

Mawsley Parish Council
Minutes of the Parish Council Meeting held on 4 April 2011

Present: Cllr Littler (Chair); Cllr Holland; Cllr. Cope; Cllr Thomas; Cllr Redman; Cllr Moreton; Diana MacCarthy (clerk);

Kettering Borough Council: Julia Miller (Head of Standards Board); Sue Lyons (Head of Legal and Monitoring Officer) (SL); Peter Chaplin (Planning) (PC) and Tim Bellamy

Members of the public present: Mr & Mrs Cain;

4.11.1 Apologies for Absence: Cllr Barnwell

4.11.2 Declaration of Interests

Cllr. Littler declared his position as a Director of Mawsley Villagers Association Ltd. (MVA) and as a Director of The Centre at Mawsley CIC, and as a member of the Allotment Association.

4.11.3 Allotted time for members of the public

Mr & Mrs Cain then spoke regarding their issue with their neighbours' proposed fence. Planning permission for this was refused but now the neighbour has put hedge up.

PC said that a hedge does not need permission, as it is not development. However if the area that is being added has not got planning permission to be a garden, then they would need to apply for change of use for which the Council can control. This is the first issue to resolve. PC then referred to the 'High Hedges' legislation, and the process for mediation, if this fails a complaint can then be put forward.

Mr & Mrs Cain need to write to the Council to ascertain whether the land is garden land and when use began as a garden.

BL confirmed that the parish council could not make any decisions on planning as they only have a consultee role. It is a matter to be taken up with KBC.

BH asked whether we as Parish Council could report to the planning department of the council to state that we were not happy with this – 45 Hawthorn Avenue – as opposed to leaving it to Mr & Mrs Cain. CM added that developers' plans appear to change between approval and implementation. ACTION Clerk email PC at KBC to lodge complaint about misuse of open/amenity space at 45 Hawthorn Av, now being

used as garden space. State that the fence is being moved up and down – this is evidence of intention. 4.11.6.1

4.11.4 Minutes of the previous meeting

Cllr. Redman proposed the minutes of the meeting held 7 March 2011 and Cllr. Holland seconded these.

4.11.5 Matters arising from the previous meeting

03.09.07.1	BL	Determine costs of fence and path to play area	Ongoing
04.09.15	Cllr. Cope	Emergency planning	Ongoing
7.10.3.3	Clerk & VC	To investigate speed laws	Update awaited from Jim Harker
10.10.5.1	BL	Transfer back to KBC of pub land	It is understood that if pub appeal is allowed TW will get the land but will hand it back to MPC under the S106, if the pub fails KBC will deal with Mawsley Taverns.
11.10.5.1	Clerk	Letter to KBC re adoption of open space	Ongoing – see notes below
11.10.5.2	Clerk	Letter to Peter Chaplin re pond	Ongoing – see notes below
12.10.5.1	RB	To investigate wording for signage	Statutory Declaration to be prepared
2.11.5.1	Clerk	To obtain car park specification	Subject to Freedom of Information request
2.11.5.2	VC	Speak to Phoenix to state latent defects from their report	Ongoing
2.11.6.2	Clerk	Update villager on planning issues as explained by Cath Bicknell	Clerk to chase
2.11.7.1	TS	Write to TW for new road adoption dates and information	TS chasing Colin Radford and Colin Williams
2.11.13.1	RB/Clerk	Prepare lease for Allotments	Lease with RB
2.11.13.1	BH	Prepare draft budget	Prepare draft and distribute

3.11.6.1	RB	Write to KBC regarding transfer to Sports Council not MPC	Ongoing
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4.11.6 Mawsley Interface to Kettering Borough Council

Professional Conduct

SL (Monitoring officer) provided overview of the Code of Conduct 2007, due to a few complaints received within Mawsley. Code is due to change when Localism Bill is introduced, but there will still be duties to be adhered to;

Covers treating others with respect, bullying, bringing in to disrepute and failing to declare interests – these are most common cause of complaint.

What are personal and prejudicial interests was then detailed. This included interests of members of your family.

If you have a personal interest you can vote as long as it is declared. To have prejudicial interest you must have a personal interest. If you have a prejudicial interest, you must not discuss or vote, but you can have your 3 minutes to talk at the start. They must then leave the meeting and not take part. If your partner therefore has shares in a company you would then have a personal interest in that matter especially if in relation to funding. When the Localism Bill comes in failure to declare could result in prosecution, not just being bought before the Standards Committee.

SL then gave a brief overview of predetermination – making a decision on a matter prior to the meeting.

Planning Issues

PC then discussed open space issue in Mawsley. He indicated on a plan the areas that are not on our open space plan, and the green area highlighted showed the area that we had earmarked. PC has meeting with David Wilson Homes this Wednesday to discuss what areas are to be adopted. The key issues will be over cost – the S106 did not set aside any money as a commuted sum. BL pointed out an area that has now been transferred to the owners of adjacent property; PC is to check this with his colleagues. BL then went on to point out an area, which had been enclosed by laurel hedging – again PC to look in to this. PC to email detail of who he is meeting at David Wilson Homes. PC accepted there are inconsistencies between the adoption plan and the current situation.

