

AGENDA ITEM NO. 13

CONDUCT COMMITTEE DETERMINATION HEARING

Date **7 MARCH 2013**

Title **DETERMINATION – COMPLAINT 20120125/29**

1. PURPOSE/SUMMARY

- To provide the findings of the report of the Investigating Officer regarding complaint 20120125/29 which was referred for investigation prior to the transition to the new conduct arrangements.
- To determine the complaint in accordance with the Conduct Committee process

2. KEY ISSUES

- The Investigating Officer has finished his investigation and concluded that there was one breach of the Code of Conduct.
- It is for the Committee to determine the complaint.

3. RECOMMENDATION(S)

The Conduct Committee determines the complaint.

| | |
|--|---|
| Wards Affected | N/A |
| Forward Plan Reference No. (if applicable) | N/A |
| Portfolio Holder(s) | N/A |
| Report Originator | Ian Hunt, Chief Solicitor |
| Contact Officer(s) | Alan Pain, Corporate Director and Monitoring Officer Ian Hunt, Chief Solicitor |
| Background Paper(s) | |

1. Summary of the Facts

1.1. The Investigating Officer reports the following facts:

- 1.1.1. On the 19 January 2012 Councillor Johnson attended a meeting of Elm Parish Council.
- 1.1.2. In respect of item 11 on the agenda pertaining to Planning Applications Councillor Johnson declared a personal interest in application 3 pertaining to the erection of four dwellings, involving the demolition of an existing garage, on land North West of Overstone Drive, Coldham, by virtue of ownership of a property in Overstone Drive.
- 1.1.3. Councillor Johnson remained in the room for the item, but abstained from voting.
- 1.1.4. Councillor Johnson's property has two boundaries with the application site.
- 1.1.5. Councillor Johnson has a liability to pay a proportionate part of the maintenance for part of the access to the application site.

1.2. Councillor Johnson has not disputed these facts to date.

2. Summary of the Investigating Officers Finding

2.1. The Investigating Officer concluded that Councillor Johnson had breached the Code of Conduct (The Code).

2.2. The Investigating Officer determined that as a result of the proximity of the application site to her own property Councillor Johnson not only had a Personal Interest under the Code of Conduct, but also had a Prejudicial Interest. Councillor Johnson in having a Prejudicial Interest did not leave the room for the relevant agenda item and accordingly breached the Code of Conduct.

2.3. To date Councillor Johnson has not disputed the above conclusion.

3. The Committees Role

3.1 The Committee should follow the procedures as set out in Rule 9 in Part 4 of the Council's Constitution, specifically section 5.4.

3.2 The Panel should consider the facts and whether or not these constitute a breach of the Code of Conduct. In doing this members should have regard to any comments from the Independent Person.

3.3 Members are advised that the conduct complained of related to the previous Code of Conduct it is against that Code the behaviour should be assessed. However, in terms of decision making and any sanctions this can only be undertaken under the current framework.

3.4 The Committee may make one of the following conclusions:

- 3.4.1 That the complaint does not disclose a breach of the Code of Conduct applicable at the time.
- 3.4.2 That the complaint does disclose a breach of the Code of Conduct applicable at the time; but that no sanction is appropriate.
- 3.4.3 That the complaint does disclose a breach of the Code of Conduct applicable at the time; and that sanction is appropriate. Sanctions may include (either individually or in combination):
 - 3.4.3.1 Formal Letter of reprimand,

- 3.4.3.2 Motion of censure at the Conduct Committee,
 - 3.4.3.3 Recommendation to the Parish Council for a motion of Censure,
 - 3.4.3.4 Formal request to the Members Group Leader for their removal from Committee(s),
 - 3.4.3.5 Offer additional training for the member
 - 3.4.3.6 Recommend to the Parish Council the withdrawal of facilities (or) that facilities such as computers, email, or internet access be suspended for a period of time.
 - 3.4.3.7 Recommend to the Parish Council that they exclude the Member from the Council's offices or other premises or restrict access to certain officers; excepting access as necessary for the attendance at meetings of the Council, Committees or Sub-Committees.
 - 3.4.3.8 Publication of formal notification of breach in a newspaper circulating in the area.
- 3.4.4 It should be noted that as Councillor Johnson is a Parish Councillor any action to be taken against her at a Parish level may only be a recommendation to Elm Parish Council.

Case Reference: 20120125/29

Report of an investigation under Section 59 of the Local Government Act 2000 by Rory McKenna, (Principal Solicitor, Litigation & Planning) an investigator appointed by the Monitoring Officer of Fenland District Council into an allegation concerning Councillor Gillian Johnson of Elm Parish Council.

DATE: 25th February 2013

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1 Executive summary

1.1 On the 25th January 2012 Fenland District Council received a complaint from Mr Terrance Roy Keeble against Councillor Gillian Johnson of Elm Parish Council. The complaint was referred to an Initial Assessment Sub-Committee on the 6th February 2012, which decided to refer it to the Monitoring Officer for investigation.

1.2 I have been appointed by Alan pain, the Monitoring Officer of Fenland District Council to carry out an investigation into the allegations. I have obtained both oral and documentary evidence in connection with the matter.

1.3 The Initial Assessment Sub-Committee's summary of the complaint was that;

"When Elm Parish Council considered a planning application F/YR12/0011/O in relation to a site at 15 Overstone Drive, Coldham at its meeting on 19 January 2012, Councillor Johnson only declared a Personal interest in this application at this meeting, but should have declared a Personal and Prejudicial interest as she lives next door to the development site at 15a Overstone Drive and influenced the decision to her personal benefit."

1.4 The Sub-Committee identified below the paragraphs of the code which they felt may have been breached and needed investigation, namely;

- Bringing an office or authority into disrepute.
- Using your position as a member improperly to confer or secure an advantage or disadvantage.
- Having a prejudicial interest and failing to act appropriately.

1.5 Having conducted the investigation and considered the Code of Conduct of Elm Parish Council ("the Code") I agree that the correct paragraphs were identified.

1.6 The allegation that the Code has been breached in relation to the matter is upheld in part in as much as Councillor Gillian Johnson should have declared a prejudicial interest by virtue of the fact that she lived next door to the application site. However, I do not find that Cllr Johnson brought the Parish Council into disrepute nor do I find that she used her position as a member improperly to confer or secure an advantage or disadvantage based largely on Land Registry information and on the reasons set out below in my report.

2 Councillor Johnson's official details

- 2.1 Councillor Gillian Johnson was elected to office in May 2007 and has been a member since this time.
- 2.2 Councillor Johnson gave a written undertaking to observe the Code of Conduct adopted by Elm Parish Council on 17th May 2011 in respect of her appointment to Elm Parish Council.

3 The Scope of the Investigation

- 3.1 In March 2012 I was appointed by the Monitoring Officer as the Investigating Officer to conduct an investigation into Mr Keeble's complaint.
- 3.2 I am the Principal Solicitor for Litigation & Planning at Fenland District Council.
- 3.3 The Monitoring Officer under section 66 of the Local Government Act 2000 has a duty to investigate matters referred to him by an Initial Assessment Sub Committee further to section 57A of the Local Government Act 2000. The Monitoring Officer may appoint an Investigating Officer to perform that function.
- 3.4 The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 (SI2012/1463) disappplies the old standards regime as from 1 July 2012, other than for resolving outstanding complaints. Personal and Prejudicial Interests were replaced by a new definition of Disclosable Pecuniary Interests under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464), which apply to all local authorities in England. The Order sets out the transitional arrangements for the changeover to the new standards regime under the Localism Act 2011. Two categories of outstanding complaints under the old Code survive, one category being complaints which by 1 July 2012 have been investigated by or on behalf of the Monitoring Officer and referred to the Council's Standards Committee. Given that my investigation was complete on the 1st July 2012 and had been referred to Fenland's Standard Committee as it was then I believe I have the power to write this report and the new conduct committee has the power to make a determination.
- 3.5 The Initial Assessment Sub-Committee in their Decision Notice of the 6th February 2012 made a decision to "refer the allegation to the Monitoring Officer for investigation".
- 3.6 The word "allegation" is not defined in the Decision Notice but the preceding paragraphs give confirmation that the complaint is that contained in the letter of Mr Keeble received at FDC on the 25th January 2012 and which is generally summarised in the Notice.
- 3.7 I therefore consider that the full complaint letter is the matter referred for investigation and my investigation is constrained by the terms of the letter.

3.8 There main areas of the complaint are as follows:

- Failure to declare a prejudicial interest at a meeting of the Parish Council at which the planning application was considered and withdrawing from the room when “a prejudicial” matter was discussed.
- Improperly influencing the Parish Council to impose a condition that Overstone drive be brought up to an acceptable standard.
- Voting in the decision.
- Obtaining a personal advantage by her actions.

3.9 There is no obligation on the complainant to state all the alleged breaches of the Code, but rather they are permitted to detail the behaviour or actions which they consider may have breached it.

3.10 In reaching this decision I have considered the representations made by Mr Keeble, Councillor Johnson, Mr Terry Jordan (Clerk to Elm Parish Council) and Shanna Penny (Senior Development Officer) and the specific terms of the letter of Mr Keeble received on the 25th January 2012.

3.11 Mr Keeble in his complaint letter states “This representation in my opinion improperly influenced the Council to impose a condition that the developer must bring Overstone Drive up to an acceptable standard in the approval of the Planning application”. I would make two comments on this point namely:

- There is nothing in Planning Law which defines an acceptable standard and any such condition would be unenforceable as it is not sufficiently precise.
- The Parish Council are merely a statutory consultee and not the body who would make and issue the final planning decision. Any recommendations they make may or may not be taken into account by Fenland District Council's Planning Committee when they take the decision to grant or refuse planning permission.

4 The relevant legislation and protocols

- 4.1 Elm Parish Council adopted the Code which came into effect as from the 3rd July 2007 in which the following paragraphs are included:

Scope

2.

- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you –
- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4) this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you convicted after that date).

General Obligations

- 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6 You -
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

Prejudicial interest generally

- 10.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial

interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8;

or

(c) relates to the functions of your authority in respect of—

(i) this sub-paragraph does not apply to your authority;

(ii) this sub-paragraph does not apply to your authority;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Paragraph 11 does not apply to your authority.

Effect of prejudicial interests on participation

12.—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's

standards committee; and

(b) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

5 The evidence gathered

5.1 I have taken account of oral evidence from:

5.1.1 Mr Keeble, the complainant

5.1.2 Councillor Johnson

5.1.3 Mr Terry Jordan

5.2 I have also taken account of documentary evidence obtained from, Shanna Penny (Senior Development Officer).

5.3 I can confirm that I undertook independent site visits of Overstone Drive both prior to and after the interviews in 5.1 above.

