

CLERK'S REPORT

BUSINESS TO BE TRANSACTED

Agenda #	Item	Time
1.	<p>Apologies for absence & housekeeping</p> <p>An apology has been received from Cllr. Paul Jordan, Chair of the Parish Council.</p> <p>Meeting chair will be Cllr. Sophie Capsey, Vice Chair.</p>	1 min
2.	<p>Disclosure of interests</p> <p>Recommendation: - To deal with any disclosure by Members of any disclosable pecuniary interests and interests other than pecuniary interests, as defined under the Plaistow and Ifold Parish Council Code of Conduct and the Localism Act 2011, Chapter 7 ss.26 – 37 in relation to matters on the agenda.</p> <p>None received in advance of the meeting.</p>	2 mins
3.	<p>Minutes</p> <p>The amended draft minutes were circulated to Members via email on 23rd February 2022.</p>	1 min
6.	<p>Financial Matters</p> <p>1. Order for Payments</p> <p>See Clerk's Report & Appendix A</p> <p>Please note the first Lady Hope Playpark Public Works Loan Board (PWLb) re-payment via direct debit on 21st March 2022 of £5,310.00. The repayments are biannual, in March and September.</p> <p>2. Annual subscription to the CAGNE Aviation Town and Parish Council Forum</p> <p>The £4 annual membership helps towards the cost of zoom meetings and the website. CAGNE is not a lobbying group; it is a forum which provides Councils with "information and expertise regarding flightpaths and airspace changes" (CAGNE website). The Parish Council is invited to join CAGNE Forum meetings. The Parish Council does not currently have a nominated Lead Member for Gatwick/aviation issues and does not attend Forum meetings.</p>	10 mins

The Clerk recommends that Members review the CAGNE website and familiarise themselves with the work of the Forum, its membership and consider the need to appoint a Lead Member.

- | | | |
|----|---|------|
| 7. | Village Design Statement (VDS) | 15 |
| | a. To consider the update from Chichester District Council. | mins |

The following information has been received from Chichester District Council's Principal Conservation and Design Officer in answer to questions raised by the Clerk regarding the current VDS:

Q1. Where is the VDS within the process of being adopted as supplementary planning guidance?

A. It needs to go out to public consultation, then back to cabinet for approval.

Q2. What is the timescale for point 1 above?

A. We have this in our timetable for Q1/Q2 this year

Q3. Can the Parish Council withdraw the VDS, amend it and resubmit it?

A. Yes that's no problem at all, we can adjust our timetable to suit any amendments you might wish to make.

Q4. What would be the process and timescale for adoption for point 3 above?

A. For example if it took say three months to amend, we would have to find a new spot for it within our work schedule for the year. We wouldn't necessarily be able to slot it back into the same place in the schedule as that would delay other projects.

Q5. Please can you advise how robust the VDS can be? Could it include aspects of the Parish Council's Neighbourhood Plan in terms of biodiversity, landscape heritage, environment protection etc?

A. It should focus on guiding the design of new buildings and extensions to existing ones. I am not sure that the three topics you mention could form part of that. Those topics are all more suitable for a neighbourhood plan, which weren't available when VDS were first proposed.

Q6. Please can you advise what weighting and influence a VDS has once adopted as supplementary planning guidance? How does the LPA use the document?

A. Similar to all supplementary planning guidance, planning officers would use it to help guide decision making on planning applications. A neighbourhood plan would probably be a more suitable place for the content of the VDS, since their introduction they have largely superseded VDS as they can contain all same information but with far more context, similar to what you have referred to above.

- b. To note the absence of any available grant funding.

The following information was received from Locality regarding the availability of grant funding to support the revision process of the VDS:

In terms of funding, the funding available through the Neighbourhood Planning Support programme is only available to support the preparation of Neighbourhood Development Plans. Also, at this stage there is no grant funding, as this element of the Neighbourhood Planning Support Programme has closed for this year, and the support available from 1 April 2022 remains unclear. The Department for Levelling Up Housing and Communities (DLUHC) are in the final stages of the Spending Review 2021 process which will allocate funds to all programmes across Government, beyond March 2022. As part of this process the DLUHC Neighbourhood Planning Team have been exploring the allocation of further funds for neighbourhood planning. As soon as possible but within the confines of this bigger process, the DLUHC NP Team hope to be able to provide us with more certainty as to whether they are able to extend the neighbourhood planning support along current lines (an extension from April 2022 for at least a year).