TW has suggested tackling this piecemeal to see which parts they can bring forward for adoption. KBC need to review how much money they can identify towards the maintenance of this area and how much David Wilson Homes would, be able to contribute. BL said the fact that it is missing from the S106 is an issue for KBC to resolve not a parish council issue. It was a planning requirement that there was to be open space and the pond was to be retained; KBC cannot now attempt to walk away.

In respect of the pond PC said the developers said it was installed as a marketing tool, BL said that this is untrue as it is shown on a map dated 1860. PT raised the

issue of insurance as being the Parish Council main issue, PC said he was not aware of the Council looking after any other water feature within the Borough. PT said it was kept there at the insistence of the Council.

BL summed up by saying there is now some agreement as to the strategic open space and that KBC is now attempting the handover from TW. PC said the larger areas are his main concern although the smaller ones are still of importance. He went on to say that it could be possible that some land is transferred to plot owners but that it is restricted to be used as open space and cannot be enclosed.

In respect of the eco-meadow BL said we are agreeable to it being used as an eco meadow but that we would like to make use of the land by a pocket park, remembrance garden, bird hive, or orchard. We would then need to discuss obtaining a licence from KBC in respect of this use, our priority is to get it adopted by KBC first.

Summary – PC has identified which open space needs to be considered, not all will be public open space as long as the impact is not adverse, i.e. affecting visual amenity.

BH commented that he was dismayed at the errors that have been made within the development.

VC asked whether there was any obligation for the developer to maintain the open space areas until adoption – PC said probably not.

Playing Fields

BL – Management of playing fields – BL gave an overview of issues outstanding from last meeting. BL proposed the Parish council have a seat on the Sports Council, all Councillors agreed. [RB to speak with KBC]

4.11.7 Taylor Wimpey

Nothing new to report, await response from Steve Farmer (TW) regarding our letter pertaining to The Centre and maintenance issues.

4.11.8 Mawsley Community Fund

BL left the meeting and BH took over as chair. Alan McDonald put proposal forward for play area fence. It is made from a product called Eco-Wood - 100% imitation wood, made entirely from recycled plastic, so it would be durable. AM provided information as to the product, and a quotation of £7314.38 inclusive of VAT. No alternative on market for Eco-Wood. BH asked for confirmation that MVA can provide 25% of the cost. MPC £4679, VAT is payable but can be reclaimed. BH said two issues – one is pending planning application, and the encroachment of the land. At present we do not own part of the land to be built on.

VC proposed that we fund the proposal with parish funds (not community funds), subject to the transfer of the land back to KBC.

BH clarified it was subject to no better quote being available prior to the land being transferred in to the ownership of KBC or MPC. Monies to be made available from the MPC fund and not Community Fund Proposed PT seconded VC.

BL returned and took over as chair

4.11.9 The Centre at Mawsley

BL confirmed an application had been made for an extension to the current permission for the storage container. ACTION VC to seek advice on why planning was refused for the move.

VC confirmed, that we need to look at repainting the outside of the building. BH said that £5000 was proposed to be allocated for the next budget. Add this to the next Agenda after budget is agreed, along with the car park.

PT raised the issue of discussing age limits in the bar of TCAM, so that the Parish Council can put forward their view. Councillors are to meet in the week.

4.11.10 Bus Route and Shelter

Nothing new to add

4.11.11 Police Matters

The police were unable to attend this meeting.

4.11.12 Villager issues

See 4.11.3 – members of the public present

4.11.13 Accounts and Budgets

DLP planning £1818.99 in respect of the Pub Site appeal.

NCALC in respect of membership fees and internal audit costs; £503.59

Room hire at The Centre; £22.50

4.11.14 Correspondence and Clerks update

Brief overview given regarding the election campaign

4.11.15 Panning matters

None

4.11.16 Items for newsletter

Clerk to provide information on elections to newsletter editor ACTION
4.11.16.1

4.11.17 Any Other Business

The detail of the insert in to the newsletter re precept was then discussed and amended for clarity

VC then gave an overview of the issues regarding the last man out switch. He was concerned that no one had picked up any of the electrical issues that have been identified; he was concerned with the issue of invalid insurance. ACTION 4.11.17.1 Clerk write to TW enclose copy of latest report, they must put defects right, they can bring their own electricians in etc..

ACTION POINTS

4.11.16.1	Clerk	Email information for newsletter as per new council members	
4.11.6.1	Clerk	Email Peter Chaplin at Kettering Borough Council regarding misuse of open/amenity space	
4.11.6.2	Clerk	To obtain update from Peter Chaplin regarding the meeting with David Wilson Homes	
4.11.9.1	VC	To enquire with Mark Coleman at Kettering Borough Council as to the refusal of planning for the moving of	

		the container	
4.11.17.1	Clerk	To write to TW with new report	

The meeting ended at 10.30

Signed:

Date: