

EAST BRIDGFORD PARISH COUNCIL

MINUTES OF THE MEETING HELD ON MONDAY 11 MAY 2015 AT 7.30 PM IN THE METHODIST CHAPEL

Present:

Chaired by Chairman Cllr P Clarke

Cllrs D Meylan, D. Atkins, P Bancroft, T Norman, J Turner, N Hall, T Strutt, T Hartfield, S Sharma.

Also present:

Mrs J Barlow (Clerk)

EMF Temple (Deputy Clerk)

John Scott-Lee (Managing Director, Streetwise)

The Chairman welcomed the new Council after the recent election and in particular new Cllr Sharma.

1. To make Declarations of Interest in any matter on the agenda

Cllr Atkins on the Community Plan and Springdale Wood.

Cllr Strutt on matters relating to the Academy and the Pre-School Group.

The Chairman said that returns had to be made to Rushcliffe BC on potential conflicts of interest and that the forms would be coming out shortly to Cllrs for completion and return direct.

2 To receive apologies for absence

Cllr Hunt

3. To consider the minutes of the meeting held on 13 April 2015 and when approved to sign them as a true record

Resolved:-that the minutes be approved with the amendments discussed at the meeting.

Proposed by Cllr Atkins, seconded by Cllr Bancroft and all agreed.

4. To receive reports on matters arising from the minutes (not dealt with elsewhere on the agenda) and to answer questions from Councillors

4.1 Loan to the Pre-School Group

The Pre-School Committee has not yet met.

4.2 Gravel extraction at Shelford

It was discussed by Notts CC at a meeting in late February but we do not yet know the outcome.

4.3 Donations Policy

This concept was discussed in January and met with general approval in principle. Action. Clerk will prepare a draft for discussion at the next meeting of the Executive Committee.

4.4 Project at Cuttle Hill

Nothing further to report.

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4.5 The village website.

The Deputy Clerk was asked to regulate the position on contracts with VTL and an updating of previous guidance for what goes on the website. It is not owned by the Parish Council so in theory any villager can ask for items to be included. Nothing to report yet.

4.6 The new IT storage system of drop boxes operated by the Clerk

The Clerk had circulated a proposed structure of the boxes and this was approved. It was recognised that this would not be 'cast in stone' for ever and that adjustments would probably be needed to be made from time to time.

4.7 Nominations of Assets of Community Value

Nothing to report at this stage.

4.8 Speed limit into the village

The Deputy Clerk was instructed to check on the insurances position on the sign.

4.9 Annual Parish Meeting

The Chairman reported that this had taken place and all had gone smoothly. The involvement of candidates for the recent election had been regarded as useful. Having taken advice, the Clerk reported that it had not after all been possible to involve the Council's officers in any posting of promotional flyers by candidates on the village notice boards and on the village website, as strict neutrality had to be observed.

4.10 Cuttle Hill

The Chairman reported that a meeting has been arranged with Notts CC on 15 May to examine the next steps required. He will attend this meeting. See also Chairman's report annexed.

5. **To receive public comment** (the meeting was to be adjourned for the duration of this item) None from the public but Mr Scott-Lee from Streetwise addressed the meeting and this is recorded at item 10.

6. **To receive the Chairman's Report**

The Chairman's Report had been circulated prior to the meeting and is attached as an Appendix to these minutes.

7. **To consider and make recommendations on planning applications and receive RBC decisions**

REPORT on planning applications of April 2015

Where it states "permission granted" it may be approved subject to conditions.

PLANNING APPLICATIONS RECEIVED in April 2015

15/00665/FUL

Mrs Penny Seagrave

2 Haycroft Way East Bridgford NG13 8PB

2 x Single storey front extension incorporating pitched roof to existing kitchen; pitched roofs to 2x front dormer windows, pitched roof to existing garage

A response had been given within the RBC deadline, with Cllrs emailed approval, in that there was no Objection but several Observations were made.

Decisions yet to be made on the following:

14/02042/FUL

Appeal ref APP/P3040/D/15/3005765

Chris Cook

2 Magdalen Drive NG13 8NB

Proposed two storey extension to front and side and single storey extension to the rear. Refused but an appeal has been filed. Council had objected to the application.

14/02554/FUL.

Ms E Robens

East Bridgford Hill, Kirk Hill

Majority change of use of ground floor and grounds for the use of specialised celebratory events.

No objection.

15/ 00506/ FUL

Paul Kirkland

10 Walnut Tree Lane NG13 8NN

Single storey rear extension and front porch, partial re-skimming and retiling of bungalow.

Council had no objection but Observations had been made.

Notts CC Road Traffic Order for 2015 , consultation

ref 2038/01

Changes to speed limits in Butt Lane, near the Medical Centre, and in Kneeton Road / Lammas Lane.

PLANNING APPLICATIONS GRANTED OR REFUSED During April 2015

15/00385/FUL

Richard Widdowson

6 Bridleways NG13 8PT

First floor side extension above existing garage, conversion of garage.

Council had no objection

8.0 Finance

8.1 To receive the Statement of Account to 30.04.15 and approve and sign the Schedule of Payments

RESOLVED: To accept the Statement of Account to 30 April 2015 and the Schedule of Payments for May 2015

Proposed by Cllr Turner, seconded by Cllr Bancroft and all in favour
Cheques were drawn and signed accordingly.

The Statement of Account and Schedule of Payments is attached as an Appendix to these minutes and had been circulated to Councillors prior to the meeting.

RESOLVED:- to add to the budget a provision for payment for annual PAT Testing of the Council-owned telephone and laptop kept at the Clerk's office, and a provision for payment of training for Cllrs at a cost of £25 a head.

Proposed by Cllr Atkins, seconded by Cllr Hall and all in favour

8.2 To receive the RFO's Report

The RFO passed a copy of the April 2015 bank statement to the Vice-Chairman for checking and signing off.

Proposed by Cllr Hartfield seconded by Cllr Hall and all in favour.

9.0 To receive an update on the Butt Close Improvement Project and consider quotations / approve expenditure on Fitness Trail equipment

The sign needs to be erected by WREN.

The Sports Club is concerned about the proposed location of the Fitness Trail (does it conflict with car parking?), It may be that it is better to install it (after the Flower Show) at the end of the field furthest away from College Street.

Resolved that Cllrs Atkins, Turner and Bancroft meet again to recommend to the Council their preferred location of the Fitness Trail and details of the items recommended to be purchased.

Proposed by Cllr Hall, seconded by Cllr Meylan and all agreed.

It was noted that £10,000 had been set aside for purchase of the equipment and that costs are slightly higher than expected after installation costs are factored in. It was hoped that they would be able to return to the Council in June with a fixed price (including installation) of no more than £11,000, agreed with a recommended supplier and installer.

Inspection of the Play Areas.

R.O.S.P.A. is due to inspect in May. Various items as below were noted in the latest inspection by Cllr Bancroft and have been referred to RBC for prompt attention. Costs have been requested and can be dealt with under the RFO's powers for sanctioning works, (Health and Safety).

Particular items needing maintenance:

Cable runway – spring broken at end of runway, new spring required

Basketball – chain link damaged around hoop, new chain required

Tangle logs – foundations showing, bark needs topping up in the play area

Slide free standing – matting needs to be laid under sand, top up sand in the play area:

Perimeter Fencing – wire netting fixtures missing adjacent to picnic area at WI end

Damaged items – cable runway side wood edging missing

The removal of two overhanging branches

Action :- Clerk to obtain costings.

The hedge trimming after the birds have left their nests needs to be inspected and an assessment of the cost will be advised at that time.

RESOLVED:-that there should be a three month probationary period after all the work had been finished.

Proposed by Cllr Atkins, seconded by Cllr Turner and all agreed.

Other areas that Streetwise will continue to monitor are:-

1. Skate park – worn skate ramp on end section
2. Swings junior – matting starting to lift under swings
3. Stone boulders – cement cracked around boulders

10.0 **Both Play Areas’ maintenance**

Mr Scott-Lee from Streetwise addressed the meeting, received comments from Cllrs with particular reference to Butt Close and apologised for any shortfall in performance, which he will look into personally as a matter of urgency.