Technical Support (where we place our consultants to carry out work) remains available and could provide Design Codes. However, this support is again only available to Qualifying Bodies preparing Neighbourhood Development Plans.

I recognise that my response is not helpful to you in seeking to update the Village Design Statement, however, don't hesitate to call me if you have any further questions/queries.

- c. To consider the fee proposal and recommendations from Colin Smith Planning Ltd and resolve to appoint.

Colin Smith Planning Ltd has advised as follows:

[Colin Smith Planning] would be happy to help with progressing the VDS, if the Parish Council decide to do this.

In terms of fees, I would suggest an hourly rate of £85 per hour + VAT, with an initial time budget of 20 hours. This would allow for approximately 3 days of time for the following scope of work: -

Review and update the VDS guidelines in conjunction with Parish Councillors, including advice to Parish Councillors on the guidelines that can be included and advice on best practice. Preparation of draft ready for submission to CDC. Meetings, discussion and advice to the Parish Council as necessary. In order to be robust, the review process should involve some form of local community engagement/involvement, which I would anticipate would be led/organised and managed by the Parish Council, but I can offer advice and guidance.

If meetings are necessary, I would charge 45p per mile for travelling (or standard public transport costs), although it might be suitable/appropriate to use Zoom or similar). If it appears that the time spent is likely to exceed the budget set out above, I will discuss this with you to establish if additional time is required.

- d. To resolve to appoint a VDS Steering Group.

The Parish Council may wish to appoint a new VDS Steering Group to undertake the 'leg work' (please note the advice received from Colin Smith Planning regarding the process (see above)), or 're-brand' the Neighbourhood Plan Steering Group, subject to the current membership agreeing.

Clerk's support: On 9th February the Parish Council resolved to: -

- WITHDRAW its unadopted VDS from CDC.
- AMEND the VDS to include environmental, heritage and biodiversity policies to ensure that it is as strong as it can be and becomes a Neighbourhood Plan type Design Code.
- RESUBMIT the amended VDS to CDC for adoption.

The [current VDS](#) cannot progress in its existing form as it refers to/relies heavily upon the Council's withdrawn Neighbourhood Plan. Therefore, it must be amended to some degree before it can be re-submitted to CDC.

If the Parish Council wish to amend the VDS so that it is as robust as it can be (subject to CDC's comments above) and incorporates elements which would otherwise be within the Neighbourhood Plan's Design Code, or other Plan Policies the Parish Council will need expert advice and support.

However, the Council must take into consideration the fact that had it continued with its Neighbourhood Plan – which would have incorporated its VDS into a Design Code - it would have received £18,000 in grant funding which would have paid for technical support from Colin Smith Planning. Other annual costs and budgets of the Council, such as its Annual Assembly, some hall hire and website costs, publicity and communication, subscription costs to Zoom etc, would have been met by this grant funding (as it has previously been). Although these are modest costs, it would have reduced some of the annual costs to the Council in 2022/23 and 2023/24 and off-set some of the costs which the grant would not have met, such as the additional hours of the Clerk. The Council took the view that 50 – 100 hours of additional Clerk time to support the Neighbourhood Plan (£832.50 - £1,665) would increase the burden on the Precept. The Parish Council must bear in mind that the Clerk's support to a VDS Steering Group, in supporting a public consultation and other meetings/matters will similarly increase the Clerk's hours and will not be offset by grant funding supporting other Council costs. Therefore, the process of amending the VDS will cost the Parish Council more than pursuing its Neighbourhood Plan.

The Parish Council's Finance Committee will meet on 6th April to recommend the final budget for 2022/23 and will need to set a budget for the VDS to be progressed.

Policy EH4 of the Neighbourhood Plan – Local Green Spaces – designated 9 locations within the Parish for special protection. This included Foxfields football ground in Plaistow. These 9 areas, once adopted within the Plan, would have benefited from protection from both the Neighbourhood Plan itself, as well as Policies 8, *Promoting healthy and safe communities* and 13, *Green Belt land* of the National Planning Policy Framework (NPPF).

