

BRIGHTLINGSEA TOWN COUNCIL

Minutes of the Council Meeting held at
The Parish Hall, Victoria Place, Brightlingsea,
on: Thursday 21st September 2023 at 7.00pm.

Present:

Councillors

R Morgan (Mayor)

J Carr (Deputy Mayor)

D Atkinson, M Barry, J Chapman,

M Court, M Judson, J Howard,

C Paveley, G Steady and S Walsh

In attendance:

Tracey Pulford – Town Clerk

County Councillor Goggin (8.12 onwards)

20 Members of the public

70. APOLOGIES FOR ABSENCE: None received.

71. TO RECEIVE THE MINUTES OF THE MEETING HELD ON THE 17TH AUGUST 2023
AND TO CONFIRM AS A CORRECT RECORD:

The Minutes of the meeting held on the 17th August 2023 were accepted as a true record.
Agreed.

72. MAYORS ANNOUNCEMENTS:

The Mayor informed Council members and members of the public that Bev Maltby is standing down from the Council due to personal reasons, with immediate effect. She said that she has very much enjoyed her time as a Councillor, enjoyed working with us all and has very much appreciated the support that she has received from Tracey, Julie and Terry, who have always been friendly and helpful. She is sorry that she is unable to make a bigger contribution to the present and future welfare of the people of Brightlingsea.

The Mayor replied that this is of great sadness to all of the Council. He added that we all work as part of a team, T – together, E – everyone, A – achieves and M – more, and we all work better as a team and individually we may not feel we get far, but collectively we all move forward and as a team work stronger and better. He then said to Bev, from all the Councillors, thank you for all your services to date. A round of applause was given.

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

The Mayor gave thanks and gratitude to all the organisers and helpers of all the wonderful town events that this town promotes and achieves. He said it is truly wonderful, he was worried about custard pie competition which took place during the Fresh Air Festival, however that went to plan.

73. DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS:

The Mayor reminded Members to declare interests when necessary.

74. TO RECEIVE THE NOTICE OF CONCLUSION OF AUDIT – ANNUAL GOVERNANCE & ACCOUNTABILITY RETURN FOR THE YEAR ENDED 31 MARCH 2023:

Councillor Carr informed members that he was pleased to report that the External Auditor's Report and Certificate for 2022/2023 has come back with 'no matters arising from the review'.

"On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met."

Other matters not affecting our opinion which we draw to the attention of the authority 'none.'

A 'Notice of conclusion of audit' is now being prepared and will be published along with Sections 1, 2 and 3 of the AGAR, before the 30th September, which is a legal requirement.

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

The Payments and Accounts for the period ending August 2023 (as shown on the attached appendix) were proposed by Councillor Paveley as follows:

General Account – 17 BACS Payments totalling £17,145.82 be authorised for payment.

Bank Balances:-

August 2023

Current Account (7055)	32,197.90
Business Premium Account (8295)	42,758.30
Business Premium Account (9433)	38,838.38
Making a total of	113,794.58
Less three unrepresented payments totalling	1,043.20
Making a total on all accounts of	112,751.38

Income, for August, totals	2,879.91
Expenditure, for August, totals	26,315.15
Income to date, net, totals	190,898.32
Expenditure to date, net, totals	164,334.11
Employee payments paid for the month of August 2023 were:	16,910.91

Councillor Barry mentioned the payment for Groundwork UK, for £3,082.00, which is the return of the Neighbourhood Plan Grant. He said that it is disappointing that we have to return the grant that has not been spent and hopefully this does not happen again. Councillor Paveley replied that he has been in touch with the Chairman of the Neighbourhood Plan and made her aware of the situation. They applied for around £3,800 and only spent £340.00. The rules of this grant are that if it is not spent by the end of year, it has to be returned, and the Chairman will re-apply.

The accounts were then seconded by Councillor Walsh. **Agreed.**

76. TO RECEIVE AND APPROVE THE MINUTES OF THE FINANCE MEETING HELD ON 19TH SEPTEMBER 2023 AND TO CONFIRM THE RECOMMENDATIONS THEREIN:

Councillor Carr proposed that the Minutes of the Finance and Property Meeting held on the 19th September 2023 are accepted as a true record, and the recommendations (as written below) be accepted:

- Councillors Atkinson, Paveley and Walsh go through the current budgets (6-month review), and to report on the way forward; Monthly Income and Expenditure Report – The next Finance Meeting, budgets for 2023/2024 would be revisited.
- All budgets are ‘frozen’ with immediate effect, apart from overheads; (3) All other expenditure is authorised by one of the sub-committee members.
- Electrical works at the Parish Hall – The quotation from BESS Electrical is accepted for £1,645.00 with the works taking place on Tuesday 29th August, with the office being closed for the day, and staff working at home.
- CYC launch for Kerri-Ann – The cost is £70.00 per metre, pro-rata to the end of the season.
- Special Expenses – Special Expenses for 2024/25 would be brought back to the next Finance meeting for discussion.
- Higher interest bank account – To be investigated.
- Councillor Chapman would meet with the Bowling Club regarding the payment of the Council’s legal fees.

