

BRIGHTLINGSEA TOWN COUNCIL

Minutes of the Council Meeting held at
The Parish Hall, Victoria Place, Brightlingsea,
on: Thursday 21st March 2024 at 7.00pm.

Present:

Councillors

R Morgan (Mayor)

J Carr (Deputy Mayor)

D Atkinson, M Barry, J Chapman, M Court, J Howard,
M Judson, K Mitchell, C Paveley, K Pentney and G Steady

Also in attendance:

Tracey Pulford – Town Clerk

County Councillor Goggin (from 7.53pm onwards)

14 Members of the public

The Mayor welcomed everyone to the meeting, and in particular the two new Councillors, Councillors Mitchell and Pentney. He added that it is great to see so many of the public here tonight.

173. APOLOGIES FOR ABSENCE: None received.

174. TO RECEIVE THE MINUTES OF THE MEETING HELD ON THE 15TH FEBRUARY 2024 AND TO CONFIRM AS A CORRECT RECORD:

The Minutes of the meeting held on the 15th February 2024 were accepted as a true record.
Agreed.

175. TO RECEIVE THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON THE 7TH MARCH 2024 AND TO CONFIRM AS A CORRECT RECORD:

Councillor Court reminded all Councillors and members of staff that to have your voice heard on the consultation, you have to do a submission.

The Minutes of the extraordinary meeting held on the 7th March 2024 were accepted as a true record. **Agreed.**

176. MAYORS ANNOUNCEMENTS:

A copy of the Mayor's Announcements are annexed to the Minutes.

The Mayor mentioned:-

- Carnival Queen Judging with Councillor Chapman.
- International Women's Day at the Colne Yacht Club.
- Commonwealth Day – He extended his thanks to Tony Chapman for raising the flag.

177. DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS:

The Mayor reminded Members to declare interests when necessary.

178. TO RECEIVE AND APPROVE THE RECOMMENDATIONS OF THOSE MEMBERS EXAMINING THE ACCOUNTS FOR THE CURRENT PERIOD:

Councillor Carr informed members that the Finance Committee had approved the following payments, and Councillors Paveley and Atkinson had both signed off the invoices.

The Payments and Accounts for the period ending February 2024 (as shown on the attached appendix) are as follows:-

General Account - 17 BACS Payments totalling £13,223.42 be authorised for payment and statements balances on the following accounts be accepted:-

Current Account (7055)	£7,924.95
Business Premium Account (8295)	96,242.26
Business Premium Account (9433)	8,766.97
Making a total of:	112,934.18
Less one unpresented cheque of:	£500.00
Making a total on all accounts of:	112,434.18

Income for February totals:	£4,342.91
Expenditure for February totals:	£25,875.26
Income to date, totals:	£370,376.73
Expenditure to date totals:	£337,448.41

Agreed by all present.

179. TO RECEIVE AND APPROVE THE MINUTES OF THE FINANCE MEETING HELD ON 19TH MARCH 2024 AND TO CONFIRM THE RECOMMENDATIONS THEREIN:

Councillor Carr proposed that the Minutes of the Finance and Property Meeting held on the 19th March 2024 are accepted as a true record, and the recommendations (as written below) be accepted:

- **The budget for 2024/2025 is agreed by Full Council.**
- **An updated price list of recreational activities and event/meeting hire needs to be issued urgently.**
- **All vehicles and business machine leases should be scrutinised and challenged.**
- **A low-cost point of sale facility, with card reader, should be installed at the front desk. This would streamline the sale of traded items, reduce bookkeeping and improve customer service.**
- **Sales of memorial items should be streamlined and handled at reception. A catalogue of products and map of locations would simplify matters. Approved contractors operating on a pre-agreed fixed price basis would install them. Brightlingsea Town Council should make a reasonable return.**
- **A review of preferred contractors and schedule of rates should be undertaken including all base trades.**
- **Quotation from John Phillips - A paper would be prepared detailing the issue, and why the survey is needed, and this would be discussed under Part B at the March Council Meeting.**
- **The Town Clerk moves a substantial amount of money from the Barclays Account to the new Unity Trust Savings Account, when fully opened.**
- **Any items listed on the Debtors list with individual names should be redacted.**
- **17 payments totalling £13,223.42 are approved for payment, with Councillors Atkinson and Paveley signing off the invoices.**