5.4 The evidence relied upon in the preparation of this report is contained in appendix A.

6 Summary of the material facts

- 6.1 I conducted an interview with Mr Terry Jordan on the 27th March. A copy of the questions asked and answers recorded can be found at Appendix A, Document 17 of this report.
- 6.2 I conducted an interview with Mr Terrence Keeble on the 30th April 2012. A copy of the questions asked and answers recorded can be found at Appendix A, Document 18 of this report.
- 6.3 I conducted two interviews with Cllr Johnson on the 16th & 21st May 2012. A copy of the questions asked and answers recorded can be found at Appendix A, Document 19 of this report.
- 6.4 Following the interviews I sought Planning Advice from Shanna Penny and her advice can be found at Appendix A, Document 20 of this report.
- 6.5 One of the allegations which I will deal with first off and dismiss is whether or not Cllr Johnson voted at the committee when in fact she should have declared a prejudicial interest and left the room. The minutes of the meeting from the 19th January 2012 (Document 7, Page 35) record that "Councillor Mrs Johnson declared her personal interest in this application, by virtue of ownership and residency of a property at Overstone Drive, Coldham, and requested it be recorded that she **abstained from voting**" (emphasis added). These minutes were then approved unchallenged at a meeting of the Parish Council on 21st February 2012 (Document 8, Page 39). Cllr Johnson maintained during both interviews that she never voted (Document 19, page 104) and Mr Keeble conceded in his interview that because she abstained from the vote this was treated by him as a vote for the purposes of the complaint. (Document 18, page 98). I am therefore satisfied that Cllr Johnson did not vote on the application.
- 6.6 I refer now to Document 16 which shows the area as regards the application site, where the complainant lives; where Cllr Johnson lives and Overstone Drive. It is clear that Cllr Johnson's land has 2 boundaries with the application site. I have also highlighted the position of the owners of 15b Overstone Drive and the significance of this will become apparent shortly. The application site consists of Points 1, 2 & 3 on the map. The reason I have separated out points 2 & 3 is as follows. Within the title deeds for 15a Overstone Drive which is Cllr Johnson's land (Document 13) it is clear that Cllr Johnson only has to pay "a proportionate part of the cost of maintenance and repair thereof" for the land which is marked point 2 in Document 16 and which happens to fall within the application site. In my opinion she is not legally responsible for the maintenance of points 3, 8 or Overstone Drive itself at point 7. Her overall financial liability is I would say very small and had the application been approved by Fenland District Council then her gain would have been to have had improvements

done only at point 2 of Document 16 for which she would not have paid although she would also have benefited from having Overstone Drive made up to an adoptable standard as an access user of this road to her property. This is however assuming that Planning Committee felt it reasonable to impose such a condition. I refer to the e mail advice of professional planning officer Shanna Penney Senior Development Officer when she says, "As part of any consent given on the site, it is likely that a condition would be imposed to require the upgrade of Overstone Drive prior to the occupation of the approved dwellings". (Document 20, Page 106)

- 6.7 Turning to Document 14 it is clear that No 15b is responsible for the cost of maintaining all that area marked No 8 in Document 16.
- 6.8 Councillor Johnson was present at the parish council meeting on the 19th January 2012 and declared a personal interest in the Planning Application. There is however a clear difference in opinion between the complainant and Cllr Johnson as to how much Cllr Johnson did say at the meeting. Mr Keeble states that the chairman of the meeting allowed Councillor Johnson to talk on the item and she complained about the poor state of Overstone Road. He goes on to state that when questioned by other Council members Cllr Johnson talked about, the width of the road, whether it had street lights, did anyone maintain the road, was there drainage and that she made the comment that her husband nearly fell of the stretcher when being taken to hospital by the ambulance as a result of the road condition. (Document 18, Pages 98 & 99) Cllr Johnson on the other hand states that she took no part in any discussion and was told by the chair that she couldn't take part. She says that Cllr Mac Cotterall asked Cllr Rosa Hopkin to talk about the condition of Overstone Drive. Turning to the independent evidence given by the Clerk to Elm Parish Council, Terry Jordan he states that he can't recall the meeting in any detail (and I wouldn't expect him to over 2 months after the meeting) but that Cllr Johnson may have said a few words about the condition of Overstone Drive when the planning application was introduced however the chairman (John Brand) took over. More importantly when I pressed Terry Jordan as to whether or not Cllr Johnson influenced the debate in his opinion he said, "No". He also went on to say he does not believe her actions brought Elm Parish Council in disrepute nor does he believe she used her position improperly to confer or secure an advantage or disadvantage. Whilst it is my opinion that Cllr Johnson may have made a comment about the condition of Overstone Drive I don't believe (on the balance of probabilities) that she made representations when the planning application came up for discussion.

7 Comments on the draft report

- 7.1 A draft report was posted to Councillor Johnson, Mr Keeble & Terry Jordan on Thursday 13th September 2012. This was provided in order to give both parties an opportunity to make comments on the findings.
- 7.2 Councillor Johnson was the only person to reply and on the 25th September 2012 she responded as follows:

“Page 12 of draft report

At no time did Elm Council members ask myself about width of road, street lights, maintenance or drainage. When the application was introduced I declared a personal interest and did not take part in any discussion or voting.

The Chairman asked Mr Keeble if he wished to make comments on the application (note Mr J Brand, Chairman had declared personal interest by virtue of being a personal friend of complainant)

The complainant accused me of not agreeing to take part in costs towards repair of Overstone Drive, to which I was not allowed to reply.

I have never seen any quotations as to costings nor was I personally approached to take part in contributing.

I agree with hindsight I should have withdrawn from the room but at the time I did not feel I was influencing the decision.”

8 Reasoning as to whether there have been failures to comply with the Code of Conduct

- 8.1 In order to give full consideration to the implications of the facts outlined previously to the Code I will take each relevant section of it in turn.

Disrepute

- 8.2 In order to breach paragraph 5 of the Code a Councillor must either bring their office or the authority into disrepute. It is clear that a Councillor may bring themselves into disrepute and thereby damage their personal reputation, but if it does not impact on their office or of the Parish Council then the Code is not breached.
- 8.3 In order to establish if conduct could reasonably be disrepute, it is necessary to undertake an objective assessment as to whether or not the conduct would reduce the public's confidence in the Councillor being able to fulfil their role.
- 8.4 Mr Keeble has indicated Cllr Johnson has "used her position to off load her responsibility to pay for road maintenance charges and thus receive a personal gain". The documentation which he submitted with his compliant includes letters/e mails from Keith Howard of 16 Overstone Drive (Document 1 Pages 7 - 11) who obtained quotes in October/November 2010 for repairs to Overstone Drive to include points 2, 3, 7 & 8 on the map (Document 16, Page 90). From the Land registry details I have seen I have concluded that Cllr Johnson is only required to pay "a proportionate part of the cost of maintenance and repair thereof" for the land which is marked at point 2 (Document 16, Page 90). This being the case the personal gain she would have received as a result of the application being granted by Fenland District Council with a condition that Overstone Drive be brought up to an adoptable standard is minimal in my opinion.
- 8.5 All things considered I do not consider that Cllr Johnson's actions lead to her office being brought into disrepute.

Misuse of position to confer an advantage or disadvantage

- 8.6 In order to breach paragraph 6 of the Code the test to be applied is one which goes beyond inadvertent benefit, and is based on an active attempt to secure an advantage or disadvantage. In this case the allegation is that Cllr Johnson secured a financial benefit.
- 8.7 For the reasons advanced in 8.4 above I am satisfied that her actions were not an attempt to improperly use her position as a Councillor for financial gain but to secure a planning gain for all the residents who live on and access Overstone Drive.

Having a prejudicial interest and failing to act appropriately

- 8.8 Cllr Johnson declared a personal interest at the meeting on the 19th January when the planning application was discussed. It is therefore necessary to consider whether this interest was also a prejudicial interest.
- 8.9 The test to be applied is contained within Paragraph 10 of the code namely, "where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 8.10 Cllr Johnson's land has 2 boundaries with the application site and by her own admission if the application was approved the trees (behind her property) would be taken down which would give her garden more light. (Document 19, Page 105)
- 8.11 It is therefore for the simple reason of proximity that I find that the interest was not only one of a personal nature but was also prejudicial and should have been declared. Accordingly Cllr Johnson should have withdraw from the room when then Planning Application was being discussed.

9 Finding

- 9.1 There was breach of the Code of Conduct applicable to Councillor Johnson as a member of Elm Parish Council in as much as she failed to declare a prejudicial interest and leave the room when the planning application was being discussed. Accordingly sections 10 & 12 of the code were breached.

- 9.2 In relation to the allegations that Cllr Johnson brought an office or authority into disrepute & used her position as a member improperly to confer or secure an advantage or disadvantage I am satisfied that sections 5 & 6 of the code were not breached.

Appendix A

Schedule of Evidence

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Appendix A

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RECEIVED
25 JAN 2012

Mr T.R. Keeble
15 Overstone Drive
Coldham Wisbech
Cambs PE14 0NG
01945 860197
07900400006

Monitoring Officer my ref TK/PLAN/12

Fenland District Council

County Road

March Cambs

Dear Sir,

Re; Code of conduct complaint.

The complaint relates to the personal and prejudicial actions of Councillor Mrs Johnson at the Elm Parish Council meeting held on Thursday 19th January 2012 (Agenda enclosed) in respect to item 11 Planning applications no 3 F/YR12/0011/O.

Councillor Johnson lives next door to the proposed development and wanted to raise her concerns. Councillor Johnson registered a personal interest only in the proceedings and was allowed to talk. Councillor Johnson then went on to complain about the poor

condition of the road surface with large pot holes in Overstone Drive a unadopted road which gives access to the development site.

This representation in my opinion improperly influenced the Council to impose a condition that the developer must bring Overstone Drive up to an acceptable standard in the approval of the Planning application. Councillor remained in the room throughout the proceedings and also voted.

Councillor Johnson should have declared a prejudicial interest in this matter as she has obtained a personal advantage by her actions at this meeting.

With an unadopted road it is usual that all the owners of the property who use the road share the cost of maintenance. In 2010 Mr Keith Howard of number 16 Overstone Drive obtained quotes to bring the road up to an acceptable standard.(Attached documentation)

The cost per household was approx £970 if everybody paid their share.

Four owners refused to pay for this work one of which was Councillor Johnson. Eleven owners did agree to pay including Circle Anglia parent company to Rodons and one owner who has two properties.

Here we have a Councillor who has used her position to off load her responsibility to pay for road maintenance charges and thus received a personal gain.

I look forward to hearing your findings.

Yours faithfully

B. R. Keelke

2 enclosures

3 copies

ELM PARISH COUNCIL

19 January 2012 – 6.30 pm.

Venue: Parish Council office, Begdale Road, Elm

All members of the Council are hereby summoned to attend for the purposes of considering and resolving the business to be transacted at the meeting as set out below.

Members of the public and press are welcome to attend the meeting.

AGENDA

(A period not exceeding 15 minutes is made available at the beginning of the meeting, where residents so require, to enable a Public Forum to take place).

1. To receive apologies for absence.
2. The Standards Board for England – Members' Code of Conduct.

Members are reminded of the need to ensure that their entries in the Register of Declarable Interests are kept up-to-date and requested to amend any details that have changed since the last meeting.

3. Declarations of Interest by members in relation to items to be discussed at the meeting.
4. To confirm and sign the minutes of the meeting of 20 December 2011.
5. Locality Team, Area Priority for Elm and Christchurch Wards – to receive a presentation from Assistant Locality Manager at Cambridgeshire County Council.
6. Progress on actions from minutes of last meeting.

(1) Incidents of theft at Elm Cemetery – to consider the latest situation and whether action by the Parish Council is necessary at this time (minute 92/11 (1) refers).

(2) Speed limit on March Road, Coldham – Clerk to report information from the Local Highway Authority, following Councillor Mrs Tuck's involvement (minute 92/11 (2) refers).

(3) Parish Precept 2012/13 – to agree specific locations for additional street lamps (minute 99/11 refers).

7. Police matters – to receive information from the Neighbourhood Policing Team.
8. To receive reports from the District and County Councillors (if present) for the parish.
9. Facilities for young people in the parish – Further to minute 78/11 (2), Clerk to report information from Fenland District Council on progressing a joint proposal off Grove Gardens, Elm.

10. **Highway matters** (1) Further to minute 96/11 (1), to consider submitting an application under the County Council's new Local Minor Highway Improvements scheme; (2) Clerk to report response from Local Highway Authority regarding salt bins (minute 96/11 (3) refers).

11. **Planning applications** – to make observations, for submission to the Local Planning Authority.

