the application was very confusing, the Lead Member advised that this was just to consider the landscaping issues and not the building at this stage. As such the Councils interpretation is that outline permission is being sought for the planting of 2 semi mature trees on the site and nothing more. This being the case the Council have NO OBJECTION to the planting of these trees subject to an additional tree and hedging to be planted in the corner of the site adjacent to 2 Talbot Place to afford screening to the property.

The Council asked that the Case Officer confirm the situation regarding this with the applicant.

17/00545 – 108 London Road. Two storey side and rear, single storey rear extension. Hip to gable roof extension and rear dormer.

Members had OBJECTION to this application in that it was considered to be too close to the boundary of the neighbouring property at 106 London Road.

17/00622 – 16 Link Road. Single storey rear extension. Members had NO OBJECTION to this application.
17/00681 – Rivergate, Southlea Road. Replacement dwelling with basement, detached garage and outbuilding and new access following demolition of existing dwelling. **Members had NO OBJECTION to this application.**

17/00697 – 48 London Road. Addition of a single storey glass canopy to rear elevation of property. **Members had NO OBJECTION to this application.**

16.201 **BOROUGH PLANNING DECISIONS**
Members noted the Borough Planning Decisions as circulated on the planning addendum dated 13.03.17 and the appeal for 32 Montrose Way (28.03.17).

16.202 **PLANNING GENERAL**
Whites Lane - The Chairman advised that the illegal building has been removed but the owners have just buried the rubble in the adjacent field and are now living in the caravan on the site. Cllr Larcombe advised that the appeal for 16/03292- Land Rear of Datchet Pumping Station Horton Road, has been refused but they have already put some of this in place. This needs to be reported to Enforcement along with the Swan Sanctuary which has not been permitted and he felt that a planning application should be put in.

16.203 **FINANCE & ADMINISTRATION**
**Payments**
The Lead Member presented the payments listing for consideration. Following discussions by members and answers provided as necessary, it was proposed by Cllr Clasper, seconded Cllr Mrs Stickland and **RESOLVED** that the payments list be approved. The Clerk advised members on the rules for councillor’s purchasing goods from their own accounts on behalf of the Council. Unlike employees, councillors have no entitlement to claim expenses. If a councillor has incurred personal expenditure on something, it is up to the Council whether they reimburse them or not. Orders by the Council should be evidenced by a purchase order and payments should be made to the supplier from the Council’s bank account. The Council is not be able to recover VAT on payments made on its behalf by councillors.

16.204 **DATCHET CEMETERY**
i) Cemetery Fees and Charges – Further to discussions it was proposed by Cllr O’Flynn, seconded by Cllr Mrs Davies and **RESOLVED** to increase the current fees and charges by 3% for 2017/2018.

ii) Cemetery Regulations – A new document had been issued to all members for consideration. It was proposed by Cllr Mrs Stickland, seconded by Cllr O’Flynn and **RESOLVED** to accept this document and issue as necessary.

iii) Cemetery Chapel – Members were advised of an open day at the Chapel on 09.04.17, being run by the DVS and were asked to volunteer to help on the day.

iv) Cemetery Working Group – The Clerk advised of the need to review the current practice and procedures and asked for members to volunteer to be on a working group.

**RESOLVED** that the Clerk, Cllrs T. O’Flynn, Mrs O’Flynn, Mrs Davies and Muir be on this working group.

16.205 **LEAD MEMBERS UPDATES**
**Properties** – in the absence of the lead member, the deputy lead reported;

i) Datchet Library Heating – Members were updated in this regard and Cllr Darban agreed to take this on and visit the library and talk to Eve Fielder and look at the way forward.

ii) 24A The Green Redecoration – All work has been completed. The Clerk and Cllr Darban to meet the Estate Agent on site and confirmed if it was ready for new tenants to move in

iii) The Bridge Café damp – Cllr Mrs Stickland has been in The Bridge, rubbed down and treated the wall for damp and repainted. Until it has been tested with a damp meter cannot be sure if it has been resolved. Cllr Verma to confirm if a survey was done.

iv) Riverside Trial Fencing – The Clerk confirmed that 3 short sections of trial fencing had been installed to see which worked the best at keeping the geese off the new grass. Results to be reported back.
16.206 **WORKING GROUPS**
The Chairman reminded members that several working groups had still not met despite being repeatedly asked to do so.
*Grounds Maintenance Working Group* – In the absence of all other members Cllr Larcombe to call a meeting of this group.
*Riverside Working Group* – In the absence of the lead member Cllrs Thompson/Mrs Barnes-Taylor to call a meeting of this group.
*Culvert Working Group* – Cllr Thompson advised that this was on hold following the issue raised regarding the support of the sides of the ditch. Need to go back to RBWM as it is the main collection of rainwater and propose to pump out. Has spoken with Cllr Grey.

16.207 **COUNCILLORS QUESTIONS, MOTIONS & COMMENTS**

**Motion – Illegal and Dangerous Use of Motorised Vehicles on public land**

‘That Datchet Parish Council expects Thames Valley Police to robustly and tirelessly employ available legislation with a view to eliminating the illegal and dangerous use of motorised vehicles on our public land.’ (Cllr Larcombe)

The Chairman comment on the Byelaws in relation to this and advised that she had called 101 on several occasions. Cllr Larcombe witnessed motorbikes on the recreation ground last Saturday and has since produced two documents i) Motorbikes (& similar Vehicles) on public open space and ii) Seizure of Vehicles – Section 59 Police Reform Act 2002

Cllr Larcombe asked councillors to support his motion and suggested i) leaflet around the village and ii) ring 101, or if on hold for a long time call 999.

The Chairman commented on a meeting she had with TVP and the PCSO where it was advised that the council put bye-law signs up, which the police can then enforce. She confirmed that this had been done.

It was proposed by Cllr Larcombe, seconded by Cllr Mrs Barnes-Taylor and **RESOLVED** to adopt the motion as policy and send a copy to Thames Valley Police requesting their action.

**Questions & Comments**

Cllr Larcombe commented on i) zip wire, and was advised the repairs had been ordered, ii) Jubilee River footpath, iii) Muga Lighting, and was advised that since RBWM had not come back this be ordered through a lighting supplier, iv) Land at Mill Place and River Thames Scheme.

Cllr Darban commented on DRCCT ‘Deed of Variance’ and how can councillors be asked to approve this when they have not seen it. A copy was never produced so there was nothing to base decision on. In relation to the solicitor fees of circa £8,000, Lead Members are required to obtain 3 written quotations for amounts of this value so the council would need to obtain other quotes.

Cllr Mrs Barnes-Taylor – Borough Council is not treating the Parish Council very well, not being consulted, no reply to recent letters etc. The Chairman commented that they are going through a reorganisation and they are also short staffed.

16.208 **PUBLIC QUESTION TIME**

Mrs Cryle noted the new website and said it looked very good and thanked those involved.

**NEXT COUNCIL MEETING**

The Meeting of the Council will be held on Monday 10th April 2017 at 7.30pm in the Village Hall.

THE MEETING CLOSED AT 10.20PM

CHAIRMAN

Distribution:
All Councillors, Datchet Parish Council Website & the Library

KJJ;jf.DPC.13.03.17.