

MULBARTON PARISH COUNCIL

Minutes of the Parish Council Meeting held on

Monday 9th May 2022 at 7:30pm

Councillors present: Adam Banham, Beverley Leek, Steve Sewell and Richard Tucker.

1.0 To elect chairman for the year

Cllr Sewell proposed Cllr Leek as Chairman of the Council for the next year; this was seconded by Cllr Tucker and the vote was unanimous and Cllr Leek completed the requisite paperwork.

2.0 To elect vice chairman for the year

No councillor wished to be nominated as vice chairman.

3.0 To agree liaison officers and working group lead councillors

Following discussion, it was agreed that the current list should stand. Cllr Leek proposed that Cllr Sewell represent MPC on the Village Hall Management Committee; this was seconded by Cllr Tucker and unanimously agreed.

4.0 To agree the designated person as defined in the Child & Vulnerable Adult Safeguarding Policy

Following discussions, Cllr Leek agreed that as the Chairman she would remain as the designated person as defined in the policy.

5.0 To close the Annual Council Meeting and open the first public session of the ordinary Parish Council Meeting.

Cllr Leek closed the Annual Council Meeting.

ORDINARY COUNCIL MEETING 1.0 First Public Session

1.1 District and County Councillors' Report

District Cllr Legg reported:

- SNC are looking to borrow around £20million for developments which include £4million for a new doctors' surgery at Hethersett. He has been assured that Mulbarton surgery would remain open

- SNC's Help Hub is still open and offering debt advice and management in addition to its usual services
- SNC are spending £100,00 upgrading temporary accommodation provisions for the homeless and in referrals due to the Domestic Abuse Act
- Community Action Fund and Members grants are continuing
- SNC are still considering the move from Long Stratton to the Horizon building and although a move is not definite much work has been completed on the business case
- SNC are working on proposals for communities to install electric charging points
- SNC are supporting Ukrainian refugees and host families are being assessed for suitability
- Natural England and nutrient neutrality regarding nitrogen and phosphate run off in the Wensum and Yare areas has meant SNC are unable to approve any planning applications that involve any overnight stays and are working out ways for developing a policy. There is no time scale on this work.

Apologies were received from Cllr Francis.

1.2 Public Session

A member of the public reported they were disappointed that slides and bins have not yet been replaced and that the Post Office closed with no notice.

A member of the public asked in light of the post office sudden closure if the parish council had heard anything and could they approach anyone to get it back; would the post office provide a statement for the Annual Parish Meeting on the 23rd?

Cllr Legg reported he had seen an email from the Post Office with bland apologies and that they were working hard to find a solution. The Post Office are generally opposed to stand alone business and a suitable retail outlet would need to be found. It was noted that there are Post Offices in Wymondham on Lime Tree Avenue and in the White Hart Pub. Hethersett's Post Office is now located in the library.

A representative from MALGA raised an issue with low water pressure at the Meadows allotment site and thanked MPC for the water trough being discussed later.

2.0 To close the meeting to public participation

Cllr Leek closed the meeting to public participation and formally opened the Parish Council meeting.

3.0 To receive and consider apologies for absence

Apologies were received and accepted from Cllr Aldous.

4.0 To receive declarations of interest on items on the agenda

Cllr Banham declared an interest in matters relating to items 10, 13 & 14.

5.0 To confirm and sign the minutes of the Ordinary Parish Council meeting held on 4th April 2022

The minutes of the Ordinary Parish Council meeting held on 4th April 2022 were unanimously agreed as a true record of the meeting after being proposed by Cllr Tucker and seconded by Cllr Sewell.

5.1 To confirm and sign the minutes of the closed Parish Council meeting held on 4th April 2022

The minutes of the Closed Parish Council meeting held on 4th April 2022 were unanimously agreed as a true record of the meeting after being proposed by Cllr Sewell and seconded by Cllr Banham.

6.0 To receive financial reports and approve invoices for payments as per schedule for April

The financial report including the budget tracking report was noted. Following proposal by Cllr Banham and seconding by Cllr Sewell all payments for April were unanimously approved. A copy of the payments is attached to these minutes.

Financial reports and budget tracker were received and noted.

