

COLNEY HEATH PARISH COUNCIL

✉ **Address:** Highfield Park Visitor Centre, Hill End Lane AL4 0RA
 ☎ **Telephone:** (01727) 825 314
 💻 **Website:** <https://colneyheathparishcouncil.gov.uk>
 ✉ **E-mail:** clerk@colneyheathparishcouncil.gov.uk



MINUTES OF COLNEY HEATH PARISH COUNCIL MEETING HELD AT COLNEY HEATH JMI SCHOOL ON THURSDAY 18 JANUARY 2024, 7.30pm

Members in attendance	
Cllr H Brazier (Colney Heath Ward) Cllr T Burns (Colney Heath Ward) Cllr J Clemow (Colney Heath Ward) Cllr S Parish (Tyttenhanger Ward)	Cllr N Pettit (Colney Heath Ward) Cllr G Shaw (Colney Heath Ward) Cllr C Tallents (Colney Heath Ward) Clerk of the Council, Mrs L Peters
Other attendees 9 members of the public, CHPC Finance Officer and the CHPC Neighbourhood Plan Project Officer (voluntary)	
23/24-90	APOLOGIES & ANNOUNCEMENTS Apologies were noted from County Councillor Hale, report was circulated in advance of the meeting and noted. Chair announced the sad passing of former Chair of Council Helen Falk, she was fondly remembered for her community service. It was noted that 3 councillors and 1 member of the public were audio recording the meeting.
23/24-91	DECLARATIONS OF INTEREST a) There were none raised or confirmed. The Clerk noted that Cllr Parish had not appeared to have submitted his register. He advised it was dropped to the office. The Clerk would send another copy. b) No written requests for dispensations were received. c) No dispensations received in advance.
23/24-91	QUESTIONS FROM THE PUBLIC <i>7.32pm Standing Orders were suspended so members of the public could have the opportunity to ask questions/make statements to the Council.</i> a) It was noted that another former councillor had also passed away and the Council noted this. <i>7.33pm Standing Orders were resumed.</i>
23/24-93	MINUTES OF THE PREVIOUS MEETINGS OF THE PARISH COUNCIL The minutes of the meeting held 14 th December 2023 were noted as published and taken as read. The Chair of Council asked for any amendments to the accuracy of the minutes. A single typo was amended by hand, the word parish had an 's' missing. There were no further comments raised regarding accuracy of the minutes. The minutes were duly proposed, seconded, and RESOLVED by a majority show of hands or unanimously to be a true and accurate record of the meeting. Motion carried. The minutes would be signed by the Chair of Council for the record and would be marked as signed on the website. Cllr Clemow made a request to move item 98a to 100e and the Chair of Council agreed to accept this.
	<u>FINANCE, AUDIT & GOVERNANCE</u>
23/24-94	FINANCE a) Payment Approval for January 2024 The payment sheet with month 10 payments 124-138 in the amount of £3,430.20 was noted as circulated. The Chair asked for any queries or questions on any of

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	the payments. There was a query over payment number 126 which was Open Spaces Society annual membership. There were no further questions or queries raised. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands that the payments be signed by two councillors and paid by BACS before the end of January 2024. Motion carried. b) Q3 Financial Report The report was noted as circulated. The Chair asked for any queries or questions. There was a question on payment reference 4200 for an amount of £2,798 which the Clerk/RFO would investigate and confirm at the next meeting in the Clerk's report. There were no further queries. It was duly proposed, seconded, and unanimously RESOLVED that the financial report be noted and accepted by a show of hands Motion carried.
23/24-86	PLANNING & CONSULTATIONS It was confirmed that the following applications were circulated under delegated authority between meetings and over the festive period. a) 5/2023/2413 – 97 High Street, Colney Heath Recommendation no comment b) 5/2023/2416 – 97 High Street, Colney Heath Recommendation no comment c) 5/2023/2467 – Holly House, Roestock Lane, Colney Heath Recommendation no comment d) 5/2023/2496 – 9 Sleapcross Gardens, Smallford Recommendation no comment e) 5/2023/2490- Holly House, Roestock Lane, Colney Heath Recommendation no comment f) 5/2023/2295 – 4 Bullens Green Lane, Colney Heath Recommendation no comment It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to retrospectively approve and accept the recommendations of the Clerk and Planning Working Party to neither support or object to the applications 5/2023/2413, 5/2023/2416, 5/2023/2467, 5/2023/2496, 5/2023/2490 and 5/2023/2295. Motion carried g) 5/2023/2308 – 107 Colney Heath Lane, Colney Heath It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to delegate response to the Clerk working with the Planning Working Party Motion carried h) 5/2023/2570 – 37 Highfield Lane, Tyttenhanger It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to neither support or object to the planning application Motion carried i) 5/2023/2484 – 97 High Street, Colney Heath It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to neither support or object to the planning application Motion carried