At the time of agenda despatch the following planning applications had been received by the Parish Council:

- (1) Erection of a two-storey side extension to existing dwelling, involving demolition of attached stores, at Stable Cottage, 135 March Road, Fridaybridge – F/YR11/0981/F (applicant: Mrs E Hammond).
- (2) Erection of 2 x 3-bed, two-storey dwellings, involving demolition of existing buildings, at Fern Cottage, Begdale Road, Elm – F/YR11/0985/RM (applicant: Mr D Bell).
- (3) Erection of four dwellings, involving the demolition of existing garage, on land north-west of 15 Overstone Drive, Coldham – F/YR12/0011/O (applicants: Mr and Mrs T Keeble).

12. **Financial matters** – To receive the Clerk's report on: (1) monthly income and expenditure; (2) Quarter three financial position.

13. **Identification of Rural Exception sites** – Further to minute 50/11 (2), to consider, at the request of the Chairman, how the Parish Council wishes to proceed in assisting the identification of appropriate areas of land.

14. **Elm Cemetery** – to consider issues in relation to removal of earth following interments (Clerk to report on enquiry from local Funeral Director).

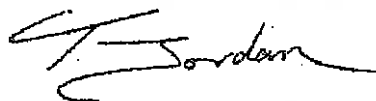
15. **Correspondence** – Clerk to report on items of relevance to members.

- (1) Chapel Lane, Elm – e-mail from resident of Elm regarding condition of fencing.
- (2) Queen's Diamond Jubilee – letter from Fenland District Council regarding grant aid.
- (3) Parish Plans and Shape Your Place website – e-mail from Cambridgeshire ACRE.

16. **Date of next meeting** – reminder that the next meeting is scheduled for 21 February 2012, commencing at 6.30 pm, at the Parish Council office, Begdale Road, Elm.

Members: Councillors Brand, Cotterell, Mrs Cotterell, Mrs Hopkin, Mrs Johnson, Mrs Lankfer, Pinnock, Rogers, Softley, Stokes, Tilney and Webb.

Agenda issued and published (on 13 January 2012) by:



Mr T Jordan
Clerk to the Parish Council
1 St Mary's Drive
March
PE15 8BJ

Exclusion of the public from meetings for confidential items of business

To exclude the public (including the press) from a meeting of the Council, it is necessary for the following proposition to be moved and adopted "that the public be excluded from the meeting for item number(s), which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) as indicated"

Notes on members' interests.

1. A personal interest exists where a decision on a matter would affect to a greater extent than other people in the parish –
 - (a) the well-being, financial position, employment or business of the councillor, his or her family or any person with whom the councillor has a close association;
 - (b) a body employing that person, any firm in which he or she is a partner and any company of which he or she is a director;
 - (c) any corporate body in which that person has a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) the councillor's registerable financial and other interests.

2. A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the councillor's personal interest as being so significant that it is likely to prejudice his or her judgement of the public interest.

Overstone Drive – Road Surface Deterioration

As you are aware the surface of this unadopted road has deteriorated markedly over the last year after the winter snow and frosts. To get an idea of how costly it would be for it to be repaired I asked Finesse Paving to quote.

Their quote for planing the road and laying a surface course from the junction with Station Road to the end of the concreted area by No.'s 15 and 17 was £12320 + VAT.

At 17.5% VAT the total is £14476.

At 20.0% VAT (from 1/1/2011) the total is £14784.

Obviously it may be possible to get a cheaper quote or try to get some kind of grant towards the cost but before doing all that, the purpose of this note is to see if, in the worst case of a £14476 / £14784 bill for the repair, you would be prepared to pay an equal share of the cost.

Please let me know your views.

Keith Howard

16 Overstone Drive – 01945 860460

| | | | | | |
|------------------|---|----------------|---|-----------------|---|
| Sonny & Margaret | ✓ | (9) | ✓ | Sheila & Terry | ✓ |
| Marion & COLIN | ✓ | Karen & STUART | ✓ | Gill & Frank | X |
| Ted & Ina | X | Gordon & Chris | ✓ | Carol & Matteus | X |
| Brian (5) | ✓ | Barry | ✓ | Wendy | X |
| Brian(7) | ✓ | Kevin & Kay | ✓ | Us | ✓ |

9. Gill & CHRIS SHEPHERD
020 8888 7900

RE: Overstone Road

From: Gary Breame (Gary.Breame@Circleanglia.org)

Sent: 02 December 2010 14:01:13

To: Keith Howard (keith_howard@hotmail.com)

1 attachment

SKMBT_C35210120215020.pdf (157.3 KB)

Dear Keith

As we make use of the road way I can not see a reason why would not be able to pay 1/16th of the cost of you scheme

I use a contractor Garrod Construction on many a times and his work has only been to a satisfactory standard and attach his details if you like to obtain a third price

Please let me know if I can be any more help

Many Thanks

Gary

Gary Breame

Surveyor

Roddons Housing Association

Roddons Housing Association is part of Circle Anglia

Tel 01354 680789

Mobile 07977285358

Roddons in-house repairs DLO completes around 1400 responsive repairs jobs per month, and has delivered 100% gas servicing compliance in 10 of the last 12 months. Our performance against targets for property repairs is amongst the best in the Circle Anglia Group, and customer satisfaction with our repairs service throughout 2010-11 is on average 7.4% higher than in 2009-10

FINESSE

Finesse Paving & Civil Engineering Ltd
The Common
Wisbech
Cambs
PE14 9AW

Office: 01945 772132

Fax: 01945 772132

Email: finesse.ltd@virgin.net

VAT: 699958723

22nd October 2010

Ref: Overstone Drive, Coldham

Please find below quotes for above job as requested

Phase 1: Whole Roadway from Bell-mouth at top of Overstone Drive (415m2)

Plane @ 35mm & Lay surface course to whole road up to beginning of concrete patchwork area near No.15 & 17.

Supply Labour, plant & materials

£ 8,470 + VAT

Phase 2: Break out @ 80mm & Lay Base Course & surface course to patch area (Ref: to include No.15, 17 onwards (170m2)

Supply Labour, plant and materials

£ 6,996 + VAT

17/10/10 8220
20/10/10 8395

Phase 1 + Phase 2. If you decided to go for both of these phases, we could offer a combined cost of:

£12,320 + VAT

A saving of £3,146

Phase 3: Tarmac Bell mouth at top of Overstone Drive (87.46m²).

35mm & Lay surface course

Supply Labour, plant & materials

£2,266 + VAT

Phase 4: Half the road width outside LAURELS Bungalow. Plane @ 35mm & Lay surface course (27.72m²). Also lay 6mm material to pavement area at 20mm (16.83m²).

Supply Labour, plant & materials

£1,870 + VAT

If you have any further questions please do not hesitate to contact me on 07947350640 or 01945 772132 (Neil)

Yours sincerely

Neil Giddings
Director

Overstone Drive – Road Surface Deterioration - Update 12/11/10

Since my last note, I obtained 2 more quotations:

D Watt Roadways £9136 + VAT (£10735)

Harris Road Contractors Ltd £10874 + VAT (£12777)

(The Harris quote included for 2 more drains to drain low points by No.'s 2/4 and No.'s 9/11 which they thought was necessary.)

I approached the 15 private properties using Overstone Drive – 11 were prepared to contribute, 4 were not. Obviously most of the 11 who said yes did so on the proviso of everyone contributing, so it would appear that this initiative cannot now proceed.

I also approached Circle Anglia the parent company of Roddons to make a contribution on behalf of the Housing Association bungalows that use the road for access but as yet I have had no reply.

I also sought a list of adopted roads in the Fenland Area from Cambs. Highways. They are required by law to keep such a list but so far they have failed to supply me with a copy for over a month. I am now in the formal complaints system with Cambs. County Council.

If anyone wants to try some other approach I am happy to supply any information that I have gathered.

Keith Howard

16 Overstone Drive – 01945 860460

PARISH/TOWN COUNCIL (To be returned to Development Services)
Elm Parish Council

Case Officer: Shanna Penney

FENLAND DISTRICT COUNCIL
DETAILS OF PLANNING APPLICATION

Application Number: FYR12/0011/O

Date Application Received: 29 December 2011

Date Application Valid: 6 January 2012

Application Target Date: 2 March 2012

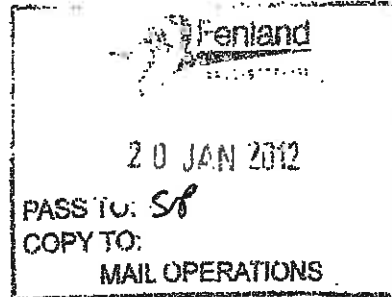
Applicant: Mr & Mrs T Keeble
15 Overstone Drive
Coldham
Cambridgeshire
PE14 0NG

Agent: Mr Grahame Seaton
67 St Peters Road
Upwell
Wisbech
PE14 9EJ

Description: Erection of 4 x dwellings involving the demolition of existing garage

Location: Land North West Of 15 Overstone Drive Coldham
Cambridgeshire

Grid Reference: E 543371
N 302958



CANCELLED

Observations:



From: The Clerk of the Parish/~~Elm~~ Council

Consultation Date: 11 January 2012

CANCELLED

Signed:

Dated: 19/1/12

⊙ Supported, subject to the imposition of planning condition at Overstone Drive be made up to an adaptable standard prior to the occupation of any new dwellings.

**CODE OF CONDUCT FOR MEMBERS - DECISION NOTICE:
REFERRAL TO MONITORING OFFICER FOR INVESTIGATION**

INITIAL ASSESSMENT SUB-COMMITTEE

Reference 20120125/29

Complaint

On 6 February 2012, the Initial Assessment Sub-Committee considered a complaint from Mr T R Keeble concerning the alleged conduct of Councillor Gillian Johnson, a member of Elm Parish Council.

A general summary of the complaint appears below:

That when Elm Parish Council considered a planning application F/YR12/0011/O in relation to a site at 15 Overstone Drive, Coldham at its meeting on 19 January 2012, Councillor Johnson only declared a Personal interest in this application at this meeting, but should have declared a Personal and Prejudicial interest as she lives next door to the development site at 15a Overstone Drive and influenced the decision to her personal benefit.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Initial Assessment Sub-Committee resolved to refer the allegation to the Monitoring Officer for investigation.

Potential breaches of the Code of Conduct identified

The Sub-Committee identified below the paragraphs of the Code of Conduct which may apply to the alleged breach. The investigator will actually determine which paragraphs are relevant during the course of the investigation and which paragraphs may have been breached.

- bringing an office or authority into disrepute
- using your position as a member improperly to confer or secure an advantage or disadvantage
- having a prejudicial interest and failing to act appropriately

This Decision Notice is sent to the person or persons making the allegation, the member against whom the allegation was made and the clerk of Elm Parish Council.

What happens now?

- Investigation – the complaint will now be investigated as set out in the attached investigations procedure and you will be informed of the outcome of that investigation in due course.

Signed *M. K. Timmins*

Date *6th February 2012*

Chairman of the Initial Assessment Sub-Committee

***Local Authorities (Model Code of
Conduct) Order 2007 No.1159***

**THE MODEL CODE OF CONDUCT
FOR PARISH AND TOWN COUNCILS**

As adopted by

Elm Parish Council

3rd July 2007

To come into effect as from 3rd July 2007

[DCLG 5018]

**THE MODEL CODE OF CONDUCT
FOR PARISH AND TOWN COUNCILS**

Part 1

General provisions

Introduction and interpretation

1. — This Code applies to **you** as a member of an authority.

(1) You should read this Code together with the general principles prescribed by the Secretary of State (see Annexure to this Code).

(2) It is your responsibility to comply with the provisions of this Code.

(3) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) any of the authority's committees or sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member and an appointed member.

(4) References to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. — Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. — You must treat others with respect.
 - (1) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not—
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. Paragraph 7 does not apply to your authority.

a (□) 2006 c.3.

Part 2

Interests

Personal interests

8. — You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. — Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(1) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(2) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(4) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10. — Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(1) You do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) this sub-paragraph does not apply to your authority;
 - (ii) this sub-paragraph does not apply to your authority;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Paragraph 11 does not apply to your authority.

Effect of prejudicial interests on participation

12. — Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee; and

(b) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. — Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. — Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(1) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(2) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Annexure - The Ten General Principles

The general principles governing your conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Elm Parish Council

Declaration of Acceptance of Office

I, GILLIAN JOHNSON

having been elected ~~to the office of~~ to the office of COUNCILLOR

HEREBY DECLARE that I take that office upon myself and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the Code of Conduct adopted by Elm Parish Council in the performance of my functions in that office.

Signed G. Johnson Date 17.05.2011

This declaration was made and signed before me

Signed [Signature]

Proper Officer of Elm Parish Council

Date 17/5/11

ELM PARISH COUNCIL

REGISTER OF MEMBERS' INTERESTS

GENERAL NOTICE OF REGISTRABLE INTERESTS

I, **GILLIAN AURIC JOHNSON**
 a member of member of ~~Manea~~ **Manea** Parish Council give notice that
ELM

EITHER

~~* I have no interests which are required to be declared under the Local Government Act 2000.~~
 OR

* I have set out below under the appropriate headings my interests which I am required to declare under the Local Government Act 2000, and I have put "NONE" where I have no such interests under any heading.

* delete as appropriate

Financial Interests

| | | |
|--|---|-------------|
| <p>Employment/ Business</p> | <p>1. Any employment or business carried on by you (i.e. your job or business).</p> <p>2. The name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company for which you are a remunerated director (ie the firm(s) which pay(s) you (either by salary or dividend)).</p> | <p>NONE</p> |
| <p>Election Expenses</p> | <p>3. The name of any person, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties (i.e. sponsorship by a political party or individual)</p> | <p>NONE</p> |
| <p>Shares and Securities</p> | <p>4. The name of any corporate body which has a place of business or land in the authority's area and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one-hundredth of the total issued shared capital of that body.</p> | <p>NONE</p> |
| <p>Contracts with the Authority</p> | <p>5. A description of any contract for goods, services or works made between the authority and yourself or a firm in which you are a partner, a company of which you are a remunerated director, or a body in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one-hundredth of the total issued shared capital of that body.</p> | <p>NONE</p> |

| | | |
|-----------------------------------|--|---|
| Gift or Hospitality | 6. Any person from whom you have received a gift or hospitality with an estimated value of at least £25 per occasion. | NONE |
| Land in the area of the Authority | 7. The address or other description (sufficient to identify the location) of any land in which you have a beneficial interest and which is in the area of the authority (e.g. your home and other houses, business premises or land (postal address or map reference)). | 15A OVERSTONE DRIVE, COLDHAM CAMBS PE14 0NQ |
| Corporate Tenancies | 8. The address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one-hundredth of the total issued share capital of that body. | NONE |
| Licences to occupy land | 9. The address or other description (sufficient to identify the location) of any land in the authority's area in which you have a licence (alone or jointly with others) to occupy for twenty eight days or longer. | NONE |

Other Interests

| | | |
|-----------------|---|---|
| Other Interests | <p>10. The membership or position of general control or management in any:</p> <p>(a) body to which you have been appointed or nominated by the Authority as its representative (e.g. internal drainage boards);</p> <p>(b) public authority or body exercising functions of a public nature (i.e. Parish/Town Council, PCT, Cambridgeshire County Council);</p> <p>(c) company, industrial and provident society, charity or body directed to charitable purposes (e.g. Rotary Club, Freemasons);</p> <p>(d) body whose principal purposes include the influence of public opinion or policy; (e.g. The Conservative Party, The Labour Party);</p> | <p>NONE</p> <p>ELM PC</p> <p>W. I. DODDINGTON MARCH + DISTRICT BRANCH PARKINSONS UK</p> <p>NONE</p> |
|-----------------|---|---|

| | | |
|--|---|-----------------------------|
| | (e) trade union or professional association (e.g. T&GWU, National Association of Estate Agents, NFU, Unison). | CWU RETIREMENT MEMBER |
|--|---|-----------------------------|

I recognise that it can be a breach of the Code of Conduct to:

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading
- (3) fail to give further notices in order to
 - bring up-to-date information given in this notice
 - declare an interest that I acquire after the date of this notice and have to declare.

Signed G. A. Johnson Date 20.06.2011
Councillor

RECEIVED

Signed CTF Date 21/6/11
Clerk to the Council (Proper Officer)

The Proper Officer of the Council is required to maintain records of the information and keep the records open to inspection by members of the public without charge at all reasonable hours.

ELM PARISH COUNCIL

19 January 2012 – 6.30 pm.

Venue: Parish Council office, Begdale Road, Elm

All members of the Council are hereby summoned to attend for the purposes of considering and resolving the business to be transacted at the meeting as set out below.

Members of the public and press are welcome to attend the meeting.

AGENDA

(A period not exceeding 15 minutes is made available at the beginning of the meeting, where residents so require, to enable a Public Forum to take place).

- 1. To receive apologies for absence.**
- 2. The Standards Board for England – Members' Code of Conduct.**

Members are reminded of the need to ensure that their entries in the Register of Declarable Interests are kept up-to-date and requested to amend any details that have changed since the last meeting.
- 3. Declarations of Interest by members in relation to items to be discussed at the meeting.**
- 4. To confirm and sign the minutes of the meeting of 20 December 2011.**
- 5. Locality Team, Area Priority for Elm and Christchurch Wards – to receive a presentation from Assistant Locality Manager at Cambridgeshire County Council.**
- 6. Progress on actions from minutes of last meeting.**
 - (1) Incidents of theft at Elm Cemetery – to consider the latest situation and whether action by the Parish Council is necessary at this time (minute 92/11 (1) refers).
 - (2) Speed limit on March Road, Coldham – Clerk to report information from the Local Highway Authority, following Councillor Mrs Tuck's involvement (minute 92/11 (2) refers).
 - (3) Parish Precept 2012/13 – to agree specific locations for additional street lamps (minute 99/11 refers).
- 7. Police matters – to receive information from the Neighbourhood Policing Team.**
- 8. To receive reports from the District and County Councillors (if present) for the parish.**
- 9. Facilities for young people in the parish – Further to minute 78/11 (2), Clerk to report information from Fenland District Council on progressing a joint proposal off Grove Gardens, Elm.**

10. **Highway matters** (1) Further to minute 96/11 (1), to consider submitting an application under the County Council's new Local Minor Highway Improvements scheme; (2) Clerk to report response from Local Highway Authority regarding salt bins (minute 96/11 (3) refers).

11. **Planning applications** – to make observations, for submission to the Local Planning Authority.

At the time of agenda despatch the following planning applications had been received by the Parish Council:

- (1) Erection of a two-storey side extension to existing dwelling, involving demolition of attached stores, at Stable Cottage, 135 March Road, Fridaybridge – FYR11/0981/F (applicant: Mrs E Hammond).
- (2) Erection of 2 x 3-bed, two-storey dwellings, involving demolition of existing buildings, at Fern Cottage, Begdale Road, Elm – FYR11/0985/RM (applicant: Mr D Bell).
- (3) Erection of four dwellings, involving the demolition of existing garage, on land north-west of 15 Overstone Drive, Coldham – FYR12/0011/O (applicants: Mr and Mrs T Keeble).

12. **Financial matters** – To receive the Clerk's report on: (1) monthly income and expenditure; (2) Quarter three financial position.

13. **Identification of Rural Exception sites** – Further to minute 50/11 (2), to consider, at the request of the Chairman, how the Parish Council wishes to proceed in assisting the identification of appropriate areas of land.

14. **Elm Cemetery** – to consider issues in relation to removal of earth following interments (Clerk to report on enquiry from local Funeral Director).

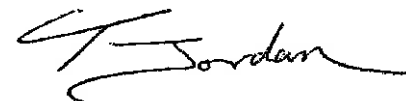
15. **Correspondence** – Clerk to report on items of relevance to members.

- (1) Chapel Lane, Elm – e-mail from resident of Elm regarding condition of fencing.
- (2) Queen's Diamond Jubilee – letter from Fenland District Council regarding grant aid.
- (3) Parish Plans and Shape Your Place website – e-mail from Cambridgeshire ACRE.

16. **Date of next meeting** – reminder that the next meeting is scheduled for 21 February 2012, commencing at 6.30 pm, at the Parish Council office, Begdale Road, Elm.

Members: Councillors Brand, Cotterell, Mrs Cotterell, Mrs Hopkin, Mrs Johnson, Mrs Lankfer, Pinnock, Rogers, Softley, Stokes, Tilney and Webb.

Agenda issued and published (on 13 January 2012) by:



**Mr T Jordan
Clerk to the Parish Council
1 St Mary's Drive
March
PE15 8BJ**

Exclusion of the public from meetings for confidential items of business

To exclude the public (including the press) from a meeting of the Council, it is necessary for the following proposition to be moved and adopted "that the public be excluded from the meeting for item number(s), which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) as indicated"

Notes on members' interests

1. A personal interest exists where a decision on a matter would affect to a greater extent than other people in the parish –
 - (a) the well-being, financial position, employment or business of the councillor, his or her family or any person with whom the councillor has a close association;
 - (b) a body employing that person, any firm in which he or she is a partner and any company of which he or she is a director;
 - (c) any corporate body in which that person has a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) the councillor's registerable financial and other interests.
2. A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the councillor's personal interest as being so significant that it is likely to prejudice his or her judgement of the public interest.

ELM PARISH COUNCIL

MINUTES OF MEETING

19 JANUARY 2012 – 6.30 pm.

Present: Councillor Brand, Chairman; Councillors Cotterell, Mrs Cotterell, Mrs Hopkin, Mrs Johnson, Mrs Lankfer, Rogers (from 6.50 pm), Stokes, Softley and Webb.

Apologies: County Councillor Mrs Tuck and District Councillor Sutton.

The minutes of the meeting of 20 December 2011 were confirmed and signed.

104/11 Open Forum

(1) Thefts at Elm Cemetery

Further to minute 92/11 (1), a number of members of the public attended the meeting to obtain an update from the Parish Council regarding the action that it agreed to take at minute 76/11 in relation to the incidents of theft of flowers and other items from graves at Elm Cemetery.

The Clerk responded by relaying the information that he had reported to the Parish Council at minute 92/11 (1) and the consequent decisions of the Parish Council in that regard. In addition, he made the point that there had been no reports to the Police relating to thefts of flowers and other items from graves at Elm Cemetery for two months (minute 108/11 refers). The members of the public acknowledged this to be the case.

The Clerk explained that, although the incidents of theft from graves at the cemetery appear to have ceased, the Parish Council does not consider this to be a matter of "case closed" but will be kept under review and considered again if the need arises (minute 92/11 (1) refers).

Even though the incidents of theft appear to have ceased, members feel that one preventative measure would be to erect fencing along the rear boundary of the cemetery; this would not only prevent access to the cemetery from that boundary but also "finish off" the extension works.

Members are of the view that there is no need to consider further at this stage the provision of a CCTV monitoring system at the cemetery. They also expressed the view that even if a CCTV system were to be installed, it may be more appropriate to locate a camera at the entrance to the cemetery, rather than within the cemetery.

Members decided that

- (1) the situation continue to be kept under review;
- (2) three quotations be sought for the provision of appropriate fencing along the rear boundary of Elm Cemetery;
- (3) the Clerk, in consultation with the Chairman, be authorised to accept the most cost-effective fencing quotation received and to arrange the works.

(2) Taxi ranks at Wisbech

A resident of Elm attended the meeting to explain the concerns of people living in the village regarding the proposal of Fenland District Council to re-locate the taxi ranks from The Horsefair, to an alternative (less central) location, at Wisbech.

The resident expressed the view that the proposal would cause difficulties for parishioners, particularly those who are elderly or infirm. She stated her belief that the Parish Council would be consulted by Fenland District Council on the taxi ranks re-location proposal.

Members decided that the concerns expressed by this resident be noted and that they be taken into account by the Parish Council in responding to any consultation by Fenland District Council in respect of this proposal.

105/11 The Standards Board for England – Members' Code of Conduct

Members were reminded of the need to ensure that their Register of Declarable Interests is kept up-to-date.

No members had any amendments to make to their register entries.

106/11 Locality Team, Area Priority for Elm and Christchurch ward

Further to minute 91/11, members received a presentation from Sara Turton, Assistant Manager of the County Council's Locality Team for the Wisbech and District area (which includes the parish of Elm) on both the work of the Locality Team generally and two specific projects being operated currently by that team. She circulated documents which provided additional information to that reported orally.

Ms Turton explained that the Locality Team, which is located within the Children's Services department at the County Council, delivers a variety of functions, including: youth work; the education welfare service; operation of children's centres; the Connexions service; parental support; Oasis Centre nursery.

The Locality Team is currently participating in two projects:

- Graffiti - to reduce the number of illegal tags and graffiti within Wisbech and local areas by identifying and engaging with young people into positive activity. Ms Turton explained the role that the Locality Team is playing in delivery of this project, which includes providing young people with an understanding of the role of graffiti in history, enhancing their communication skills and creating a piece of graffiti art to be displayed in Wisbech. The Locality Team is currently bidding for funding to be able to take a group of young people on a visit to Berlin as part of the history of graffiti element of this project.
- Area Priority – a multi-agency approach to reducing child poverty in East Cambridgeshire and Fenland through targeted intervention with children and young families. Ms Turton explained that the Elm and Christchurch ward of Fenland has been identified as a priority area in this regard.

Ms Turton stated her hope that Elm Parish Council would be able to support this project; attendance by a member of the Parish Council at the next meeting of the project group, scheduled for 26 January 2012 at Fridaybridge School, would be valued.

Ms Turton responded to members' questions.

Members decided that the information provided by Ms Turton be noted and that the Parish Council is supportive of the projects in which the Wisbech and District Locality Team is participating/delivering.

107/11 Progress on actions from minutes of last meeting

(1) Section 106 Planning Obligations issues (minute 90/11)

Members considered the appointment of two representatives to serve upon the committee which is being established to advise on the spending of the Section 106 monies relating to the Coldham windfarm extension.

Members decided that Councillors Brand and Mrs Johnson be appointed to serve as Elm Parish Council's representatives on this committee.

(2) Speed limit on March Road, Coldham (minute 92/11 (2))

The Clerk reported information provided by the Local Highway Authority (LHA), as a result of County Councillor Mrs Tuck's involvement in pursuing this concern.

The LHA has stated that the funding approved in 2011 by the County Council's Cabinet allows for speed limit reviews up to number 29 to be implemented. As the B1101 is review number 30, it is not included and, therefore, other forms of funding would be needed if the Parish Council wishes to take forward any changes.

The Local Highway Authority states that the speed limit review work undertaken recorded a mean speed of just over 40 mph for the length currently covered by the 40mph limit in the village, which suggests reasonable compliance. On the south approach to the village it was not possible to undertake a radar survey due to the lack of a suitable location to fix the equipment. A survey south of the Old Vicarage, however, showed a mean speed of just below 49 mph.

In terms of pursuing a reduction in speed limit, the options available to the Parish Council are agreeing to meet the costs, under the County Council's third party funding arrangements scheme, of such a measure or to make an application under the County Council's Local Minor Highway Improvements scheme (minutes 96/11 (1) and 110/11 refer).

Members decided that

- (1) the information reported by the Clerk be noted;
- (2) depending upon the likely level of cost, they are minded to pursue a third party funding approach to securing a speed limit reduction along March Road, Coldham;
- (3) the Clerk would obtain from the Local Highway Authority an estimate of the costs involved in the third party funding approach to this matter.

(3) Appointment to Elm Centre Management Committee (minute 92/11 (3))

Members considered, again, the appointment of a representative to the Elm Centre Management Committee.

Members decided that Councillor Mrs Cotterell be appointed to serve as Elm Parish Council's representative on the Elm Centre Management Committee.

(4) Parish Precept 2012/13 - locations for new street lamps (minute 99/11)

Members considered finalising specific locations for installation of the three new street lamps which would be funded from the 2011/12 Concurrent Functions Grant.

Members decided that

(1) new street lamps be provided at the following locations:

- Overstone Road, Coldham
- Flints Corner, March Road, Fridaybridge
- Gosmoor Lane (in the vicinity of Colletts Bridge Lane), Elm;

(2) the Clerk would progress this matter with the County Council's Street Lighting Team.

108/11 Police matters

The Clerk reported that PCSO Martin Bogunovic, of the Wisbech and District Neighbourhood Policing Team, was unable to attend the meeting, He had, however, provided a report detailing recent incidents of crime and disorder within the geographical area covered by Elm Parish Council, which the Clerk presented to members, including:

- Coldham – one incident of anti-social behaviour, involving the use of trials bikes across farmland
- Fridaybridge – one incident of theft from a vehicle; one burglary at a business premises; one theft of a cycle from a residential garden; one incident of youth-related anti-social behaviour
- Elm – one incident of theft from a vehicle; two incidents of suspected poaching; two non-dwelling burglaries
- Rings End – theft of railway sleepers from private land.

The Clerk also informed members that there are no emerging issues across the area covered by the Wisbech and District Neighbourhood Policing Team. The only ongoing issue relates to thefts from vehicles.

For the second month in a row there have been no reports to the Police relating to thefts of flowers and other items from graves at Elm Cemetery.

Members decided that the information reported by the Clerk, on behalf of PCSO Bogunovic, be noted.

109/11 Reports from District and County Councillors for the parish

Given the absence from the meeting of the County Councillor (Mrs Tuck) who represents the parish of Elm, no report was received by the Parish Council in relation to current County Council issues.

Councillor Cotterell, one of the two District Councillors who represent the parish of Elm, informed the Parish Council that he is currently unaware of any specific District Council matters affecting the parish. He informed members, however, that the District Council's main area of focus currently is its budget for 2012/13.

Councillor Cotterell mentioned the Local Government Boundary Commission review of electoral wards in Fenland, the purpose of which is to equalise the number of electors per councillor in the district. The Clerk took the opportunity to remind members of the briefing session for local councils, to be delivered by representatives of the Boundary Commission, arranged for 24 January 2012 (7.00 pm at Fenland Hall, March).

Members decided that the information reported by District Councillor Cotterell be noted.

110/11 Highway issues

(1) Local Minor Highway Improvements scheme

Further to minute 96/11(1), the Clerk reported the response from the Local Highway Authority (LHA) with regard to:

- whether schemes for "stage two of the traffic calming on March Road, Fridaybridge" and "completion of the junction works at Elm High Road and Elm Low Road" would be valid applications under the Local Minor Highway Improvements scheme;
- the feasibility of introducing a one-way traffic system operating along Elm Low Road and the corresponding section of Elm High Road.

In its response, the LHA reminded the Parish Council that an officer from the Highways and Access Team met members of the Parish Council on 31 December 2009 to discuss the outstanding issues at the High Road/Low Road junction. Widening of the footpath was discussed; however, when the officer measured out the required width of carriageway which is needed and the amount of widening that could be achieved, it was decided by all that it was not worth undertaking any works (being mindful of the cost of such work and the minimal benefit that would be achieved).

The LHA makes the point that if the Parish Council wishes to see additional works at the High Road/Low Road junction and at March Road, Fridaybridge, applications could be made under the new Minor Highway Improvement scheme.

With regard to the suggestion of making Elm Low Road and Elm High Road into a one-way system, the Local Highway Authority comments that although this may seem a good idea, such an arrangement would increase vehicle speeds (as there would be no opposing traffic to slow vehicles down), cyclists are likely to ignore any signing (causing the possibility of head on collisions with other vehicles travelling in the correct direction) and it would add additional mileage to those living within the one-way system.

Members decided that

- (1) they no longer wish to pursue a one-way system for the High Road/Low Road, Elm;
- (2) an application be submitted, under the Local Minor Highway Improvements scheme, in respect of additional speed reduction measures on March Road, Fridaybridge;
- (3) no application be submitted, under the Local Minor Highway Improvements scheme, in respect of additional works to the High Road/Low Road junction.

(2) Salt bins

Further to minute 96/11 (3), the Clerk reported that the Local Highway Authority (LHA) has both removed the salt bin from the grassed area adjacent to the war memorial at Elm and sited it, instead, on the footpath adjacent to The Sportsman public house and provided and installed an additional salt bin, at a location agreed between the LHA and the Clerk, on Begdale Road.

Members decided that the information reported by the Clerk be noted.

111/11 Facilities for young people in the parish

Further to minute 78/11 (2), the Clerk reported that the Parks and Open Spaces Manager at Fenland District Council (FDC) is currently working with officers of Kier Anglia to achieve FDC's adoption of the area of open space off Grove Gardens, Elm and that he had suggested a meeting between himself and representatives of Elm Parish Council to discuss the provision of play equipment on this land.

Members decided that the current position regarding adoption by Fenland District Council of this area of land be noted and that arrangements be made, by the Clerk, for Councillors Brand, Rogers and Stokes and the Clerk to meet with the Parks and Open Spaces Manager at Fenland District Council.

112/11 Planning applications

Members considered the following planning applications and decided to submit to the Local Planning Authority the comments set out (in italics) below:

- (1) Erection of a two-storey side extension to existing dwelling, involving demolition of attached stores, at Stable Cottage, 135 March Road, Fridaybridge – F/YR11/0981/F (applicant: Mrs E Hammond).

That the application be supported.

- (2) Erection of 2 x 3-bed, two-storey dwellings, involving demolition of existing buildings, at Fern Cottage, Begdale Road, Elm – F/YR11/0985/RM (applicant: Mr D Bell).

That the application be supported.

- (3) Erection of four dwellings, involving the demolition of existing garage, on land north-west of 15 Overstone Drive, Coldham – F/YR12/0011/O (applicants: Mr and Mrs T Keeble).

That the application be supported, subject to the imposition of a planning condition requiring making up of Overstone Drive to adoptable standard prior to the occupation of any new dwellings.

(Councillor Brand declared his personal interest in this application by virtue of a friendship with the applicants)

(Councillor Mrs Johnson declared her personal interest in this application, by virtue of ownership and residency of a property at Overstone Drive, Coldham, and requested it be recorded that she abstained from voting)

113/11 Financial matters

The Clerk reported on the Parish Council's income and expenditure since the last meeting, as follows:

Income

| | | |
|--------------------------|--|-----------|
| Fenland District Council | Concurrent functions grant – second instalment | £3,970.00 |
| W Bailey and Son | Interment fee - Hathaway | £250.00 |
| Grounds & Co. | Cottage rent (less fees) | £523.60 |
| W Bailey and Son | Plot purchase and interment fee - Curtis | £600.00 |

| | | |
|---------------------|--|------------------|
| Total Income | | £5,343.60 |
|---------------------|--|------------------|

Expenditure

| | | |
|--------------------------|---|------------------|
| R J Warren Ltd | Grounds maintenance contract | £588.80 |
| Cambridgeshire ACRE | Membership renewal | £30.00 |
| Mrs S Woodhouse | Playing field security (quarterly payment to 31 December 2011) | £100.00 |
| Wisbech Youth Clubs | Financial support to Elm and Fridaybridge Youth Club (October to December 2011) | £2,135.00 |
| T Jordan | Salary (less income tax of £111.80), Broadband and other expenses | £519.82 |
| Total Expenditure | | £3,373.62 |

In addition, the Clerk reported on the levels of funding held within the Parish Council's bank and savings accounts as at 31 December 2011 (in the total sum of £129,906.99), together with the month-end figures for each of the preceding six months and as at 31 December 2010.

Further to minute 21/11, the Clerk reported on the management accounts that he had produced for the third quarter of the 2011/12 financial year; he gave explanations as to variances between the estimated income and expenditure for the year and the actual levels of income and expenditure in the financial year to date.

Members decided that

- (1) the income of £5,343.60 be noted and that the expenditure of £3,373.62 be authorised;
- (2) the levels of funding held within the Parish Council's bank and savings accounts as at 31 December 2011, together with the month-end figures for each of the preceding six months and as at 31 December 2010, be noted;
- (3) the financial information within the third quarter's management accounts be noted;
- (4) the level of financial information currently reported by the Clerk (both the monthly and quarterly reports) is sufficient to enable them to both make effective spending decisions and to understand the ongoing financial position of the Parish Council.

114/11 Identification of Rural Exception Sites

Further to minute 50/11 (2), the Clerk sought members' views as to whether Elm Parish Council should assist Roddons Housing Association in identifying suitable areas of land within the parish as potential Rural Exception Sites.

Members decided that, for a number of reasons, the Parish Council would not assist in the identification of potential Rural Exception Sites in the parish.

(Councillors Rogers and Stokes requested it be recorded that they abstained from voting on this item of business)

115/11 Elm Cemetery

The Clerk sought members' views, in the light of an enquiry from a local Funeral Director, as to whether the Parish Council should introduce a requirement for grave diggers to remove from Elm Cemetery the surplus soil following an interment.

Prior to undertaking of the earth moving works to extend the cemetery, this matter caused no difficulty; in fact, any surplus soil left at the cemetery was useful in helping to raise the level of the land. This is no longer the case.

Members decided that the Parish Council should require removal by grave diggers of any surplus soil following an interment and that the Clerk would inform local Funeral Directors of the situation.

116/11 Correspondence

(1) Chapel Lane, Elm – railings.

The Clerk reported an e-mail from a local resident concerning a missing section of railing on the boundary between Chapel Lane and the Pocket Park at Elm and his concern that, in the absence of such fencing, unauthorised vehicular access could be achieved to the Pocket Park.

Members decided that arrangements be made for the installation of a bollard, of similar design to those installed in recent months at The Leam (to prevent unauthorised parking), within the current gap in the railings at Chapel Lane, Elm.

(2) Queen's Diamond Jubilee - grant aid.

The Clerk reported a letter from Fenland District Council (FDC) inviting the Parish Council to apply for a grant of £1,000 being made available by FDC to contribute towards the cost of Diamond Jubilee celebrations within the parish.

Members are aware of arrangements being made by the Coldham Residents Action Group for a celebratory event in the village at which any resident of the parish would be welcome to attend.

Members decided that information be sought from the Coldham Residents Action Group in relation to the celebratory event that it is organising and that such information be used as the detail for application for the grant being offered by Fenland District Council.

(3) Parish Plans and the Shape Your Place website.

The Clerk reported an e-mail from Cambridgeshire ACRE, requesting the Parish Council's approval to providing a link to the Elm Parish Plan via the Shape Your Place (SYP) community website.

The purpose of providing access to parish plans via SYP would be to provide another way of:

- making parish plans (and the actions arising) visible to communities and public-sector partners
- enabling communities and partners to discuss the actions arising from their parish plan.

Members decided that the request from Cambridgeshire ACRE be approved.

117/11 Next meeting

Members were reminded that the next meeting of the Parish Council had been scheduled for 21 February 2012, commencing at 6.30 pm, at the Parish Council office, Begdale Road, Elm.

Meeting finished at 8.05 pm

Signature:.....(Council Chairman).

Date:.....

ELM PARISH COUNCIL

MINUTES OF MEETING

21 FEBRUARY 2012 – 6.30 pm.

Present: Councillor Brand, Chairman; Councillors Mrs Cotterell, Mrs Johnson, Mrs Lankfer, Pinnock, Rogers, Softley (until 7.10 pm), Stokes and Tilney (from 6.40 pm):

In attendance: District Councillor Sutton.

Apologies: Councillors Cotterell, Mrs Hopkin and Webb plus County Councillor Mrs Tuck.

The minutes of the meeting of 19 January 2012 were confirmed and signed.

118/11 The Standards Board for England – Members' Code of Conduct

Members were reminded of the need to ensure that their Register of Declarable Interests is kept up-to-date.

Councillor Mrs Cotterell made an amendment to make to her register entry.

119/11 Progress on actions from minutes of last meeting

(1) Incidents of theft at Elm Cemetery (minute 104/11 (1))

The Clerk reported that

- three quotations had been sought from local fencing contractors for the provision of appropriate fencing along the rear boundary of the cemetery and that two quotations had been received;
- in accordance with the authority delegated to the Clerk, to be exercised in consultation with the Chairman, the lower of the two quotations had been accepted;
- following a meeting on-site with the Clerk and the Chairman, the contractor has undertaken the agreed fencing works;
- whilst on-site with the contractor, the Chairman and the Clerk discussed other potential works to enhance the appearance of the cemetery and, as a result, considered that the planting of additional hedging along the site boundaries could be undertaken in that regard. Consequently, the Clerk had sought a quotation from the Parish Council's grounds maintenance contractor for the provision and planting of such hedging; the Clerk expects to be able to report a quotation to the next meeting of the Parish Council.

According to information provided by the Police (minute 120/11 refers), the incidents of theft from graves at the cemetery appear to have ceased.

Members decided that the information reported by the Clerk be noted and that the possibility of obtaining Section 106 Planning Obligations monies to meet the cost of planting additional hedging at Elm Cemetery be investigated.

(2) Facilities for young people in the parish (minute M111/11)

The Clerk reported on a site meeting which had taken place on 16 February 2012, involving Councillors Brand, Rogers and Stokes and himself with Bob Ollier, the Parks and Open Spaces Manager at Fenland District Council, to discuss a joint approach between Elm Parish Council and Fenland District Council to the provision of an equipped play area at Grove Gardens in Elm.

The outcome of the meeting was that

- Mr Ollier would pursue with the developer (Kier Anglia) the outstanding adoption issues, giving the company two options in that regard; those options being: (1) the company to undertake the outstanding works; (2) a financial sum for the cost of the works being paid to Fenland District Council (FDC), so that FDC could undertake the works on behalf of the developer.
- Once adoption of the land by Fenland District Council has taken place, FDC would be planning to re-locate the existing small play area to a more central point within the grassed area.
- Fenland District Council and Elm Parish Council would work together to provide a range of play equipment on the re-located play area. Elm Parish Council would fund the provision of the play equipment (obtaining grant aid if possible) and Fenland District Council would design a suitable scheme and undertake the tendering exercise in relation to procurement of the equipment. The two councils would participate in consultation with potential users of the play area and the residents of Grove Gardens.

Members decided that the information reported by the Clerk be noted and that Fenland District Council be requested to update the Parish Council regularly on progress regarding this matter.

(3) Queen's Diamond Jubilee - grant aid (minute 116/11 (2))

The Clerk reported the receipt of a letter from Fenland District Council informing the Parish Council that the grant of £1,000 would be paid into its bank account on or before 2 March 2012.

Members decided that the information reported by the Clerk be noted

120/11 Police matters

PCSO Martin Bogunovic, of the Wisbech and District Neighbourhood Policing Team, reported on recent incidents of crime and disorder within the geographical area covered by Elm Parish Council, including:

- Coldham – two incidents of theft of vegetables; one theft of fuel from a vehicle
- Fridaybridge – two incidents of criminal damage to a vehicle; one theft from a vehicle
- Elm – one theft of a vehicle; one public order offence; one incident of ABH; an attempted shed burglary
- Rings End – one possible incident of arson.

For the third month in a row there have been no reports to the Police relating to thefts of flowers and other items from graves at Elm Cemetery.

The PCSO informed members of the actions that would be undertaken jointly by the Neighbourhood Policing Team and Fenland District Council to address the community priority agreed at the recent Wisbech and District Neighbourhood Forum meeting in relation to tackling speeding in Elm. This will include speed checks, Speed Watch events and a campaign involving pupils at the Elm and Fridaybridge Community Primary Schools.

PCSO Bogunovic responded to members' questions.

Members decided that the information reported by PCSO Bogunovic be noted.

121/11 Reports from District and County Councillors for the parish

Given the absence from the meeting of the County Councillor (Mrs Tuck) who represents the parish of Elm, no report was received by the Parish Council in relation to current County Council issues.

Councillor Sutton, one of the two District Councillors who represent the parish of Elm, informed the Parish Council that he is currently unaware of any specific District Council matters affecting the parish. He did, however, inform members of two issues affecting the whole district, i.e. that the District Council is not proposing to increase its element of the Council Tax for 2012/13 and that there has been a delay (possibly of two months), because of involvement of the Government, in the time scale for implementation of the Fenland Communities Development Plan Core Strategy (considered at minute 45/11 (3)).

Members decided that the information reported by District Councillor Sutton be noted.

122/11 Highway issues

(1) Speed limit on March Road, Coldham

Further to minute 107/11 (2), the Clerk reported information provided by the Local Highway Authority (LHA) regarding the estimated costs involved in the third party funding approach to achieving a reduction in the speed limit along March Road, Coldham.

The LHA has, on the assumption that the Parish Council wishes the speed limit extension to commence on the March Side of the Old Vicarage, stated that it would use the existing terminal signs south of Station Road and add one new post plus three new 40 mph repeater signs on new posts; this is estimated to cost £1,700.00

In addition, the LHA would require a contribution of almost £300.00 towards the cost of the necessary public advertisement. Total cost of £2,000; it is estimated that the total cost would increase by £1,500 if the Parish Council were not to carry out the advertising process via the Local Highway Authority.

It would be the responsibility of the Parish Council, not the Local Highway Authority, to undertake all the necessary consultations and for considering any responses received as a result of that exercise (particularly any received from the emergency services).

Members decided that

- (1) the information reported by the Clerk be noted;
- (2) they wish to proceed with an extension of the 40 mph speed limit in the manner suggested by the Local Highway Authority (LHA);
- (3) the Clerk would ascertain from the LHA the feasibility (and cost) of re-locating the existing 40 mph speed limit signs which are adjacent to Bramley Court (one on either side of the road), to the location of the Coldham sign (on the approach from Fridaybridge), to achieve, when combined with the original proposal, a 40 mph speed limit on the B1101 through the whole of Coldham.

(2) Salt bins

Further to minute 96/11 (3), the Clerk reported two requests from residents of Fridaybridge for the provision of additional salt bins in the village (one on West Drive and the other at Bullfinch Way).

Members decided, on the basis that there is unlikely to be a need for further gritting until next winter, that discussion of these requests be deferred until the November 2012 meeting of the Parish Council.

123/11 Planning applications and appeals

Members considered the following planning applications and decided to submit to the Local Planning Authority the comments set out (in italics) below:

- (1) Change of use of land for the siting of two mobile homes and two touring caravans on land west of Bar Drove, Elm – F/YR11/0747/F; additional information submitted by the applicants in support of the application.

That, although having sympathy with circumstances of the applicants and their immediate family, the members of the Parish Council do not consider that the additional information received by the Local Planning Authority overcomes the objections raised by Elm Parish Council in October 2011 (minute 67/11 refers).

- (2) Erection of a two-storey, 3-bed dwelling, involving demolition of existing dwelling and shed, and siting of temporary mobile home at Arcadia House, Nettle Bank, Elm – F/YR12/0050/F (applicant: Mr J Taylor).

That the application be supported.

- (3) Fell one Sycamore tree covered by Tree Preservation Order 04/1976 on land east of "Soffits", halfpenny Lane, Elm – F/YR12/0055/TRTPO (applicants: Mr and Mrs M Gower).

Object to the application for the reason that the tree is considered to be worthy of continued protection.

(Councillor Rogers declared his personal and prejudicial interest in this application, by virtue of ownership of adjoining land and property, and retired from the meeting for the discussion and voting thereon)

In addition, members noted that the following planning applications (both considered by the Parish Council at minute 112/11) had been withdrawn by the respective applicants:

- (1) F/YR12/0011/O (proposing the erection of four dwellings on land west of 15 Overstone Drive, Coldham).
- (2) F/YR11/0985/RM (proposing the erection of 2 x 3-bed, two-storey dwellings, involving demolition of existing buildings, at Fern Cottage, Begdale Road, Elm).

The Clerk reported the lodging of appeals to the Planning Inspectorate in relation to refusal by Fenland District Council

- (1) of planning application F/YR11/0521/F (proposing the change of use of land for the siting of two mobile homes, two touring caravans and a day room, involving the formation of hardstanding and erection of 2.0 metre high fence on land south of Bar Drove, Elm).
- (2) to vary condition 4 of planning permission F/YR11/0650/F (change of use of land and buildings to form health and safety training centre, involving siting of associated equipment and portacabin for use as a testing centre) to allow opening of eastern access for use by bungalow only at Goosetree Farm, Goosetree Estate, Rings End.

In both cases, members considered the opportunity available to the Parish Council to submit comments (in addition to those sent to Fenland District Council when consulted on the planning applications) to the Planning Inspectorate.

Members decided that they wished to submit no comments to the Planning Inspectorate in relation to these appeals.

124/11 Financial matters

The Clerk reported on the Parish Council's income and expenditure since the last meeting, as follows:

Income

| | | |
|---------------------|--|------------------|
| March Funerals | Purchase of plot and interment fee - Bye | £600.00 |
| A R Clingo | Interment fee - Branch | £250.00 |
| Maxey Grounds | Cottage rent (less fees) | £523.60 |
| M J Coates | Memorial fee and inscription fee | £330.00 |
| Kent Memorials | Memorial - Holmes | £275.00 |
| Total Income | | £1,978.60 |

Expenditure

| | | |
|-------------------------------|---|------------------|
| R J Warren Ltd | Grounds maintenance contract | £588.80 |
| Cambridgeshire County Council | Purchase of salt bin | £114.00 |
| Fen Fencing | Fencing works at cemetery | £2,899.12 |
| T Jordan | Salary (less income tax of £111.80), Broadband and other expenses | £615.33 |
| Glazewing | Annual Environmental Protection Act charge relating to waste collection from cemetery | £62.40 |
| Total Expenditure | | £4,279.65 |

In addition, the Clerk reported on the levels of funding held within the Parish Council's bank and savings accounts as at 31 January 2012 (in the total sum of £128,652.58), together with the month-end figures for each of the preceding six months and as at 31 January 2011.

Members decided that

- (1) the income of £1,978.60 be noted and that the expenditure of £4,279.65 be authorised;
- (2) the levels of funding held within the Parish Council's bank and savings accounts as at 31 January 2012, together with the month-end figures for each of the preceding six months and as at 31 January 2011, be noted.

125/11 Annual risk assessments

Members considered, in accordance with the advice of the Council's Auditors that local councils should assess and take mitigating actions, the risks to the Parish Council.

Members are of the view that all of the risks faced by the Council are covered by the necessary measures, including:

- insurance policies in respect all assets and public liability
- regular inspections by the Clerk and members of the Parish Council of all assets
- monthly reporting by the Clerk of all items of income and expenditure and monies held in bank accounts
- all expenditure is approved at Parish Council meetings and cheques require three signatures
- monthly verification by a member of the Parish Council of the council's bank statements against the records of income and expenditure
- the Clerk reports to members at quarterly intervals on the Parish Council's overall financial position
- Annual Accounts are approved by the Parish Council
- all activities are governed by Standing Orders and Financial Regulations
- the Parish Council possesses a prudent level of financial reserves to be able to fund any unforeseen eventualities
- health and safety inspections are undertaken each time that grounds maintenance activities are undertaken on behalf of the Parish Council.

Members decided that appropriate risk management measures are in place currently but the situation be kept under constant review and considered formally by the Parish Council at the February meeting each year.

126/11 Elm Cemetery

The Clerk invited members' views on the general operation of Elm Cemetery, particularly in the light of recent press articles concerning the appropriateness of certain floral tributes laid at an interment.

With regard to the issues surrounding the recent floral tributes, members are generally of the view that, given the very specific nature of that particular burial, a similar incident is unlikely to occur in the future. However, in the event that there were a future occasion where a floral tribute caused upset or offence to members of the public, the Parish Council would take appropriate action to address the situation.

Councillor Pinnock stated that this issue had, in his opinion, emphasised the need for the Parish Council to possess cemetery rules and regulations (albeit that the draft rules and regulations considered by the Parish Council a minute 100/11 did not include any provisions relating to floral tributes). Consequently, he suggested that the Parish Council revisits the decision it made at minute 100/11 not to adopt rules and regulations.

Although members feel that the decision at minute 100/11 was correct, they are able to see that there could be benefit in clarifying the specifications in relation to the size of memorials etc; they consider that this could be achieved by producing a few "bullet point" rules for adding to the Parish Council's cemetery fees document.

Councillor Pinnock also referred to comments that he had made during the discussion at minute 85/11 in relation to defining specific areas (i.e. lawned and traditional sections) for the currently unused element of the cemetery and the recently extended area. He also repeated his concerns regarding the size of some of the cemetery memorials and the impact of such upon the availability of future burial plots; additionally, he suggested that, as part of the debate on the setting of cemetery fees for 2012/13, the Parish Council should consider introducing a fee for double-depth plots (which are currently purchased for the same fee as for a single-depth plot).

Members decided that

- (1) the Parish Council would seek to prevent future occurrences of upset and offence being caused to members of the public because of floral tributes on graves at Elm Cemetery;
- (2) they would consider at the next meeting

- cemetery fees for 2012/13 (including the possibility of introducing a fee for double-depth plots)
- the implementation of some brief cemetery rules, to be linked to the cemetery fees document (to include sizes of memorials etc)
- designation/layout of the currently unused and new parts of Elm Cemetery.

127/11 Parish Council meetings procedures and practices

Further to minute 93/11, Councillor Pinnock expressed concern regarding the Parish Council's change of arrangements for the publication of agendas/notice of meetings and the potential, in his opinion, for public challenge to any decisions made by the Parish Council on the basis that this new arrangement is at variance with the Parish Council's Standing Orders; the Standing Orders require that "not less than 6 clear days notice (excluding the day of delivery and the day of the meeting but including weekends) shall be given for all meetings".

The Clerk clarified the legislative requirements in relation to giving notice of meetings of local councils (the Local Government Act 1972) and reminded members of the rationale for the decisions reached by the Parish Council at minute 93/11. He made the point that the law (which requires notice of three clear days notice (excluding weekends)) would always take precedence over Standing Orders. In fact, there is no requirement in law for a local council to possess Standing Orders.

The Clerk reassured members that proper notice of this meeting had been given and, consequently, any decisions reached at the meeting would be lawful. He added, however, that no harm would be caused by reverting back to the notice period contained within the Parish Council's Standing Orders, which would make the usual agenda despatch day the Tuesday of the week preceding the meeting, as opposed to Wednesday of the preceding week (which accords with the "three clear days" rule contained within the Local Government Act 1972). The only consequence would, therefore, be to reduce by one day the opportunity for members to have items included on the meeting agenda.

Members decided that the Parish Council would revert back to the Standing Order requirement with regard to the despatch of agendas/notice of meeting.

128/11 Correspondence

(1) Fenland District Council's Community Grants Scheme 2012/13.

The Clerk reported a letter from Fenland District Council (FDC), providing details of this scheme, which enables community and voluntary groups in the district to apply for funding of up to £5,000.00 per project.

To be successful, the applications must show how the projects (which would need to be delivered by 1 April 2013) would help improve the lives of local residents. The deadline for the submission of applications is 27 April and funding will be allocated in August 2012.

Members decided that the information provided by FDC be noted and that they would bring this information to the attention to relevant groups within the community.

(2) Cambridgeshire County Council's HCV Strategy.

The Clerk reported a letter from Cambridgeshire County Council (CCC) informing Parish Councils that, following the consultation exercise, the HCV Strategy was approved by the Cabinet at the County Council in January 2012.

The letter states that the strategy, which recognises the economic importance of road haulage and the need to balance this with the environmental impact of lorries upon local communities, will be used by CCC to facilitate joint working with local communities to determine how best to manage their HCV issues.

Members decided that information provided by the County Council be noted.

(3) Upwell Health Centre grit bins.

The Clerk reported a request from Upwell Parish Council for a financial contribution towards the cost of filling the grit bins provided by that council in the car park opposite Upwell Health Centre.

Upwell Parish Council has made this provision in an effort to make it safer for those who use the car park during the winter months to access the health centre. Upwell Parish Council is responsible for both keeping these bins filled with grit (which is spread by volunteers) and collecting subscriptions from various sources to fund the initiative.

As almost 1,500 of those registered as patients at Upwell Health Centre are residents of Elm parish, Upwell Parish Council has calculated that a maximum contribution from Elm Parish Council of £29.14 per annum would be required to cover the proportionate cost of providing this benefit for parishioners of Elm.

Members decided that, as this initiative provides benefit for a considerable number of residents of the parish at a very modest cost, the request for a financial contribution be approved.

129/11 Next meeting

Members were reminded that the next meeting of the Parish Council had been scheduled for 20 March 2012, commencing at 6.30 pm, at the Parish Council office, Begdale Road, Elm.

Meeting finished at 8.05 pm

Signature:.....(Council Chairman).

Date:.....

ELM PARISH COUNCIL

MINUTES OF MEETING

21 SEPTEMBER 2010 – 6.30 pm.

Present: Councillor Brand, Chairman; Councillors Cotterell, Mrs Cotterell, Mrs Johnson, Mrs Pinnock, Pooley, Softley, Stokes, Tilney and Webb.

Apologies: Councillors Mrs Hopkin and Rogers. An apology for absence was also received from County Councillor Mrs Tuck.

The minutes of the meeting of 24 August 2010 were confirmed and signed.

60/10 The Standards Board for England – Members' Code of Conduct

Members were reminded of the need to ensure that their register of Declarable of Interests is kept up-to-date.

Councillor Stokes made an amendment to his register entry.

61/10 Matters arising from minutes of last meeting

(1) The Leam, Fridaybridge (minute 50/10 (3))

The Chairman reported that the advice received from the Middle Level Commissioners is that chemicals should not be used as the means of ivy removal as there is no flow of water in the Leam to disperse any chemical that might find its way into the water. Consequently, the ivy removal must be undertaken manually.

The Clerk reported that, on being informed by the Chairman of this situation, he had obtained a quotation from a local contractor for the manual removal of this ivy; he informed members of the amount of this quotation.

Members decided

- (1) to note the information reported;
- (2) that an additional, comparative, quotation be obtained from another contractor;
- (3) the Clerk, in consultation with the Chairman, be authorised to **accept** the lower of the two quotations.

(2) Elm Parish Council website (minute 50/10 (4))

The Clerk reported on the current position regarding the development of a website for Elm Parish Council.

In summary: the domain name agreed by members has been purchased; the Clerk has produced some "biographical" details of the villages/settlements within the parish and has provided

- photographs of the areas for the front page of the site
- contact details for the members of the Parish Council
- recent agendas and minutes of Elm Parish Council meetings

Members decided that the information reported by the Clerk be noted.

(3) Bus Shelter at Coldham (minute 53/10)

The Chairman reported on the cost of two types of plaque, the highest cost (for one made of brass) being £28..

Members were reminded that they had agreed in principle, at minute 53/10, to meet 50% of the cost of the provision of a plaque on the bus shelter at Coldham.

Members decided that the Parish Council would support purchase, by CRAG, of a brass plaque, to bear the wording agreed at minute 53/10, and to meet 50% of the purchase cost.