6.1 Approval for additional signatory for accounts

Following discussion, Cllr Leek proposed that Cllr Banham be added as a signatory on the Santander and RBS accounts, this was seconded by Cllr Sewell and unanimously agreed.

6.2 Annual Internal Audit Report for the year ending 31.03.2022 received and noted.

Cllr Leek reported that the internal auditor's report was completed on 08.05.2022 and having now been received; Cllr Banham proposed that the Council formally approved the internal audit report as part of the Annual Governance and Accountability Return 2021/22; this was seconded by Cllr Tucker and unanimously agreed.

6.3 To consider and approve Section 1 – Annual Governance Statement 2021/22

Cllr Leek read out each of the eight applicable statements in turn and allowed for each statement to be unanimously agreed before moving onto the next. All statements in Section 1 were unanimously agreed in this way and following proposal by Cllr Sewell and seconding by Cllr Banham it was unanimously agreed for the Clerk and Chairman to sign section 1.

6.4 To consider and approve Section 2 – Accounting Statements 2021/22

Following proposal by Cllr Banham and seconding by Cllr Tucker it was unanimously agreed to approve Section 2 of the Annual Governance Statement Return 2021/22.

6.5 To approve flowers for Internal Auditor

Following proposal by Cllr Tucker and seconding by Cllr Leek it was unanimously agreed to send flowers to the internal auditor as a token of the Council's appreciation in completing the internal audit ready for tonight's meeting, as there was no charge raised for completing the internal audit.

7.0 Working group report on completing items on the outstanding works list & next working group meeting

Cllr Banham gave a summary of the last meeting and outstanding works that were discussed included the Common play equipment work scope, trees on the Common & by the village sign, ponds & ecosystem

management and village sign plinth maintenance & lighting improvements. No date was agreed for the next meeting.

7.1 To review quotes and approve contractor for works to play equipment on the Common

Cllr Banham reported that three quotes had been received; the fourth contractor noted that they were unable to complete repairs on third party equipment. Following discussion and taking into account Contractor 4's recommendations for additional vandal proofing of the equipment Cllr Banham proposed that Contractor 4 be awarded the contract, this was seconded by Cllr Tucker and unanimously agreed.

7.2 To review quotes and approve contractor for additional water trough at the Meadows allotment site.

Following discussion and earlier comments about low water pressure at this site it was proposed by Cllr Tucker that Contractor 1 be awarded the contract, this was seconded by Cllr Sewell and unanimously agreed.

8.0 Update on appointment of a new Clerk

Cllr Leek reported that interviews have been planned.

9.0 Designation of a trustee for Rich's Trust

Cllr Leek proposed that Cllr Sewell represent MPC as a trustee; this was seconded by Cllr Banham and unanimously agreed.

10.0 Neighbourhood Plan Review working group update

The latest working group report was received and noted.

11.0 Update on correspondence received from Mulbarton Village Hall Management Committee

It was noted that the matter is pending advice from MPC solicitors and until such time this is received there is no action required this evening.

Cllr Tucker asked the council to allow him to give a personal statement regarding this matter and for it to be included in the minutes. This was unanimously agreed;

What follows are my own personal perspectives on the situation regarding the management of the village hall building and the land surrounding it.

I am having difficulty understanding the position we now find ourselves in. I was hoping MPC's solicitor would clarify this and come up with a way of resolving the issues to everyone's satisfaction. That process had indeed started. However, whilst awaiting a response from the Trustees to some preliminary legal advice before moving to the next steps to resolve the situation, it appears that the Trustees could not wait any longer for that process to continue or to conclude.

I really do not understand;

Why clarity was not established from the start as to what precisely the Charity property consisted of [and who was responsible for what] and certainly from 1988?

When a new hall was built on a new piece of land, why was not the existing Charity dissolved and a new one created?

Why is this being raised now when since 1976 there does not appear to be any evidence that the issue has been raised before and that the arrangement seemed to have worked well for the benefit of parishioners?

I also find it difficult to understand how;

Does a charity set up in 1976 for 1 building and plot of land still exist when there is a different plot of land and a different building?

and

That the “new” building has since been extended twice [at expense of MPC]

Why was not a new charity set up each time?