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	j) 5/2023/2529 – 52 Roestock Lane, Colney Heath It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to neither support or object to the planning application Motion carried k) 5/223/2560 – 9 Station Road, Smallford It was duly proposed, seconded, and unanimously RESOLVED by a show of hands by a show of hands to delegate response to the Clerk working with the Planning Working Party Motion carried l) Parish Boundary Change Consultation for Schools After debate on the importance of making a comment. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to submit a comment to the consultation and the Clerk was delegated to submit the comment which would be drafted by Cllr Burns. Motion carried m) Neighbourhood Plan It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to comment or to delegate authority for the Clerk to work with the Neighbourhood Plan Project Officer (voluntary) and the Chair of Council in continuing the technical stage of the Locality application for funding provision of the CHPC Neighbourhood Plan requiring a meeting with Locality and AECOM the chosen provider.
23/24-96	PARISH GRASS CUTTING CONTRACT 2024-2027 The draft tender document was noted as circulated. The Chair asked for any amendments to the detail. There were several queries raised in connection with volunteers carrying out part of the contract but no amendments were made. It was confirmed that Council would select the contractor. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands that the Clerk was delegated to issue the tender. Motion carried.
23/24-97	TYTTENHANGER ACCESSWAY An update on the current matter and complaints was noted by Council. The situation was debated and the definition of the vehicles being parked was noted. A letter was suggested stating that this was not in the spirit of the agreement. Any further action would have to be reviewed carefully by Council. There was a request for copies of the photographs that accompanied the complaints from Cllr Parish which would be reviewed. Cllr Clemow noted a call had been received from the landowner concerned although they had not spoken. It was duly proposed, seconded, and RESOLVED by a majority show of hands to delegate the Clerk to write to the resident as instructed. Motion carried
23/24-98	PARISH CORRESPONDENCE a) Correspondence Colney Heath Scout Group Correspondence was noted as circulated. This item was moved to after item 100e at the instruction of the Chair of Council. b) Formal complaint Correspondence noted as circulated. This item would be discussed in a confidential session at the instruction of the Chair of Council.

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23/24-99	PARISH COUNCIL EVENTS 2024 a) Beating of the Bounds The history and nature of the event was debated. Council confirmed they did wish the event to go ahead and on Sunday 5th May at 2pm. A modest budget of £100 was suggested. The Common Ranger would be consulted on the arrangements for the walking circuit. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands that the event go ahead on 5th May and £100 would be the budget. Motion carried b) D-Day The event was noted on Thursday 6th June and it was debated. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to delegate the Clerk to explore what the school were doing and whether a joint event would be possible. Motion carried
23/24-100	PARISH COUNCIL WORKING PARTIES a) Communications Verbal report from Cllr Pettit. Feedback on 2nd edition of the Kite newsletter had been positive. Next edition was due in March 2024. Issues with distribution had been reviewed and would be looked at again but these were considered relatively isolated incidents due to the nature of the development. Thanks were passed to Cllr Pettit for his co-ordination and hard work on the Kite newsletter. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to delegate authority for the 3rd edition to be prepared and issued by the Clerk working with the Communications Working Party. Edition expected in March 2024. Motion carried b) Community Organisations Nothing to report since the last Council meeting. c) Planning Verbal report from Cllr Burns. Referenced the work being undertaken by the group at the moment including those cases delegated earlier this evening. Noted the Ellenbrook Quarry decision letter had been issued. The Chair of Council passed on thanks to Cllr Burns and the whole working party for their efforts in dealing with all the planning matters. d) Charles Morris Hall Nothing to report since the last Council meeting. e) Roestock Hut Report on visits to other scout huts was noted as circulated. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to carry out a site visit to Roestock Hut. Motion carried. A verbal report from Cllr Clemow which included his opinion after nearly a week of research that the Parish Council was exempt from achieving best value legislation. Cllrs asked for a copy of Cllr Clemow's research and this would be circulated to all. The Chair of Council concluded that there may well be occasions over the past