The Minutes were seconded by Councillor Chapman. **Agreed.**

77. TO RECEIVE THE MINUTES OF THE PLANNING MEETING HELD ON 5TH AND 19TH SEPTEMBER 2023 AND TO NOTE PLANNING DECISIONS OF TENDRING DISTRICT COUNCIL:

Councillor Paveley proposed that the recommendations in the Minutes of 5th and 19th September 2023 be agreed by Council, together with the planning decisions from Tendring District Council. He also mentioned the application for the Lower Farm Development, and that a special planning meeting is being scheduled for Thursday 28th September 2023 at 7pm at the Parish Hall. He added that if anyone wishes to speak at this meeting, they should contact the Town Clerk. He also mentioned that the application already has planning permission, so we can only object on the changes not the original planning permission.

Councillor Paveley also mentioned the Neighbourhood Plan, and that the grant money was not used due to certain distractions. He said that he has asked the Chairman to come and talk at a future Planning Meeting to give an update on progress so far.

Councillor Chapman informed members that two appeals for Lime Street had both been refused, on the recommendation that there is no building on the East Side.

The minutes were then seconded by Councillor Chapman. **Agreed.**

78. TEAMS REPORTS:

Reports from the Facilities, Community and Assets Team, the Environmental and Transport Team and the Communications and Tourism Team had been circulated to all.

Facilities and Community Assets Team – Councillor Morgan briefed members. A discussion took place. The Facilities and Community Assets Team report was then **accepted**, and the following recommendations were **agreed**:-

- **BHC Management Agreement** - A sub-committee would be formed, consisting of Councillors Paveley, Atkinson, Carr and Morgan to discuss the situation further and work on the prospectus.
- **Land Registry** – Hard Update - The Council would write to the Independent Complaints Reviewer, who provides an independent complaints review service for HM Land Registry, and that the former Archivist would be happy to help with this process.
- **Heritage Pontoon** - Mooring charges would be taken to a future finance meeting for discussion.
- **Bright Shedd's Hut on Lower Park Playing Fields** - (1) The District Councillors discuss the issues with the Tendring Planners to see if they can help resolve the issues; (2) The Bright Shedd's would write to the Town Council for permission re drainage, prior to commencing any works.
- **Western Promenade** - The Council writes to the tenant of Batemans Tower Cafe stating that "as yet we have had no correspondence from you regarding the statement, the Town Council are looking into the possibility of taking back the lease."

Environment and Transport Team – Councillor Atkinson briefed members. A discussion took place. The Environment and Transport Team report was then **accepted**, and the following recommendations were **agreed**:-

- **Local Highways Schemes** - The Council needs to prioritize the schemes to put forward, go out to consultation, then put forward 2-3 schemes for the next round at NEPP.
- **Zebra Crossing** – Lower Park Road - Ask County Councillor Goggin on the feasibility of the Zebra Crossing on Lower Park Road, near to the Community Centre.
- **Samsons Road Hedge** - Councillor Morgan would contact Mr Cooper about the overhanging hedge in Samsons Road, to ask that it is cut back. It was also agreed that the Administrative Assistant would report the overgrown hedge to Essex County Council.

Welfare & Residents Services Team – No report had been submitted by the Welfare & Residents Services Team.

Communication & Tourism Team – No report had been submitted by the Communication and Tourism Team; however, they are meeting tomorrow at 11am to discuss the 2024 Town Guide. Also, a meeting is planned for the TAP Group (Tourist Advisory Panel) to discuss the Tendring Hundred Show etc.

79. UPDATE FROM DISTRICT COUNCILLORS:

Councillor Barry reminded members to complete the Residents Consultation 2023, which is closing on the 25th September 2023. He added that at his public consultation event, 4 members of the public attended, and gave some very interesting comments. He also stated that there is a Public Space Protection Order proposal, including dog fouling and nuisance dogs off leads – this is due to come into force 1st January 2024.

Councillor Court said that he had sent in an email to Councillor Bush, and copied in the three Tendring District Councillors, about the missed bin collections, and that no reply has been received. Councillor Barry replied that he would chase this up with Councillor Bush tomorrow. Much discussion took place. Councillor Chapman added that Tendring District Council will start negotiating the new waste contract next Thursday.