Financial Review 2023/2024:-

To be addressed by 31.3.24 -

- **Recommendation 5 – The Town Clerk is currently working on the year-end, and Councillor Atkinson is happy to assist. Mr Brown is happy to help, if needed, and will verify the end of year accounts and AGAR, when available.**
- **Recommendation 8 – The Financial Regulations are updated to reflect the recommendation that the list of payments are annexed to the minutes. The Town Clerk is already implementing the attachment with the minutes on the website.**

To be addressed by 31.5.24

- **Recommendation 6 – The appointment of a Responsible Financial Officer to support the Town Clerk to enable both governance and financial roles to be successfully delivered in future will be discussed at the next Staff meeting, which is scheduled for early April 2024. It was noted that this person does not need to be an employee, they could be a contractor.**
- **Recommendation 7 – To mitigate any financial risk, a new Unity Trust Bank Account was opened on the 27th February 2024.**

Recommendation 9 - This item is to be discussed under Agenda Item 10, later in the meeting.

- **A meeting is due to be held on the 26.3.24, with Councillors Carr, Morgan, Paveley and the Town Clerk to update the Risk Assessment.**
- **Recommendation 10 - Councillor Paveley has already spoken to the Essex Association of Local Councils, who only have a list of three Internal Auditors. He has also spoken to Suffolk. Trevor Brown will step in as the Town Council's Internal Auditor, if needed.**

To be addressed by 30.06.24

- **Recommendation 1 - It is understood that Councillor Barry is in the process of updating the Strategic Plan, and all Councillors will give their input into this document.**
- **Recommendation 2 - Town Clerk to implement a 'Schedule of Review of all Policies, Procedures and Protocols' to list those currently in place and the date of adoption, date of most recent review and next programmed review date.**
- **Recommendation 3 - Councillor Paveley to present to Finance Committee the mechanics of Section 137.**

Recommendation 4 – The publication of all policies, procedures and protocols are being worked on at the moment.

- **Recommendation 11 – Review of the website - Councillor Court to look into this, with assistance from the Administrative Assistant.**
- **The Statement of Internal Control Policy is accepted at the March Council meeting.**
- **To proceed with the Grass Pitch Maintenance Fund, which will improve the condition and accessibility of the grounds and is fully financed.**

Councillor Judson then seconded the minutes. **Agreed.** The Mayor gave thanks to Councillor Atkinson for all his help and assistance with the budget process.

180. TO RECEIVE THE MINUTES OF THE PLANNING MEETING HELD ON 20TH FEBRUARY AND 19TH MARCH 2024 AND TO NOTE PLANNING DECISIONS OF TENDRING DISTRICT COUNCIL:

Councillor Paveley proposed that the recommendations in the Minutes of 20th February and 19th March 2024 be agreed by Council, together with the planning decisions from Tendring District Council. Councillor Howard then seconded the minutes. **Agreed.**

Councillor Steady mentioned the Neighbourhood Plan, and that Councillors Paveley, Court and himself sit on the Steering Group and things are now moving along nicely. He then proposed that we arrange a one item meeting with the Neighbourhood Plan Steering Group, to discuss the plan further. This was seconded by Councillor Paveley. **Agreed.**

181. TEAMS REPORTS:

Reports from the Facilities, Community and Assets Team, the Environmental and Transport Team and Welfare for Services had been circulated to all.

Facilities and Community Assets Team – Councillor Morgan briefed members that a meeting was held on the 6th February 2024.

After discussion, the Facilities and Community Assets Team report was then accepted, and the following recommendations were agreed:-

- **Cricket Club** - A further meeting is held with representatives to try and establish an agreed joint plan that we can all support and move forward with.
- **Playcentre** – The response to Pleass Thompson Solicitors is agreed and sent.
- **Oyster Layings** - A proposal would be put forward to the next Full Council meeting for agreement.
- **Batemens Tower Café** – This item is to be referred to Part B of the next Full Council Meeting.
- **Brightlingsea Harbour Commissioners Lease** – an email is sent stating that “Council is concerned regarding the break point and ask for clarification as to the Brightlingsea Harbour Commissioners understanding/viewpoint on the break clause before we can progress with our proposed lease.”
- **The Quotation from John Phillips** is taken to the next Finance Committee meeting for agreement.

Environment and Transport Team – Councillor Atkinson briefed members that a meeting was held on the 6th March 2024.

After discussion, the Environment and Transport Team report was then accepted, and the following recommendations were agreed:-

- **Town Clerk** to locate paperwork relating to the upkeep agreement of the access road to the Anglian Water Treatment Centre.
- **Three quotations** would be received to carry out the resurfacing work.
- **Town Clerk** to look for information on the criteria for pedestrian crossings.
- **Grounds Manager** to look into the possibility of adding a finger sign to the post in the Community Centre gardens, advertising Public Conveniences / Lido.
- **To maintain links with Community Energy South who are the prime movers of the project and identify what future involvement Brightlingsea Town Council should adopt. Arrange a Zoom presentation to all interested Councillors.**

Welfare & Residents Services Team – Councillor Chapman briefed members that at the Diabetic Eye Screening service held recently at the Parish Hall, 19 patients ‘did not attend’. She said that we fought to get this service here, so patients do not have to go out of the area. She added that Social Services have recently booked meetings here, and the regular users include RNID, CAB, Peabody and Foodbank. The Mayor replied that the Parish Hall is widely used by community support groups, which is a great comfort to the town.

Councillor Howard mentioned the Churchyard meeting that recently took place. She mentioned that she did go to the Quarry but could not find anyone to talk to. She also mentioned that new land needs to be sourced for the Churchyard, as the current burial site is

filling up quickly. Councillor Chapman added that the current burial site should last 10 years, however it has been used for the last 3-4 years, and probably only has 5 years left at the most.

Communication & Tourism Team – No report had been submitted.

182. UPDATE FROM DISTRICT COUNCILLORS:

Councillor Barry updated members on the following:-

- The Sport and Activity Strategy is going out for an eight-week period of consultation from the 1st April 2024. There will be a meeting here for the public, and a presentation for Councillors. We managed to secure £122,530 from the budget, this sum has been reallocated, not specifically to Brightlingsea, but it will be money to facilitate the implementation of the strategy.
- A new Community Sport and Activity Manager will be appointed, to facilitate, influence and support the community activity set out in the action plan.
- A feasibility study is to be commissioned to explore the options and implications for developing a new Active Wellbeing Centre in the District.

Councillor Chapman updated members on the following:-

- At a recent HR and Council Tax meeting we had, the Chairman of Unison attended. Unison have put in for a 10% pay rise across the board.
- Local Plan – We need to get the Neighbourhood Plan completed.

Councillor Steady updated members on the following:-

- A Communication Strategy has been adopted by Tendring District Council. It mentions communications to Councillors, staff and residents. Maybe our Communications Team could look at this, as one item mentioned at the recent Co-Option meeting was lack of communication to residents.
- Met with Jon Hamlet regarding recycling and rubbish bins. A report will be taken to the next ENT meeting.
- Holding a drop-in surgery this Saturday, 10am until 12 noon, to get feedback on transport and dentistry.
- Keys are now available for the Changing Places facility at the Western Promenade. The Town Clerk asked for the details of who members need to contact.

The report from the District Councillors was then **accepted**.