ROSPA has an annual inspection.

RESOLVED:- that Streetwise be instructed to conduct quarterly inspections of both play areas at an annual cost to be negotiated by the Clerk, with a written record to be supplied to the Clerk, and that Cllr Bancroft continue to make (or arrange for) visual inspections each week

Proposed by Cllr Hall seconded by Cllr Turner and all agreed

11.0 **To receive an update on the proposed Springdale (Millennium) Wood lease**

Nothing to report yet.

12.0 **To consider matters arising from the review of Parish Documents**

12.1 Bus Shelter

The land registration is completed. The roofing needs attention and the Clerk was instructed to write accordingly to Notts CC.

12.2 Wharf registration

Fraser Brown is dealing with the land registration. Ongoing.

12.3 Wharf Lease

Nothing to report on this until the land registrations has been completed. Cllr Hunt appears to be happier as tenant in that the boundary is clearly on the line of the wall erected by his neighbour. Cllr Turner (who has consulted Fraser Brown) recommended installation of marker posts on the line of boundary. Ongoing.

12.4 Mowing of Butt Close

- a)The Deputy Clerk reported that the PC is waiting for Notts CC to come back with responses. The mowing has started again, to be arranged and paid for by Notts CC.
- b) Streetwise is cutting round the tennis courts at an annual cost of £318,

c) Streetwise is charging the EBPC £30 a cut for the secondary mowing, which is recharged to the Cricket Club.

12.5 Lease of Butt Close to the Sports Club

The Deputy Clerk reported that the expenses issues seem to have been broadly ironed out but had received no positive response to the suggestions about what land is to be included and this seems to be the main outstanding issue. The Council considered that the two play areas might usefully be excluded from the lease to the Sports Club, if this was acceptable.

12.6 Sports Club Pavilion

Slipping roof tiles on the Pavilion due to balls being kicked onto the roof. The Deputy Clerk reported again that the Club is still looking into the possibility of retiling the front elevation with tiles to be nailed on. The new draft lease to the Sports Club on repair liability reads:-

Pavilion The Sports Club shall maintain at its own expense the Pavilion to the standard of repair and condition shown in the attached Schedule of Condition and the Sports Club shall maintain at its own expense good and sufficient CCTV coverage in respect of the Pavilion and in particular the Sports Club shall at all times during the lease put and keep the Pavilion in a clean and tidy condition with its windows cleaned regularly.

Ongoing.

12.7 Re-seeding of the playing field

Cllr Atkins reported that the grass was growing nicely. It was hoped that the football club would arrange for rolling and spiking as part of a planned maintenance programme.

13.0 **Marker posts at the Wharf.**

As in 12.3

14.0 **To consider holding Village floral and Village best kept allotments competitions, and if approved to decide on prizes (s137).**

RESOLVED that the holding of such competitions be approved, that prizes of £40, £30 and £20 be awarded to the winners of the best floral display and to the winners of the best kept allotments competition, that Cllrs Norman, Hartfield and Sharma be judges for the floral display and that Cllrs Norman and Sharma be judges for the best kept allotments.

Proposed by Cllr Atkins seconded by Cllr Hall and agreed unanimously.

15.0 **Presentation by Newark First Responders at the Annual Parish Meeting**

It was agreed that this had been a good presentation and the project is worth supporting.

RESOLVED that the Council support financially up to twelve members of the village to attend a British Heart Start course, that the Chairman included this in his next Village Magazine report, and that The Council make a donation of £300.

Proposed by Cllr Hall seconded by Cllr Meylan and all in favour.

16.0 **To discuss further, website policies and issues.**

As in 4.5 above.

Action : Clerk to enquire if wi-fi broadband could be made available at the Chapel.

17.0 **Monthly list of outstanding issues**

Double yellow lines around the village –ongoing
Sports Club Lease – being negotiated with Sports Club via Fraser Brown. See also 12.5.
Overgrown hedges – ongoing
Old A46 Fosseyway junction, signing improvements and lighting
30mph sign on Butt Lane - ongoing
Replace tree at 52 Kneeton Road
Welcome packs for newcomers to the village
Flooding, blocked/overgrown gullies & ditches on Kneeton Rd – work has been done on this.
Seats to be re-varnished around the village
Kicking goal on Butt Close.
Wharf lease, see 12.2 and 12.3 above
Relocation of Holloway Close grit bin.

18.0 **To consider whether there are any consultation issues arising from the agenda**

The location of the Trim Trail in Butt Close. Consult with Sports Club.

19.0 **To consider whether there are any insurance issues arising from the agenda**

19.1 The possible acquisition of Springdale Wood by the Parish Council, relying on Friends of Springdale Wood to maintain it. Insurance cover needs to be in place. For risk assessment purposes the Deputy Clerk asked:-

(a)Who is to be responsible for health and safety of the Friends when they are working in the wood on maintenance aspects?

(b)If a member of the public is injured while walking in the wood, who bears liability?

Who owes the “duty of care” to the public? The Friends or the PC?

If it is the Friends, will the PC reimburse the insurance premium? When discussing the litter-picking day, at that time, the Friends had no present insurances at all
This is yet to be determined.

19.2 The Bridgford Street track, look again at the Wharf Drive at the Marina.

19.3 Lease to Sports Club

Action, Insurances and liability position to be checked out when the lease to the Sports Club is in final form

19.4 Fire Extinguishers at Butt Close Pavilion

The Clerk reported that Chubb had renewed the fire extinguishers without authority from the Council, Chubb had accepted that and offered a 50% discount.

RESOLVED that this be accepted, the bill be paid and that the maintenance contract be cancelled in the reasonably near future.

Proposed by Cllr Hall seconded by Cllr Turner and all agreed.

(Chubb had no copy of a ‘maintenance contract’ but this can, and should, now be closed off by exchange of correspondence).

19.5 Insurance of Cllrs on official Council Business.

The Clerk said that she believed that Cllrs on Council business were not covered by the insurance policy after reaching 90. Cllr Meylan said that he was coming up to his 90th birthday.

Action:-Clerk to check the position with Came & Co.

20.0 To receive reports from Committees

None

21.0 **To receive and consider reports from the Clerk**

21.1 Empty allotments

It may be that the East Bridgford Wildlife and Bio-diversity Group might assist in some way.

21.2 Village Magazine

An article was noted in a recent issue relating to footpaths maintenance. Maintenance of these is the responsibility of the Notts CC, (Jane Baines) and not the Parish Council.

21.3 Land near the Marina and Bridgford Court

It had been reported that an outflow pipe from one of the Bridgford Court properties is causing damage. Jane Baines of Notts CC has written in and considered no action should be taken but this was not considered by the Council to be wholly acceptable in that form.

Action : Clerk to write to Jane Baines with a follow-up in that action ought to be taken, not least because the volume and constancy of outflow is damaging the bank.

21.4 Defibrillator in telephone box

It was reported that the battery was coming up to replacement time, likely to cost about £200. There are two green lights on the equipment not three which is a signal of a need to plan replacement. Deferred to June meeting.

21.5 Tree safety

The Deputy Clerk reported that the Council has a regular tree maintenance programme, but there was a recent decided law-case where the local council did not. In view of the late time, he would circulate it to Cllrs for information only.

21.6 Crime and Disorder Act 1998

The Deputy Clerk reported on the provisions of the Crime and Disorder Act 1998

S.17 Duty to consider crime and disorder implications.

(1)Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

The Deputy Clerk reported that in his view there was nothing that was decided at this meeting that would be likely to have an adverse effect on prevention of crime and disorder in the Parish.

22.0 Matters for report

Cllr Hall reported that a gate had been created in a fence backing on to Butt Close and this has been referred to Notts CC.

Cllr Strutt reported that there has been parking on the pavement at Home Instead's premises. The Clerk was asked to write to Home Instead. The noise of motor cycles behind her house has subsided.

If there are issues with anti-social behaviour under the bridge, a call to the police should obtain a crime number to be passed to the Clerk.