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	years where the legislation had been applied incorrectly and referenced Horseshoe Field as an example. Cllr Clemow read from a document which the Clerk had rejected be added to the agenda due to lack of background information but included several options for the Roestock Hut. The preferred and recommended option referred to as option 6 was for the Parish Council to lease the building to the Scouts or another similar local organisation on a fully repairing and maintaining lease including the refurbishment necessary for initial occupation. It was also noted by Cllr Clemow that the recommendation included that the circa £34,000 section 106 funds from Taylor Wimpey development on Bullens Green Lane should be available to the Scout group to contribute to the capital cost, the Scouts would add use their own funds as necessary. During this item the Clerk was not asked for her professional advice, opinion or to comment. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands to delegate to the Clerk working with the Roestock Hut Working Party to commence the process to prepare and produce a document for the future occupation of Roestock Hut. Motion carried.
23/24-98	a) Correspondence Colney Heath Scout Group This was an item moved from earlier in the meeting to this point. The first letter was noted as circulated. Cllr Clemow noted how he believed the response should be drafted and it was suggested that the response to the correspondence be delegated to the Clerk working with the Roestock Hut working group to draft the response. The Clerk rejected the delegated authority on this particular item. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands that the working group would draft a response and that this would be brought back to Council for approval. Motion carried. The second letter concerning the release of section 106 funds to the Colney Heath Scout Group was noted. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands that the Clerk be delegated to draft a response explaining the section 106 process and that the funds would be released to the Parish Council once a proposal for expenditure had been sent to St Albans District Council. . Motion carried.
23/24-101	<u>PARISH ADMINISTRATION & EVENTS</u>
	a) Clerk report The Clerk confirmed that requests by councillors for work to be carried out or for answers to questions on current business would now be answered in Full Council. Only instructions from Full Council or a duly delegated Committee could be carried out by the Clerk or officers. The emails, the councillors they were received from and the topic are noted below within these minutes. The full question and the formal response are appended to these minutes. Pages 675-679 • 14th December 2023, Cllr Clemow, Charles Morris Hall • 2nd January 2024, Cllr Clemow, Roestock Hut When the answer to the question was read to Council the Chair challenged the Clerk on the action carried out, why it happened and was reminded that the actions

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	carried out by the Clerk are only as instructed by a Full Council meeting or duly delegated Committee. This is the case now and was when the actions were carried out. • 5th January 2024, Cllr Shaw, Colney Heath Football Club and Working Group • 11th January 2024, Cllr Clemow, Clerk working hours on Freedom of Information request • 11th January 2024, Cllr Clemow, Confidential Staffing Issue Other matters raised in the Clerk's report were noted as follows: • Bridge has been completed 11th January and requires installation and final checks. A report after installation is complete will be sent and kept on file. • Complaints about the extended closure of the post office. • FOI internal review completed and sent 17th January 2024, not all councillors responded. Reminder that this is a legal requirement to respond within 20 working days. • The lease with the Colney Heath Football Club agreed in July 2023 has been stopped by the other side lawyer. A meeting has been requested again to debate with Council on this matter. • No plan as yet on where the new trees are going, is there to be a lead councillor on this activity. Cllrs Pettit and Brazier asked for details of the trees being delivered. The Clerk would send these on to them. • Chair of Council has asked that in each Council meeting the closing date for items for the next agenda is noted so all councillors are aware. The February Council meeting is being held on Thursday 22nd February 2024, agenda will be issued on Friday 16th February which means the closing date for motions and matters of business will be Friday 9th February 2024. b) Speed Consultation Bullens Green Lane Noted as circulated. c) Matters raised since the issue of the agenda The Clerk raised the following items that would be added to a future agenda: d) Car Parking surface requires repairing works, Council will be required to consider and fund this issue. e) Pre contract meeting held with building contract and project manager on the Colney Heath Recreation Play Ground – project will take 8 weeks and there will be some disruption with part of the car park containing machinery, welfare unit and fencing. Operating hours will be 8am-4pm on weekdays only. f) Questions to the Clerk There were none.
23/24-102	REPRESENTATIVES ON OUTSIDE BODIES a) Ellenbrook Fields Trust The next meeting was noted as 29th February 2024 b) St Albans District Association of Local Councils A meeting had been held recently on 8th January 2024, the Chair of Council attended and noted planning challenges across the District. He was also confirmed as a new cheque signatory for the association. c) Highways Liaison The next meeting was still to be confirmed

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	d) Tyttenhanger Quarry Liaison The next meeting was still to be confirmed
23/24-103	QUESTIONS FROM THE PUBLIC The Chair of Council opted not to suspend Standing Orders and open the floor for questions to the public due to the confidential session requiring a later than expected finish. Cllr Pettit asked to raise potholes issues on Coursers Road and did so confirming works to repair the roadway would be carried out shortly and funds would be taken from section 106 funding as confirmed by County Councillor John Hale. The Chair thanked all for their attendance, closing the public meeting at 9.33pm Councillors were offered a comfort break prior to the confidential session commencing.

CONFIDENTIAL SESSION MINUTES OF COLNEY HEATH PARISH COUNCIL MEETING HELD AT COLNEY HEATH JMI SCHOOL ON THURSDAY 18 JANUARY 2024, 9.37pm

Members in attendance	
Cllr H Brazier (Colney Heath Ward) Cllr T Burns (Colney Heath Ward) Cllr J Clemow (Colney Heath Ward) Cllr S Parish (Tyttenhanger Ward)	Cllr N Pettit (Colney Heath Ward) Cllr G Shaw (Colney Heath Ward) Cllr C Tallents (Colney Heath Ward) Clerk of the Council, Mrs L Peters
23/24-98b	Formal Complaint The formal complaint was noted. It was confirmed by the Chair of Council that individual councillors should not respond to formal complaints and that the Clerk would deal and respond on behalf of Council. The process for complaints would be reviewed and come to the next Council meeting. It was duly proposed, seconded, and unanimously RESOLVED by a show of hands that that the Clerk be delegated to draft a response as instructed. Motion carried. Confidential session was closed by Chair of Council at 9.58pm

Meeting closed at 9.58pm

L Peters LCGI PSLCC CPFA CiLCA
Clerk to the Council
Drafted 24th January 2024



Signed by
Chairman of Council Cllr Tallents
Approved by Council 22nd February 2024



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COLNEY HEATH PAYMENTS LIST – Q4 2023/24