183. YEAR-11 STUDENTS FROM THE COLNE COMMUNITY SCHOOL:

The Mayor informed members that despite several emails to the Colne Community School, he is disappointed to report that no response has been received. We invited the students to come along and see how a Council works, and for them to tell us what is important in the town. Councillor Pentney suggested contacting the Head of Business Studies, alternatively attend an assembly at both the Colne Community School and the Infant/Junior School. A discussion took place, and it was agreed that Councillor Pentney would contact the Head of Business Studies.

184. REPLACEMENT MINERALS LOCAL PLAN REVIEW 2025-2040:

The Mayor informed members that members of the public have carried out a leaflet drop about the Replacement Minerals Local Plan, however it states that 'letters and emails without the form won't be counted'. He said that following consultation with the Essex County Council Service Development Officer 'this is not the case at all. All letters and emails would

be accepted whether the form is used or not'. He added that the consultation deadline has now been extended to 5pm on Tuesday 9th April 2024.

185. UPDATE FROM COUNTY COUNCILLOR GOGGIN:

A copy of County Councillor Goggin's notes had been circulated to all members.

County Councillor Goggin sent greetings from St Osyth and Point Clear. He then briefed members on the following:-

- He has produced one report for tonight, as he attends two meetings. This report is a series of notes, and he has highlighted things specific to Brightlingsea.
- The issue at Hurst Green is a collapsed sewer. Where the collapse is, is not necessarily where the problem is. The area has been made safe, but it will not be a quick fix.
- Attended a meeting today at Chelmsford regarding the Cycling Strategy, with Mat Court, who represented himself, not as a Councillor.
- The BBC came down last week regarding the Replacement Minerals Local Plan Review, however ITV had beaten them to it. He reiterated that you should not put comments on Facebook but must take part in the consultation.
- Attended a meeting at St Osyth on PWC, with Councillor Carr, St Osyth Parish Council, Brightlingsea Harbour Commissioners and the District Council, unfortunately the Orchards did not attend. This may result in St Osyth making a Community Space on Point Clear.
- Would like to thank the Town Council for arranging the Public Meeting on the Replacement Minerals Local Plan Review on the 4th March 2024. It was an excellent meeting, attended by many. Councillor Chapman said that it was one of the best meetings held, with concise and factual information given.

Councillors then asked County Councillor Goggin the following questions:-

Councillor Court thanked County Councillor Goggin for inviting him to the meeting this morning. He said that he represented himself, to discuss road safety to road users. He added that his issue is that Essex County Council's new Cycling Strategy is great if you live in an Urbanised area, we do not, we live in a Rural area.

186. QUESTIONS FROM THE PUBLIC:

Q1) A visitor to the town, complained that for the last six months that the pay and display machine in Tower Street Car park has been out of action. They do not have a smart phone and cannot get a ticket. Can the Town Council put pressure on the District Council to repair or remove the machine?

A1) Councillor Barry said that he would report this to Tendring District Council.

Q2) When you get the survey on who owns what at the Hard, will there a public meeting to discuss it before it goes to Land Registry?

A2) The Mayor replied, yes. He said that we will wait for the report then have a public meeting to get the publics feeling on it. He added that the Council have not yet agreed to go ahead with the survey.

Q3) Many years ago, you sat here when you were a new County Councillor, and you said that the road into Brightlingsea is a priority road. Over the years keep left signs have deteriorated, the rumble strips have disappeared, the road has pot holes in them. Is the B1029 still a priority road?

A3) County Councillor replied that the B1029 is still a PR1. It is not immune to problems; they just get looked at quicker. When it snows, the PR1 is gritted.

Q4) Would like to congratulate Councillor Court for attending the meeting with County Councillor Goggin. As he said, he knows what he is talking about, when cycling you have to keep in the middle of the road.

A4) The Mayor replied that Councillor Court did express his concerns at the meeting about pot holes.

Q5) I was the resident, along with Jane Paul, who got the Minerals leaflets out, after speaking to you at International Women's Day. I feel there has been a lack of communication between the Council and residents, and this is a classic example. I am still going round the town with flyers, people still do not know about it. What are you going to do about it in the next couple of weeks?

A5) Councillor Pentney said that people feel that if they object, are their comments going to be taken into account. The Mayor replied that as much as we try to get people to fill in the forms, it is up to them. There has been a lot of publicity and any communication is welcome. It is very difficult to get everyone to hear the message. County Councillor Goggin added that Essex needs to provide 3.9m tonnes every year for the next 15 years, and they have to tell Central Government where it is coming from. At the moment there are 52 sites, to fulfil the 3.9m tonnes, you will need maybe 20 sites. At the moment no decision had been made. Brightlingsea has to be selfish, to make a difference, you need to make the site closest to your home, worse than any other area. The Mayor encouraged everyone to complete the consultation and make an opinion.

Q6) I am here reporting for Brightlingsea Info. I will await anything through the Communications Team, my newsletter goes to over 1,000 people a week, a lot of older people use the internet but do not use Facebook. Use it for free.

My question is have there been any more developments on Batemans Tower Café? What does the Council envisage happening if the lease comes back?

A6) The Mayor replied that as this is dealing with contracts, leases etc., it will be discussed under Part B of the meeting. He added that the Council is keen to help resolve the issue of Batemans Café and we have offered many meetings and help to try and assist. We are expecting some movement forward, but we cannot go into details as it is a personal issue.

Q7) Thank you to Councillor Chapman for the window display on the Minerals. This has been really helpful. However, has anyone seen the report from Anglian Water today, which says that we are going to run out of water and they are going to build a Desalination Plant at Holland-on-Sea and other sites. They say that by 2050 we will have 85% less water. When consulting on the Minerals, do they consult the water board authorities as a statutory consultee?

A7) County Councillor Goggin replied that Essex County Council is not sufficient in water now, they import from Northampton, and the consultation is as wide as you can imagine.

Q8) The Head Lease between Brightlingsea Town Council and Brightlingsea Haven Limited – In accordance with the terms and conditions of the head lease, what measures has the Council put in place to ensure that its tenant, Brightlingsea Haven Limited, issues all undertenants with a permanent underlease.

A8) The Mayor replied that a meeting has been arranged for 9am tomorrow morning where these issues can be discussed. The resident replied that this is back to front. All Councillors received a copy of our official compliant, and we would have thought that there would have been some sort of discussion tonight that we could all listen to so we know what is happening tomorrow. We have a holiday home here, and we go back to Spain in four weeks' time, so we cannot come back to the next Council meeting. They are holiday homes down there, not permanent residences, so we have to make ourselves available when you have your meetings. So, at 9am when we have our meeting, we will be discussing something that needs to be discussed here, but it is not being discussed here. Much discussion took place.

Q9) Has a time limit been imposed upon Brightlingsea Haven Limited by Brightlingsea Town Council for the head lease requirement to be met?

A9) Councillor Carr replied no, no time limit has been set.

Q10) What measures has Brightlingsea Town Council put in place to prevent its tenant from renting out its unsold units?

A10) The Mayor replied that this has been reported to Tendring District Council Licensing, and we will report on this tomorrow morning.

Q11) In accordance with the Terms and Conditions of the head lease, how is the Council ensuring that its tenant submits copies of all permitted underleases or licenses to be seen within the required timescale?

A11) The Mayor replied that an answer to this question will be given at the meeting tomorrow.

The Mayor said that he does not understand why the resident thinks that this would be the time to do this, when there is meeting in the morning with them. The resident replied that it would be really simple to give a straight answer. The Mayor responded that he thinks you have been given straight answers.

Q12) What measures has the Council put in place to ensure its tenant provides the Council with official copies of titles of all other tenants, after their registration with the Land Registry?

A12) The Mayor replied that he was not aware that the head lease states this. The resident replied that part 21.2 states that within one month of completion of registration with Land Registry, the tenant shall send the landlord official copies of its title where applicable of the undertenants title. This has not been done since 2019.

Q13) Under what conditions would Brightlingsea Town Council consider exercising its right to re-enter the property and potentially end the lease with this tenant?

A13) The Mayor replied that this would be a case for our Solicitor to advise on. Usually, the only way you can take back a lease is if the tenant fails to pay the rent. The resident replied that under section 33.1 of the head lease, the landlord may re-enter the property at any time after any material breach of any condition of this lease. Much discussion took place.

One written question had been received, which was read out by the Mayor:-

“I am the current Chair of the organising committee for the Brightlingsea Free Music Festival. Unfortunately, I cannot make the meeting this evening but would like to ask the following question. I understand the council budget for 2024-25 has now been set and would like to know what sums have been allocated for grants for local events, in particular the Music Festival which is heavily reliant on grants and donations. We would really like to have this information as soon as possible as we are already in the process of booking equipment and services. Incidentally, I notice that the Council website does not currently display any information relating to ‘Grants to voluntary, community and social enterprise organisations’ under the Transparency section, which has just been showing the comment ‘This information is currently being updated’ for quite some time.”

The Mayor replied that the Council has increased the 24/25 total grant allocation by 5%. We haven't discussed how the cake is cut but understand that the Music Festival is a standing beneficiary. Last year they received £1,193 which was awarded in July 2023. Section 137 legislation dictates that all grant funding is clearly available to the public. In accordance with our recent financial review, we will be updating and publishing that information no later than 30th June 2024.

187. TOWN CLERK'S REPORT:

- **Agreed** Brightlingsea Food & Drink Festival can hold its 2024 event over the weekend of 24th and 25th August, with a free 'appetiser' event on the evening of 23rd August. They would be on site from Thursday 22nd to Tuesday 27th August, packing as much down as possible for the Monday Car Boot Sale.
- **Agreed** Brightlingsea Free Music Festival can use Hurst Green on Saturday 3rd and Sunday 4th August 2024, with set up on Friday 2nd and take down on Monday 5th August 2024.
- **Agreed** Rotary Club can use the Millenium Gardens for the Annual Jog Walk Run event on 8th September 2024, from 7am until 2pm.
- **Agreed** a local fitness instructor can hold a weekly outside Bootcamp Family Fitness Class on a Sunday morning. Town Clerk to liaise with Grounds Manager on suitable locations etc.
- **Agreed** that Exo Environmental/Natural England can access Cindery Islands, to carry out monitoring 5 years after the USAR project closure to understand how the sites have changed since.
- **Agreed** CMTS Youth Performers can distribute leaflets in the town on Saturday 30th March 2024.

Councillor Morgan then moved, in accordance with the Public Bodies (Admission to Meetings) Act 1960, in order to discuss items of a sensitive nature and items which are commercially confidential, the press and public be excluded. This was seconded by Councillor Chapman. **Agreed.**

188. MOTION TO EXCLUDE THE PUBLIC IN ACCORDANCE WITH THE PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960 –To discuss the following:-

- Property Update

189. PROPERTY UPDATE:

A discussion took place on the Facility and Community Team Notes of 12.3.24, and the following was agreed:

- Oyster Layings – To come back to Council with a report from Tendring District Council.
- Brightlingsea Cricket Club – A further meeting is held with representatives to try and establish an agreed joint plan that we can all support and move forward with.
- Playcentre – The draft response is sent to Pleass Thompson Solicitors.
- Batemans Tower Café – The response is agreed.
- Harbour Commissioners Lease – A response is agreed to be sent to the Harbour Commissioners.
- Quotation from John Philips – This item is deferred to the next meeting.

190. CLOSE OF MEETING:

There being no further business, the meeting closed at 9.52 p.m.

Chair

Date: 18th April 2024