23.0 Correspondence for information only.

Closure

The meeting closed at 10.15pm

Chairman Date:

Chairman's report May 2015

A meeting has been arranged on site on Friday 15th May at 10.00am with Kendra Hourd and Paul Hillier of the Local Transport Plan Team to look at the next steps required to coordinate the improved access and frontage scheme to Cuttle Hill, supported by Support Local Communities (SLC) and the Safer Schools improvements planned for Kneeton Road outside St. Peter's Academy. Whatever happens in the election, I will attend for continuity. Other Councillors may wish to attend as well and this can be sorted out at the meeting.

Annual Parish Meeting and Parish Council Elections

The Annual Parish Meeting seemed to go very well and it would be interesting to know of any feedback from other sources. Many thanks to all the contributors and to the WI for hosting the event. I hope the Council will be able to support the First Responder Group in its work over the coming months.

Defibrillator

During recent servicing of the cabinet, it was noticed that the battery of the defibrillator has a designated life-span which ends in July 2015. This is quite an expensive item and the price will be ascertained prior to the meeting so that Councillors may consider whether to have an agenda item to propose to meet the cost at a future meeting or ask the coordinators to devise a fund-raising scheme.

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Property damage: tree roots

[Robbins -v- Bexley London Borough Council \[2013\] EWCA Civ 1233](#)

The Court of Appeal have upheld the decision of the High Court to award a landowner £150,000 in compensation for damage caused to her property by trees growing at least 33 metres away in a local park.

Background

Mrs Robbins was not the first resident to bring a claim for property damage as a result of the trees growing in Danson Park in Welling, Kent. Following a similar claim in 1996/7, the Council undertook works to reduce the crowns of the trees in 1998. Further works orders were issued in 2004 and 2005, but no reduction was carried out. Finally, in 2006, an extensive crown reduction was performed on the trees. The damage to Mrs Robbins' property occurred between 2003 and 2006; she issued proceedings in 2009.

At first instance the High Court ruled that the local authority had been aware of the damage the trees could cause, and that appropriate measures should have been taken to limit the size of the trees, and therefore limit the damage that would be caused by their roots.

Furthermore, following the initial works in 1998, it would have been reasonable for the Council to have then begun a programme of cyclical reduction, whereby the crowns of the trees were reduced by 25% every three years.

Had this programme been in place, the experts carrying out the works would have identified any need for an extensive reduction (such as that performed in 2006) and carried this out at an earlier stage.

In their appeal, the Council asserted that had this cyclical programme been in place and the reductions of 25% been carried out every 3 years, the trees would still not have been sufficiently pruned to prevent the damage to Mrs Robbins' property.

In addition, the court was incorrect in its assumption that hypothetical contractors pruning the trees every 3 years would have gone beyond their instructions and effected a reduction that was greater than 25%.

On the basis of these facts, the Council argued that the court at first instance had been wrong to apply *Bolitho v City and Hackney HA* (1998) on the issue of causation.

Court of Appeal's decision

The appeal was dismissed. The Court of Appeal emphasised that the accepted duty of the Council was to take such steps as were reasonably required, to prevent damage to the property.

The duty was not to undertake any specific programme of work, and the cyclical works described by the judge were merely a suggestion of what could have been done by the Council to satisfy their duty.

It was the failure of the Council to take any action which was relevant to the finding of breach, and therefore any causation arguments advanced in relation to the methods or particulars of the tree reduction were not relevant.

The Court of Appeal found that the correct test for causation, the *Bolitho* test, had been applied by the first instance judge, asking what the local authority would in fact have done had it taken reasonable steps to prevent the damage.

The Court of Appeal also found that the first instance judge had been perfectly justified in inferring that, on the balance of probabilities, the hypothetical contractors pruning the trees every 3 years would have gone beyond their instructions and undertaken a more severe reduction than instructed.

Comment

The implication of the appeal process here seems to be that, when raising arguments in relation to causation, it is imperative to understand the exact nature of the breach of duty alleged.

In this case, the breach of duty arose not because the Council had failed to undertake a specific programme of works, but because they had not undertaken any works during the period 1998 – 2006.