Considering the Parish Council's decision to shelve the Neighbourhood Plan, these 9 area will not be afforded specific additional protection. Therefore, the Council will need to consider and pursue other ways of adding additional protection for these areas of community importance.

The 50-year lease which the owners of the football field, the Gibbs Will Trust, granted to the trustees expires in 2025. The Clerk has spoken to the trustees who are not sure if the lease will be extended, or if the land will be sold. The trustees plan to get the land valued this year and consider if the community could purchase the field if it were to be sold.

The Parish Council may wish to support the trustees/community and apply to CDC to list the football field as an [Asset of Community Value](#), which would trigger the Community Right to Bid if the field were to be sold.

What's the legal basis for the Community Right to Bid?

The Community Right to Bid was introduced under the Localism Act 2011. The Assets of Community Value (England) Regulations 2012 provide further details of the legislative requirements.

What does the Community Right to Bid aim to achieve?

The legislation aims to help communities faced with losing local amenities and buildings which are of importance to them. The Community Right to Bid gives communities the opportunity to identify those assets which are of importance and to have time to prepare a proposal in the event that the asset comes up for sale.

Does the Community Right to Bid give community groups a right to buy assets within their community?

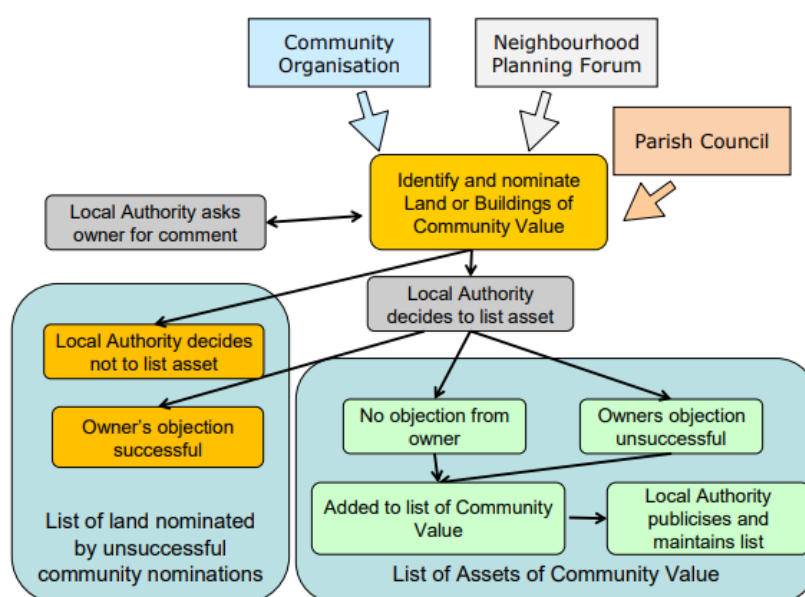
No, the legislation only stalls the selling process to give suitably constituted community groups a period of time to prepare a proposal and raise the funds required to put in an offer. The sale takes place under normal market conditions and the owner is under no obligation to sell to the group.

Parish Councils are eligible to nominate an asset for inclusion in the list of assets of community value.

Please do take a look at the following [document](#) prepared by Hertsmere Borough Council which explains the process well.

The Parish Council has the benefit of using the information gathered about the football field and set out in Policy EH4 of its Neighbourhood Plan when drafting the nomination application to CDC.

Please consider the below flowchart (reference to the 'Local Authority' is CDC in this context):



The Parish Council must note that the process is transparent, and the landowner may object and/or appeal the decision. Successful listing does not compel the landowner to sell to the community and it does not give the community any 'discount', or 'first refusal'.

There are some exemptions which permit an owner to dispose of their land outside of this legal structure under [s.95\(5\) Localism Act 2011](#) such as if the disposal is by way of a gift, in relation to wills/intestacy or subject to a trust and the Clerk is unable to advise if any of these exceptions do/will apply to the land.

However, on the basis that an exemption does not apply, upon the landowner notifying CDC of their intention to sell the land CDC impose a 6-week interim 'stay' on the sale to allow the PC/other local interest groups to decide if they wish to be treated as a potential bidder. If they do wish to be treated as a bidder, then a full 6-month moratorium (from the point the owner notifies the local authority of their intention to sell) will operate. During this period the owner may continue to market and negotiate sales but may not exchange contracts (or enter a binding contract to do so later).

It is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

Upon receipt of the PC's nomination, CDC has 8 weeks to decide to list the football field as an asset of community value.

- | | | |
|----|--|------|
| 9. | Annual Assembly – Saturday 14th May | 3 |
| | Recommendation: - To consider the 2022 Annual Assembly and resolve to approve: - | mins |
| | a. The budget | |
| | b. Speakers / theme of the event | |
| | c. Catering | |

There is a significant difference between the Annual Meeting of the Council, which must be held in May and the Annual Parish Meeting (known in Plaistow & Ifold as the Annual Assembly), which must be held between 1st March – 1st June.

The Annual Parish Meeting (or Annual Assembly) is, in legal terms, a separate body from the Parish Council; however, convention dictates that it is arranged by the Parish Council. The Annual Assembly dates to the Middle Ages, when Local Councils did not exist, and all local decision making was carried out by meetings of the whole community. The Annual Assembly is open to all electors who have the right to both attend and speak on any matter. This is in contrast with a Parish Council meeting, where electors who are not Councillors have no automatic right to speak other than that which is provided within the agenda. Decisions made at the Annual Assembly are not binding on the Parish Council, although it is wise to heed what is said. The Annual Assembly should be Chaired by the Parish Council Chair (if in attendance) or Vice Chair in their absence. The meeting has its own minutes which are kept separate from Parish Council minutes.

In 'modern times', the Annual Assembly is a relaxed community social event with refreshments and Electors are invited to attend. The Parish Council has an opportunity to show-case what it has achieved on behalf of the community; representatives from local organisations or groups are asked to give short reports about their work and other speakers are invited to talk on topics of local or topical interest.

This year the Annual Assembly is to be held in Kelsey Hall, Ifold and the suggested date is Saturday 14th May. The Annual Assembly sits between Plaistow Preschool's Maypole Fete on 2nd May and the Queen's Platinum Jubilee celebrations on 5th June. Therefore, the Parish Council may decide to host a modest event. Nevertheless, thought should be given about how to encourage attendance from the community.

In the past the Annual Assembly has been held after a meeting of the Parish Council during the week, although attendance has been poor. Considering the large-scale community event for the Queen's Jubilee, the Council may feel that this year's Annual Assembly would be best held during the week.

By way of a suggestion, the Council has a Planning meeting on Wednesday 27th April and could hold its Annual Assembly after the planning meeting. Some modest refreshments (nibbles) could be served.

10. **Spring Newsletter**

The Newsletter will be circulated to all Members prior to publication. It will be published no later than the end of March. Publication will include via email to all 'sign ups', paper copy to anyone who requests, and via the website.

11. **Queen's Platinum Jubilee (QPJ)**

10
mins

Recommendation: - To consider and note the minutes of the QPJ Working Group dated 28.02.2022 (Appendix C) and 08.03.2022 (Appendix D) and resolve to: -

- a. Approve the specified expenditure and note the budget
- b. Purchase a beacon
- c. Formally invite the guests of honour

Beacon

Please read the minutes and appended documents, importantly the Queen's Platinum Jubilee Beacons [website](#) and national guidance in relation to the [community beacon](#) event on 2nd June.

- A permeant structure above 4m requires planning permission. The beacon would be more than 5.5m in height. (4m or below could be installed under the Council's Permitted Development Rights).
- Highways have stated that it would need to be at least 450mm away from the edge of the highway.
- The Parish Council's insurance company has no specific policy requirements relating to the location of beacons and how far they should be located away from roads, buildings, or trees. From an insurance perspective, it is entirely at the Council's discretion to decide on the most appropriate place to site it. Once in situ, Public Liability Insurance will be provided automatically for no additional premium. If loss and damage is also required, the Council's insurance company would need to know the replacement value, including installation costs to be able to add it to the Property Damage section of the policy.
- The Clerk is still awaiting relevant guidance (if any) from WS Fire and Rescue.
- A position on the lower green (Parish Council owned land) has been suggested by the Steering Group. Possible locations include:
 1. In the corner behind the cricket net



2. Along from the zipwire, in the corner of the green at the junction between Common House Lane and The Street:



3. Between the trees along the back end of the green running adjacent to The Street (as illustrated by Sallie Baker):



- The cost of a bespoke made beacon is c.£2,000. The anonymous donor has been contacted to see if they wish to approve the expenditure of the whole of their £2,000 donation towards the cost of a locally made permeant beacon.

- ‘Off the shelf’ portable, storable gas beacons can be purchased for £490 (+VAT).
- The Parish Council might consider that a portable, storable beacon could be more easily used by the community at different times of the year, such as by the Silent Soldier around 11th November, or within the grounds of Plaistow Church for example.

12. **Legionella Risk Assessment and Testing**

2

Recommendation: - To ratify the decision made by the Clerk to instruct [legionella](#) testing and risk assessments of the Winterton Hall and Pavilion to ensure the Council is compliant with the law.

mins

The Parish Council in its capacity as the Custodian Trustee of the Winterton Hall and building owner in relation to the Pavilion, is legally responsible for ensuring that these building comply with the law in relation to legionella.

The law requires that both buildings have: -

- A full risk assessment document of its water system
- Schematic plan of its full water system
- Full asset register of its full water system including its Thermostatic Mixer Valves (TMV) on showers and taps
- It should log all maintenance
- The type and frequency of legally required maintenance on its water equipment is a legal requirement
- A water audit every other year
- Best practice - annual water testing (of drinking water)
- A named qualified ‘Responsible Person’

Further to training, the Clerk is now the named ‘qualified’ Responsible Person.

The Clerk, in conjunction with the Chair of the Winterton Hall Management Committee, organised for both the Hall and Pavilion to be fully risk assessed by the West Sussex Association of Local Council’s (WSALC) recommended provider, Dee Thornton.

WSALC advised the Clerk that Dee Thornton is used by many County Associations for training, including WSALC. She works with numerous Parish and Town Councils to ensure that they are complying with the law to avoid liability – most recently, she has been working in this area with Petworth Town Council.

Ms Thornton attended both sites to undertake a full risk assessment / schematic drawing of the water systems / water system asset register and water testing.

The law in this area is clear and both the Hall as a charity and the Council as Custodian Trustee (owner of the freehold) (and building owner in relation to the pavilion) are at risk of significant fines for failure to adhere to the law in this area.

The 'landlord' (building owner) is legally responsible. The Hall is a charity. Its trustees are the Parish Council and Winterton Hall Management Committee (WHMC). However, as the Custodian Trustees and owner of the freehold, the Council could be ultimately responsible and considered the 'landlord'. Additionally, the WHMC are made up of community individuals and the Hall's funds are limited. Therefore, if there were to be a legionella incident at the Hall and the Hall was found negligent, the Council could face detrimental fines (over £100,000 in relation to its Precept level).

For example, the temperature of the water stored on site and dispensed e.g., through taps/showers should be tested (and recorded) weekly and the required temperatures are set out in law. By law, sites can only have 100 counts of legionella clusters in its system – you can never eradicate legionella, just manage it properly to minimise the risks. Poorly managed/maintained systems can have multiple thousands of legionella clusters. Certain types of legionella can kill – thankfully this type of legionella is relatively rare.

Legionella is a notifiable disease, which requires full investigation by Public Health England; however, because it is a pneumonia type lung disease its recording is unreliable. However, it has a higher-than-average mortality rate in healthy people (10 – 14%) and over 9% of pneumonia type illnesses is recorded as legionella - but this is viewed as a low statistic. Legionella, like Covid, mutates and currently the legionella bacteria is growing in strength. Those who are most vulnerable are the young and old and those with compromised immune systems. One of the biggest risks of legionella is small halls, where the legal responsibility is 'unknown' and the legal requirements not undertaken. In addition, the Hall is predominantly used by the Preschool and by virtue of being young, and possibly with underlying health conditions that may be undiagnosed e.g., asthma, the children are at risk.

The paperwork Ms Thornton is preparing can be used by the Hall Committee and Council moving forward to undertake the regular legal maintenance and

testing. This will ensure legal compliance and all the risk assessments / schematic drawings are in place. Ms Thornton will advise what the Hall and Pavilion need to do, moving forward, to maintain lawful compliance.