Councillor Steady briefed members on the recent Task and Finish Group Scrutiny Meeting and that this was the first-time people from Essex County Council had attended.

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

As County Councillor Goggin had not yet arrived at the meeting, the Mayor moved onto agenda item 10.

80. QUESTIONS FROM THE PUBLIC:

Q1) Would like to ask who, apart from our MP, is more senior to County Councillor Goggin in representing this constituency?

A1) The Mayor replied that Kevin Bentley is the Leader of Essex County Council.

The resident asked is he more senior than our MP? The Mayor replied no, it is a different structure. The resident asked that when someone is asked by the MP to look into a complaint, by County Councillor Goggin, why did he reply that it is nothing to do with him? The Mayor replied that this question is for County Councillor Goggin and should be asked when he joins the meeting.

Q2) Have you ever considered making Ladysmith Avenue a one-way system, with vehicles going up Ladysmith Avenue onto Lower Park Road?

A2) The Mayor thanked the resident for this suggestion and it will be discussed at our next ENT meeting.

Q3) Would like to update you on the Brightlingsea Leisure Village and then will ask my question. On the Facilities and Community Assets report it states that you had a meeting with us on the 06.09.23 about the short-term renting of caravans. There are now three new caravans being rented out by Brightlingsea Haven Limited and it is all being run by Countywide Homes. My question is that we were given to understand that Fisher Jones Greenwood were negotiating on your behalf with Brightlingsea Haven Limited to negotiate the Christmas opening times for the Leisure Park, to open on 22nd December and close on the 2nd January?

A3) Councillor Chapman replied that this is still with the Solicitors and will be chased again.

Q4) Thanks were given to Councillors Morgan and Carr, and also Chapman, Barry and Steady for all their help with the issues on the Leisure Village. In terms of the Head Lease does the Council feel that the company is right in renting out units on that site?

A4) The Mayor replied that this is a legal question, and the Council would have to ask our Solicitors, and at our meeting you stated that you would be contacting your own solicitors. He added that the Council would like to find a resolution to this and we are happy to have another meeting with yourselves.

Q5) The stench – On the 24th when Tendring said that they were not going to investigate any further, you released a statement saying instead we would carry out reactive monitoring visits. We have a meeting with yourself, and this was also mentioned. On the 18th August you released another statement stating that you will perform reactive monitoring in response to residents' complaints, in and around their properties. I spoke to Rebecca, who advised that they are not doing any reactive visits. My question is, is there a sinister reason or is there incompetence that you are giving Brightlingsea people false hope that you might actually be doing something about this?

A5) Councillor Steady replied that he is meeting with the Officer, Rebecca, on Monday and will mention this.

The resident replied that if you complain, you have to fill out a form, and they may come out in 14 days.

Councillor Barry replied that there was a closure of an investigation on certain criteria and an opening of an investigation on the criteria mentioned. I have spoken to one of the officers and she did go out on 2-3 occasions, within one hour of receiving the complaint. Since the end of June there have been 12 registered complaints, 6 provided addresses which they could visit, and none have returned the witness support diaries, which allows the District Council to

act under a statutory nuisance. Much discussion took place. Councillor Barry reiterated that Tendring District Council liaise with the Environment Agency and the latest update from the Environment Agency is that the site is conforming with all its statutory and regulatory obligations.

Q6) When you meet with Tendring District Council can you ask why the forms are not being sent out, as when I complained I did not receive one?

A6) The Mayor replied yes.

Q7) The new waste strategy for Essex. There is a new consultation out for Essex County Council, it opened on the 13th September, and closes on the 22nd November 2023. The previous waste plan was incomplete or incompetent. When will this Council be discussing the draft waste plan, and will members of the public be invited to contribute, will Council members commit to opposing any attempts to expand the capacity or operations at the Morses Lane Waste Transfer Station, given its proximity to so many sensitive receptors?

A7) The Mayor replied that this will be discussed at our next Environment and Transport meeting early next month.

Q8) I did come to see Councillor Barry about the survey. What is going to be the projected increase in our population in Tendring? According to the figures it is 8.6 for East Anglia. Also, what is the increase for Essex?

A8) Councillor Barry said he would find out this information.

81. UPDATE FROM COUNTY COUNCILLOR GOGGIN:

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

He answered the question about the Waste Strategy for Essex. He said that he has a meeting on Monday. The local collections are carried out by Tendring District Council, the waste is taken to a recycling centre, which is then taken to a centre on the A120, and then disposed of. It is essential that residents do take part in the survey. It is also important that the Town Council puts their views forward.