Why is there is no clear reference each and every time such changes were made as to how the property the Charity is responsible for managing has changed?

Why have the land issues not been picked up during legal advice – ie 3 leases and skate park funding?

I have found the communications from the Trustees have strongly implied that MPC has, over the years, somehow wrongfully and deliberately deprived the Charity of its lawful income.

It also seems that the Trustees are seeking to be repaid “lost” income. In considering this, it might be worth calculating MPC expenditure on the building and the provision and maintenance of facilities on the surrounding land since the “new” hall and land was acquired.

MPC’s compliance with rules ensuring its decision making is lawful – that is at its monthly minuted meetings - seems to be a source of frustration to the Trustees. The correspondence from the Trustees indicate an unwillingness to wait for MPC to obtain legal advice and to follow “due process”. I have a sense that the Trustees may well have misinterpreted or misunderstood this “slowness” of response and responding only at Council meetings as the MPC somehow being deliberately obstructive.

It has now reached the point where Councillors have no opportunity to seek legal advice on nor to then formally consider and respond to further requests from the Trustees before the Trustees resort to instructing their own solicitors to intervene to press MPC to respond within a timescale that is not possible to meet. This is regrettable. I do not believe it is possible nor desirable to resolve issues going back to 1976 in such a short space of time as the Trustees appear to want.

When I met with 2 Trustees and a fellow Councillor on 8 February this year I did explain about the Council’s decision making process, the time it takes and that to sort out this long standing issue was going to take time and, in all likelihood, require legal advice to resolve.

We are now, it seems, moving into a situation where positions are becoming entrenched and communication is via solicitor talking to solicitor.

It is, I believe, now time for all parties to make a choice.

On the one hand to;

Continue resolution of the issues by resorting to solicitors writing to each other. Is this really necessary and appropriate?

Undertake the time consuming task of looking for and providing all the information requested solely because of, what I believe to be an unfounded assumption, that MPC has over many years unlawfully and deliberately deprived the Charity of income.

Trying to guess who did what and who agreed what over the past 30 to 40 years or so.

MPC does not have the resources to do this and certainly not within the timescales set by the Trustees. Then there is having to spend council tax payers' money on solicitors fees.

On the other hand;

Instead of getting embroiled in an escalating dispute leading to polarised positions, accept the position we all find ourselves in and, instead of entering into some sort of dispute about past events and actions, look to the future so this current situation is not repeated.

Both parties could then together agree a plan of action which sets out a clear way forward. This could include agreeing to;

establishing titles to land – how, who, what needs to be done

Perhaps to close down the existing Charity and start again with the aim to ensure;

Clarity as to what property is the responsibility of the Charity to manage.

Clarity of roles and responsibilities of Custodial vs Management Trustees.

Ensuring the Charity's governing document is clear in it's purpose, it's governance arrangements and is relevant for 2022 and beyond rather than for 1976.

At the same time it would be useful to ensure that all agree a way to ensure that MPC and the Trustees have confidence in each other's ability to discharge their respective responsibilities,

My suggestions would be to use the opportunity to ensure;

- *avoidance of conflicts of interest in decision making*
- *wide community representation reflected by the Trustees*
- *the property is truly a community resource available as a priority for use by all parishioners.*
- *use of the property for commercial activities complies with Charity Commission guidance / regulation.*
- *the occupation of the property by a Sports and Social Club and ensuring it's formal & proper relationship with the Charity complies with Charity Commission guidance / regulation.*

Having achieved the above then agree, if necessary, the legal and formal transfer to the Charity of any leases and ensuring the proper management of all MPC owned assets on the land surrounding the hall building.

12.0 Update on transfer of allotment land

It was noted that there has been no update from the solicitors, who were contacted last week, regarding the land transfer and no decisions or actions are required by MPC at this meeting.

13.0 Update on wind farms, solar farms & Industrialisation of South Norfolk

It was agreed that Cllr Banham would not participate in discussion of this item.

A wind farm update report was received and noted.

It was noted that National Grid's proposed pylon route consultation is being held this week (Wednesday 11.05.22) and due to the solar farm the route would be the village side of the farm bringing it close to the end of the Rosery.

13.1 Proposal from Sheringham and Dudgeon extensions project team for a meeting

It was agreed that Cllr Banham would not participate in discussion of this item.

Following discussion it was agreed that once previous questions and correspondence raised by MPC have been responded to by the project team, MPC would reconsider having a meeting as proposed.

14.0 To consider planning applications received

It was agreed that Cllr Banham would not participate in discussion of this item.

Cllr Sewell went through recent planning applications.

2022/0627: 39 Long Lane Mulbarton Norfolk NR14 8AW
Proposal: Proposed single storey side and rear extension
No comments

2022/0648: 40 Minnow Way Mulbarton Norfolk NR14 8FP
Proposal: Single storey rear and side extension.
No comments

2022/0656: Newton House, Norwich Road Mulbarton Norfolk NR14 8JN
Proposal: Single storey rear extension.
No comments

2022/0764: 1B Ryefield Road Mulbarton Norfolk NR14 8FD
Proposal: Single storey rear extension.
No comments

2022/0711: 16 Sterlet Grove Mulbarton Norfolk NR14 8FS
Proposal: Single storey rear extension.
No comments

2022/0741: 7 Cowslip Close Mulbarton Norfolk NR14 8BG
Proposal: Two storey side extension to dwelling.
Comments: Overdevelopment & infilling of open areas in the village

2022/0819: Woodview The Rosery Mulbarton Norfolk NR14 8AL
 Proposal: Retrospective application for erection of two bay cartlodge.
 No comments

15.0 Correspondence requiring consideration

Email regarding the hedge on Long Lane. Cllr Sewell reported that he has looked at the site and agrees that it would be either Highways or Hopkins Homes responsibility; he will make contact with resident raising the concern to discuss further. It was noted that no response has been received from Highways, the statutory authority, or County Councillor Elmer regarding concerns about safety at the Cuckoofield Lane, Long Lane (Flordon) and the Rosery .

Following an email about concerns that weed killer has been used in a number of areas it was confirmed that the grounds maintenance contractor would be spoken to.

Graffiti on the skate park: Cllrs will arrange for it to be painted over.

Request from MALGA to plant trees on land adjacent to the Meadows allotments. It was noted that this land is owned by SNC and permission would need to be sort and given by them.

16.0 Liaison officer reports

A report from the Mulbarton Common Steering Group was received and noted.

17.0 To receive any items for inclusion on the next agenda.

No Councillor had any items for inclusion in the next agenda in addition to those already noted

21.0 To adjourn the meeting for the 2nd public session

A representative from the Football Club gave their apologies for the forthcoming Annual Parish Meeting.

A representative from the Mulbarton Village Hall management Committee requested a copy of Cllr Tuckers personal statement.

A resident asked if it was in MPC's remit to send a letter to the school to congratulate them on their latest Ofsted report which was very good and described as a "delightful school".

There being no further business the meeting closed at 8.26pm.

The next meeting will take place on Monday 6th June 2022 at 7.30pm in the Committee Room at the Village Hall.

Payments for April 2022

Cheque Number	Recipient	Details	Net total	Vat	Amount £'s
1028527	First Mulbarton Scout Group & Guide HQ	Venue hire – 25.04.22	10.00		10.00
102828	Mulbarton Village Hall Management Committee	Room hire – Jan/Fen/Mar	45.00		45.00
102829	B Leek	Expenses	25.00		25.00
102830	NTS Partnership T/A Icení	Jubilee Gardens – March & April	144.00	28.80	172.80
102831	Thrings LLP	Planning advise	2362.50	472.50	2835.00
102832	Glasdon UK Ltd	2 x bins	315.38	63.08	378.46
102833	DJ Ireland Groundworks & Paving Services	Common works	362.88	72.58	435.46
102834	HMRC	PAYE	225.53		225.53
102835	A Phillips	Salary	729.20		729.20
102836	Ribbonsdale Nurseries	Grounds Maintenance	1158.57	211.71	1370.28
102837	APC Pest Control Ltd	Pest control	120.00	24.00	144.00
102838	Talking Elm Tree Services Ltd	Meadows tree works	2625.00	525.00	3150.00
		Total for month:	8123.06	1397.67	9520.73

DRAFT