Approved payments for January 2024 (Month 10)		
Ref. No	Payment To	£ inc. VAT
124	WI Refreshments - Thursday 2nd November 2023	£ 96.00
125	Peter Fleming 4/01/2024 Website update	£ 18.00
126	Open Spaces Society Membership Membership Bo. 00035916	£ 45.00
127	Parish Online - Digital Mapping Dec - 2023 - January 2025	£ 288.00
128	Vision ICT Ltd - Hosted Email Accounts March 24 - Feb 25	£ 43.20
129	GCS - IT Support 7/12/2023	£ 200.00
130	Highfield Park Trust - Electricity November 23	£ 43.00
131	TBS Hygiene Ltd - Dog Waste Collection - December 23	£ 297.00
132	TBS Hygiene Ltd - Litter Bin Collection - December 23	£ 240.60
133	Neighbourhood Plan Project Officer (Voluntary) Honorarium	£ 1,500.00
134	Ricky Tyler Landscape - Re-Secure site Fencing @ play equipment	£ 96.00
135	HAPTC - Training - Understanding Charitable Trust - Cllr Clemow	£ 45.00
136	HAPTC - Training - Understanding Charitable Trust – Chair/Clerk	£ 90.00
137	SLCC - Staff Training Courses Q4	£ 294.00
138	Peoplesafe Alarm - Invoice CI40643	£ 134.40

Clerk report - Appendix to Minutes 18/01/2024

The following are responses to email received from Councillors since the last Parish Council meeting held in December 2023.

Email Cllr John Clemow - 6th December 2023

In reference to Charles Morris Hall

- 1. while the solicitors will do the legal work it is who will take the decision to award a lease that I would appreciate clarification on.*
- 2. Having read the NALC note LTN 28 it may be that the CHPC is the sole trustee of the land rather than the Custodian trustee, as there are no managing trustees.*
- 3. I did not see any reference in that document to the requirement to hold the charity's accounts?*

CLERK RESPONSE:

The decision to award any lease must be made by the Parish Council as the corporate body.

The advice received from the documentation forwarded the solicitor from Cllr Clemow is as follows:

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Wellers Hedley LLP Advice

The Parish Council, as a corporate body acting as a Trust corporation, is the Custodian Trustee of the lease and therefore of the Charity. It does not take any action in that capacity until requested to do so by the Managing Trustees

Unless the Charity converts to a CIO, when a Custodian Trustee is not required, the new lease will be in the name of the Custodian Trustee but they will not undertake responsibility for the covenants in the lease, this will be the responsibility of the Managing Trustees.

The appointment of a Committee is only required for the Managing Trustees

There is no basis to suggest that the Parish Council is the sole trustee.

The Parish Council are not a managing trustee as confirmed by legal advice and are not required to review accounts.

Email Cllr John Clemow – 14th December 2023

In reference to Parish Council meeting 3rd August 2023

So, in terms of the decisions taken at that meeting, I would appreciate your advice (by which I meant your judgement) on which decisions made at that meeting would be

- a. vulnerable if legally challenged and*
- b. of concern to the auditor*

the decisions being

- 1. the minutes of the previous parish council meeting*
- 2. the schedule of payments*
- 3. Vision and strategic plan*
- 4. Council logo and newsletter masthead*
- 5. Parish Council newsletter*
- 6. member to serve on Staffing Committee*
- 7. appointment of Vice Chair*
- 8. formation of budget committee*
- 9. representatives of the Council as Rule 6 party*
- 10. submission of response to Bellway planning application*
- 11. lease intention for Charles Morris Hall*

The reason for asking is to understand which decisions could be unconstitutional. We can then consider necessary / possible action.

Thank you for the referenced Regulations which it is noted apply to County and District Councils, and London Boroughs.

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CLERK RESPONSE:

Due to the significant amount of work and that the meeting has been held some months ago this would be a piece of work which would need to be instructed to the Clerk by the Parish Council.

Email Cllr John Clemow – 2nd January 2024

In reference to Roestock Hut and the Colney Heath Scout Group

Please advise

- a. the date when the building was added to the Council's asset register*
- b. the date of termination of the Scouts' lease and*
- c. was a schedule of dilapidations issued? and, if so, please provide me with a copy and the date it was issued.*

CLERK RESPONSE:

- a) Roestock Hut was added to the CHPC asset register after unanimous resolution reference 55/18 of Council meeting 5th April 2018
- b) S25 was issued in January 2019, 3 month extension agreed by Council in July 2019, confirmation that no papers had been served in October 2019, 13th December 2019 two letters issued confirming possession would be taken and the other offering short term licence whilst negotiations continued. Open letter to all councillors received on 19th December 2019 and locks were changed on 20th December 2019.
- c) No dilapidations was issued to the leaseholders by the Parish Council due to their modest income as shown on the Charity Commission website reviewed by councillors they did not wish to make the group insolvent.