County Councillor Goggin sent best wishes from St Osyth and Point Clear, and then reported on the following:-

- The news about Birmingham City is devastating. They are not on their own, Northampton, Thurrock – there are 26 local councils that are on the brink of filling out that form, Slough, Croydon, Hackney included. How close are Essex to being in that same pot? I attended a meeting on Monday with the Leader. Essex are seen as being in a good place and have excellent reserves. The Government have asked Essex to run Thurrock.
- Out of 160 schools, 50 odd in Essex have the concrete issue. The good news is that none in this division are affected.
- Bellfield Avenue – The temporary patching has been carried out.
- Devolution – Essex County Council has weekly meetings with Downing Street with Michael Gove about Devolution. The Government have offered us a Level 2 responsibility, which includes Thurrock and Southend, but they will remain as entities. The Mayor asked what does that mean for Brightlingsea? County Councillor Goggin replied that bus franchising, at the moment ECC have no control over the buses, they will be taking over that, and also combining the local transport plans together; more money going into schools.
- Bernard Jenkin was approached by the Daily Telegraph about the smell, and he gave an interview.

Councillors asked County Councillor Goggin the following questions:

Councillor Paveley – Devolution – Do you know the dates on this? County Councillor Goggin replied that he has been told it would be before the next General Election.

Members of the public asked County Councillor Goggin the following questions:

Q1) Can you tell me, in a list of priorities, we have our MP, then you representing us for Essex County Councillor, who else is available – above and below you?

A1) County Councillor Goggin replied Central Government is Sir Bernard Jenkin; County Council is himself; Tendring District Council is the three Councillors here, and the Town Council are the twelve Councillors on Brightlingsea.

The resident replied that you are 2nd charge! Can you tell me who has given you the authority to refuse to do something that has been requested by our MP for one of your constituents? Can you tell me who has the authority, when you are told in front of me, about the inadequacy of Tendring District Council and Brightlingsea Town Council Planning Committee, for you to investigate. I sent you a letter of complaint and you totally disregarded it. When I did eventually speak to you about it you said you were told it was nothing to do with you. Can you please tell me who said that? County Councillor Goggin replied that this was a planning issue, and permission was refused by Tendring District Council. Much discussion took place and the Mayor asked the resident to write into the office so it can be investigated further.

Q2) Highways and the work that needs to be done, is that Ringway Jacobs or Tendring District Council that does the work?

A2) County Councillor Goggin replied that Ringway Jacobs carries out the work.

Q3) The injury caused by pot holes – I was told at a meeting before that records are kept of the incident, however the lady who recently fell was told that details are not kept. Is this correct?

A3) Councillor Steady replied that all incidents/defects are passed onto Essex County Council or the relevant authority and we only keep a record of the defect, not the individuals details.

Q4) Who actually monitors who is mending the potholes?

A4) County Councillor Goggin replied that the system here is better than most. Everything is graded, and if someone reports something we need to make sure something is done about it. Regarding the recent incident, I received an email from the Clerk, Councillor Chapman and the resident who fell over. I went and looked at the path outside the Brewers, and immediately escalated the defect, an engineer came out the next day, sadly the engineer said that they note the defect but it is not that dangerous – so at some stage it will be fixed. Following this I am meeting with the Safety Officer next week, and if she disagrees with the engineer, she has the power to override their decision.

Councillor Chapman reported that she was very pleased to see the Colne School have received a good Ofsted report.

Councillor Barry reported on Samsons Road, and that in the interests of public safety, Tendring District Council and Brightlingsea Town Council are working together to get the work carried out.

82. TOWN CLERK'S REPORT:

The Town Clerk informed members that there were no items requiring action, however the Christmas Tree Festival is being held on 9th and 10th December 2023, at All Saints Church, and if anyone has any ideas for the Council entry, please let us know.

Councillor Morgan 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.**

83. MOTION TO EXCLUDE THE PUBLIC IN ACCORDANCE WITH THE PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960 –To discuss the following: -
- Brightlingsea Harbour Commissioners Agreement
 - Lease to the Bright Sheddars

The Mayor read out an email from Leanne Allcock-Mead Solicitors, which gave an update on the current situation of Batemans Tower Café.

84. BRIGHTLINGSEA HARBOUR COMMISSIONERS AGREEMENT:

The Mayor informed members that a meeting of the Sub-Committee is taking place on Monday at 2.30pm. It was **agreed** that Councillor Chapman would also be part of this sub-committee.

85. LEASE TO THE BRIGHT SHEDDERS:

Councillor Barry briefed members on the current situation with the Bright Sheddars building, and after discussion it was agreed that the Chairman would be invited to attend the next Facilities and Community Assets Team meeting to give an update.

86. CLOSE OF MEETING:

There being no further business, the meeting closed at 9.12 p.m.

Chair

Date: 19th October 2023