Ms Thornton has identified the need to remove the redundant sink within the old doctor's room – which is now the shared Council and Hall store cupboard – as it has the potential to harbour legionella bacteria in the redundant dirty pipework and allow the bacteria back into the water system. This will require a plumber and the Hall Committee is seeking quotes. Likewise, the two water heating units within the Hall need replacing. They should be cleaned annually and have not been cleaned since installation 5 and 7 years respectively. Unfortunately, the design of these units does not allow for easy dismantle to be cleaned. Legionella can be managed by ensuring the heating units are heated above 60oc on a weekly basis. Ms Thornton has advised that they are replaced every 5 years as this will be easier / more cost-effective than instructing a plumber to dismantle and clean. The Hall Committee is seeking quotes and may ask the Council for a special 'water grant' in 2022/23 like their request for additional financial support in 2019/20 to improve the heating system.

- | | | |
|-----|---|-------------------|
| 14. | <p>Correspondence</p> <p>None specifically to note.</p> | <p>2
mins</p> |
| 15. | <p>Clerk's update & items for inclusion on a future agenda</p> <p>Recommendation: - To receive general updates and resolve to add any matters arising to a future agenda in relation to:</p> <ol style="list-style-type: none"> 1. Annual meeting dates for 2022/23 (Appendix E)
Please note the date amendment for the Annual Parish Meeting on 18th May. 2. Ash tree at Winterton Hall, Plaistow
The tree was felled on 22nd February, during half term. The weather was too windy on 21st to begin. 3. School's village Easter Egg Hunt – to resolve to approve
Plaistow And Kirdford School Association (PAKSA) would like to hold an Easter Egg Hunt around Plaistow and seeks the Council's permission to host around the Pond and on the village green. 4. Winterton Hall insurance | <p>3
mins</p> |

The Winterton Hall Committee have sent the Clerk a copy of their Insurance renewal documents for 2022.

5. Bus shelters update in Ifold and Plaistow

WSSC's Volunteer Team notified the Clerk on 24th December that they would be able to begin constructing the two bus shelters - in Plaistow and Ifold - in March 2022. This work has been postponed since April 2020 due to the team's re-deployment owing to Covid-19 and subsequently to support the housing of Afghan refugees. Unfortunately, the Team leader has contacted the Clerk to say that they have been re-deployed for a further period to continue the refugee resettlement work. They are unable to state when they will be available. However, they have offered to house any materials purchased in advance of the project start date. Mrs Burrell is liaising with a local firm to ascertain quotes for the [oak timber frame for the roof](#).

6. 'Tree Through Time' fencing

The fencing work will be undertaken the weekend of 12/13th March. The Clerk and Cllr. Brown will ensure the area has a maintenance gap to allow a hand mover to enter the area periodically in accordance with maintenance guidance.

7. Grounds maintenance – to resolve to include the hedge between the Winterton Hall and shop for cut back

Sussex Land Services Ltd, who undertake the grounds maintenance contract for the Parish Council, has enquired if the Council would like the hedge between the Winterton Hall and village shop to be managed - to prevent brambles encroaching onto the verge area where the bench is situated. It is the boundary hedge of the Preschool garden. The hedge/trees belong to the National Trust. The verge, which is also National Trust land, has been adopted by the Council as part of its monthly land maintenance – like the upper green area - as these areas are not actively managed by the National Trust in any capacity.

8. Ifold Playpark

The Clerk is waiting on Redlynch to send through a draft design which will inform the Council regarding possible play schemes for the area and support the public consultation in terms of managing expectations. Upon receipt of the draft scheme, the Clerk will

schedule a Playpark Steering Group meeting to move the project forward.

9. Traffic Regulation Orders in Plaistow

Cllr. Bushell and the Clerk will meet with Simon Watts of SW Transport Ltd on 16th March for a site meeting to progress the TRO applications within Plaistow.

10. Councillor Planning training

This will take place on 16th March for all Members of the Planning Committee only.

16. **Meeting Dates** 1 min

Recommendation: - To note the dates of forthcoming meetings.

- 15th March, Planning & Open Spaces Committee Meeting, 7:30pm – Kelsey Hall, Ifold
- 23rd March, Winter & Emergency Plan Committee Meeting, 7:30pm – Kelsey Hall, Ifold