Email Cllr Graeme Shaw – 5th January 2024

In reference to Freedom of Information request

I may have been assigned to the other various working groups, but, apart from the Community Liaison meeting held in the Charles Morris Hall with the various community groups, I have not attended any meetings or had had any correspondence regarding these working groups.

And can you please explain why the Football Club Working Group is not a formally constituted working group, because the lease has still not be resolved, and as you have seen in a previous email, Richard would like to have a meeting to resolve the break clause, which I had understood at Council had been resolved.

CLERK RESPONSE:

As the Clerk I was unaware that councillors had been assigned to working parties, perhaps the assignments could be clarified and confirmed for the record.

I am unable to confirm why there is not a formally constituted working group for the football club. If a working group is required it is for Council to suggest the requirements and agree terms of reference for the group and obtain approval from Council.

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Email Cllr John Clemow – 11th January 2024

In response to hours worked on Freedom of Information requests and Internal Review

I note you recorded 9.75 hours in the initial response dated 21 November 2023 to the FOI regarding working parties, I assume this included some minor redaction time - it would be useful to know how much.

I recall you noted the Planning WP provided you c600 emails. Have these been processed and sent in a response? and if so how much staff time has been required? I assume this involves significant redaction time - it would be useful to know how much.

I have provided my response regarding the CMH WP on 29 December. Has this been processed and sent in a response? and if so how much staff time has been required?

Is the time involved by Councillors included in the calculation of costs?

CLERK RESPONSE:

The FOI request responded to on 21st November 2023 included time taken to request councillors review their private email accounts and Whatsapp messages, the answering of any councillor emails related to the FOI. Advice from the ICO and other relevant legislation checks. There was some redaction time of emails held by the Parish Council and those sent by Cllr Shaw. The drafting of the date confirmation and the later drafting of the formal response, the redaction of that response and the placing of the response onto the CHPC website and the recording of the data and time used totalled 9.75 hours.

I did note that the Planning WP had mentioned c600 emails but to date none of those emails have been received. Therefore no redaction time was recorded.

You did provide details of the CMH WP on 29 December. This involved redaction time but as previously confirmed the FOI is calculated as total time taken to deal with the FOI from the moment it arrives until it is responded to and publicised on the CHPC website for the internal review of the FOI response the total time used was 11.5 hours, worked between 12th December 2023 and when the response was sent on 16th January 2024.

Councillors time is not included in any FOI response as councillors do not spend public money in answering an FOI where the officer does. Councillors should also be using their [councillor.gov.uk](mailto:councillor@colneyheathparishcouncil.gov.uk) email account in order to enable the smooth processing of any FOI such as these.

To remind Council of the JPAG (Joint Panel on Accountability and Governance Practitioners Guide - March 2023) recommendations:

1. Provide Official Email Accounts:

- To comply with GDPR, councils should provide official email accounts for councillors, the clerk, and other officers.

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2. User Management for Compliance:

- Ensuring the proper officer can manage member and staff email accounts is crucial for effective user management. Commercial 'dashboard' email and web systems are recommended for compliance with GDPR requests.

Email from Cllr John Clemow – 11th January 2024 In reference to a confidential staffing issue

The Clerk has raised concerns over the content of an email sent to her regarding a confidential employment matter. The Clerk now minutes the advice given in response to this email that the Council must take legal employment advice. Parish Council auditors and insurers will be informed of any risks to the Council as a result of the matters raised and as yet remain unresolved.

Mrs Lisa Peters LCGI PSLCC CPFA CiLCA
Parish Clerk & Responsible Finance Officer
18/01/2024