62/10 Police matters

PC Julie Coales, of the Wisbech and District Neighbourhood Policing Team, attended the meeting to inform members of recent incidents of crime and disorder within the geographical area covered by Elm Parish Council, namely:

- Coldham – two incidents of criminal damage in Overstone Road.
- Fridaybridge - thefts from vehicles, incidents of assault (involving foreign nationals) and one haystack Fire (at Maltmas Drove). Ms Coales stated that she would also be investigating the obstructive vehicle parking on Back Road, reported to her by the Clerk.
- Elm - thefts from vehicles and a small number of burglaries.

In addition, PC Coales informed members that the Constabulary is devoting resources across the County to addressing distraction burglaries; this includes providing crime prevention "education" to elderly and vulnerable members of society. She also mentioned the importance of local people engaging with the CrimeBUSTer initiative and expressed the hope that members of the Parish Council would help publicise the visits to villages within the parish by the CrimeBUSTer; at a time where all public-sector bodies are suffering funding reductions, there could be a case of "use it or lose it".

Ms Coales responded to members' questions.

Members decided to note

- (1) the information provided by Ms Coales;
- (2) that notices, produced by Fenland District Council, publicising the visits to villages within the parish by the CrimeBUSTer are placed, by the Clerk, on all of the village notice boards within the parish.

63/10 Community-led planning for Elm Parish

The Chairman reported that, due to illness, Mrs Wadsley of the Community Development Team at Fenland District Council had been unable to attend this meeting to update members on developments since minute 34/10.

Councillor Mrs Johnson took the opportunity of this item to achieve discussion by the Parish Council of the condition of the carriageway at Overstone Drive at Coldham, which is not at a standard at which the Local Highway Authority would undertake its adoption. Mrs Johnson stated that this matter had featured in a Coldham Village Plan but had not featured in the Elm Parish Plan. She asked that the Parish Council assists the residents of Overstone Drive in obtaining improvements to the carriageway.

Councillor Mrs Johnson stated that 68% of residents of Coldham agree that Overstone Drive should be brought up to adoptable standard. She expressed the view that the road is not safe for use by vehicles of the emergency services.

Members discussed at some length the likely legal position and responsibilities of the three tiers of local councils, the former developer and the residents.

Members took into account the comments made by the local resident at minute 70/10 (1).

Members decided that

- (1) the update report, from Mrs Wadsley, on the delivery of actions within the Elm Parish Plan be deferred to the next meeting of the Parish Council;
- (2) there is no action that could be taken by the Parish Council to achieve improvement of the condition of the carriageway at Overstone Drive, Coldham; it was suggested that residents of Overstone Drive obtain legal advice as to how this matter could be pursued.

64/10 Facilities for young people in the parish

Members decided that, given the absence of Councillor Rogers, who had requested the Parish Council's consideration of this matter, this item be deferred to the next meeting of the Parish Council.

65/10 Highway issues

(1) Hedgerows alongside the public highway

Further to minute 52/10 (2), the Clerk reported that the Local Highway Authority had issued an instruction for the hedge at the unoccupied property at Well End to be cut back and had arranged for overhanging vegetation letters to be sent to the relevant land owners in the Redmoor Lane/Redmoor Bank/Begdale Road area.

Members decided the situation be noted.

(2) 39 Main Road, Fridaybridge – access on to Back Road

Further to minute 52/10 (3), the Clerk reported that he had obtained confirmation from the Local Highway Authority (LHA) that KEEP CLEAR markings could be provided on Back Road for the sum of £150.00 and, consequently, given the decision of the Parish Council at minute 52/10 (2) in relation to this matter, he had both given instruction to the LHA to undertake this work and informed Mr Warby of the situation.

Members decided the situation be noted.

(3) B1101 through Coldham

Members mentioned the recent spate of accidents involving vehicles travelling along the B1101 through Coldham towards March. all attributable to vehicles being driven at excessive speeds.

Members explained that the primary stretch of road involved is between the junction of Station Road with the B1101 and Union Cottages. Fortunately, there were no injuries, only damage to vehicles and property. Members, however, feel that it is only a matter of time before a local resident is injured, or even killed, by a speeding motorist along this stretch of road.

Because of the recent accidents involving speeding motorists, members consider that the Local Highway Authority should be requested to consider the implementation of appropriate measures to reduce vehicle speeds along the B1101, particularly through the village of Coldham.

Although the Parish Council is aware that the County Council is currently experiencing particularly difficult circumstances financially, it feels that a request for the implementation of measures which will improve public safety, and possibly prevent injury and save lives, should be taken very seriously by agencies which have the ability to deliver a solution to the problem.

Members decided that a letter be sent to the Local Highway Authority, with a copy being sent to the Leader of the County Council, requesting that it considers the implementation of appropriate measures to reduce vehicle speeds along the B1101, particularly through the village of Coldham.

66/10 Parish council office and adjoining land – maintenance and security

The Chairman expressed his concern that internal condition of this building would deteriorate unless it were heated during the winter and a ventilation system were installed.

In addition, members were unclear as to any arrangements in place for cleaning of the interior of the building.

Members felt that painting of the security fencing around the office building and the playing field would improve its visual appearance. The Clerk suggested that it may be worth approaching the local Community Payback Team to undertake this work.

Councillor Cotterell presented a letter of "resignation" from the local resident who had, until recently, locked and unlocked daily the outer security gates to the office and playing field area. Members considered what action to take in future in the light of these circumstances.

Members feel that clearing of the dykes at the playing field would be beneficial but were not aware, following retirement of the previous Clerk, of the arrangements in this regard.

Members decided that

- (1) the Clerk would seek to identify suitable ventilation systems for the office building and ascertain from the former Clerk what arrangements were in place for cleaning out the dykes at the playing field and, if any, for cleaning of the interior of the building;
- (2) the Clerk would seek to engage the services of the Community Payback Team to undertake the painting of the security fencing;
- (3) the outer gates to the office and playing field area would no longer be locked, unless such action resulted in vandalism/damage to the area; in such circumstances, this decision would be reviewed.

67/10 Planning applications

Members considered the following planning applications and decided to submit to the Local Planning Authority the comments set out (in italics) below:

- (1) *Erection of a4-bed detached house with integral garage on land north of Florence House, Back Road, Friday Bridge – F/YR10/0589/F (applicant: Mr B Dove).*

That the application be supported.

- (2) Erection of a detached double garage with store over at Elm Manor, Main Road, Elm - F/YR10/0601/F (applicant: Mr P Blackmore).

That the application be supported.

- (3) Erection of a single-storey side extension, porch to front and car park to side of existing dwelling at "At Last", Low Road, Elm - F/YR10/0621/F (applicant: Mr J Johnson).

That the application be supported.

- (4) Erection of a two-storey extension to side and conservatory to rear of existing dwelling at "East View", 99 Friday Bridge Road, Elm - F/YR10/0627/F (applicant: Mr P Murray).

That the application be supported.

M68/10 Finance

The Clerk reported on the Parish Council's expenditure since the last meeting, as follows:

Income

| | | |
|------------------------|-------------------------------------|----------------|
| Richard King Memorials | Cremated remains tablet – Roy Green | £100.00 |
| Total Income | | £100.00 |

Expenditure

| | | |
|--------------------------|--|------------------|
| Fenland District Council | Replacement of street light FPC4 - Coldham | £1,056.36 |
| Hc solicitors | Legal advice regarding The Leam | £857.83 |
| Elm Friendship Club | Donation – September to December 2010 | £112.00 |
| HM Revenue and Customs | Clerk's Income Tax – July and August 2010 | £252.67 |
| Watson | Diesel for tractor | £185.87 |
| Buildbase | Gravel and mortar – The Leam | £16.97 |
| M Hartigan | Grounds maintenance works | £612.49 |
| T Jordan | Salary (less income tax of £114.04), Broadband and other expenses) | £531.14 |
| Total Expenditure | | £3,625.33 |

Members decided that the income of £100.00 be noted and that the expenditure of £3,625.33 be authorised.

69/10 Cemetery Cottage, Elm

Further to minute 56/10, the Clerk reported on the latest position regarding the tenancy of this property.

The Clerk informed members that the tenant had vacated the property on 17 September 2010, as agreed by the Parish Council at minute 56/10, and that he is now in possession of the keys. He reported a request from the tenant for re-payment of the tenancy deposit.

Members decided, having regard for all of the relevant factors (i.e. the legal and tenancy advice reported by the Clerk, the condition of the property at the time of the tenant's departure and the decision that had been reached previously with regard to writing-off the tenant's rent arrears), that the tenancy deposit be re-paid.

(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraphs 3 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended))

70/10 Open Forum

(1) Overstone Drive, Coldham

Councillor Mrs Johnson invited a resident of Coldham to explain his understanding of the background to the current situation in relation to the unadopted state of the carriageway and the results of his investigations into possible measures to address that situation.

The local resident expressed the view that the residents of Overstone Drive are faced with the current situation because of an error made by the former Wisbech Rural Council in not requiring a financial bond which could be used to provide a road to adoptable standard in the event that the developer failed to do so.

The resident detailed his investigations into the legal aspects of the matter, such as seeking to establish which company, body or organisation acquired the assets of the development company when it went into liquidation in the 1970s.

Members decided to note the information and opinions presented by the local resident, which they took into account when discussing this matter at minute 63/10.

(2) Cemetery maintenance

The former Cemetery grounds person, Mr C Drew, informed members that he had been approached by the Chairman to undertake this work again. He detailed the nature of the discussion with the Chairman of the Parish Council and informed members of the terms under which he would be prepared to return to his former role.

Members decided to note the comments made and opinions expressed by Mr Drew and agreed to take them into account when discussing grounds maintenance across the parish and in Elm Cemetery (minute 71/10 refers).

71/10 Grounds maintenance across the parish and in Elm Cemetery

Further to minute 50/10 (5), the Chairman reported on the current situation in relation to the grounds maintenance across the parish and in Elm Cemetery. He explained that, as result of a discussion with the new part-time, seasonal grounds person, he had contacted the former Cemetery grounds person to see whether he would be interested in returning to his former role.

The Chairman explained the nature of his discussions with both individuals and the reason for the approach now being taken.

Members discussed issues in relation to the quality of the grounds maintenance required by the Parish Council and measures to achieve the standards sought.

In reaching their decision, members had regard for the comments made and opinions expressed by the former Cemetery grounds person at minute 70/10 (2), as well as the workload capacity of the part-time seasonal grounds person.

Members decided that

- (1) the Chairman would invite the former Cemetery grounds person to return to his former role, on the terms now agreed by the Parish Council;
- (2) the Clerk would meet with the part-time seasonal grounds person to agree working practices for the grounds maintenance across the parish of Elm (but excluding the Cemetery), with the aim of ensuring that the standards required by the parish Council can be achieved;
- (3) the effectiveness of the new arrangements be monitored, for further revision if necessary.

Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraphs 1 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)

72/10 Correspondence

- (1) War Memorials Trust Bulletin: August 2010.

The Clerk reported receipt of the latest Bulletin.

Members decided that receipt of this document by the parish Council be noted.

- (2) Neighbourhood Engagement Structure in Fenland.

Further to minute 58/10 (4), the Clerk reported that the Parish Council has been invited by Fenland District Council to appoint a representative to serve upon the panel within the new Wisbech and District Neighbourhood Forum, which has its first meeting at the Queen Mary Centre in Wisbech on 29 November 2010.

Members decided that Councillor Brand be appointed to represent Elm Parish Council on the Wisbech and District Neighbourhood Forum and that Councillor Mrs Johnson be appointed to act as substitute for Councillor Brand when necessary.

- (3) Cambridgeshire County Council's Integrated Youth Support Service (IYSS) – results of informal consultation exercise.

The Clerk presented briefly the results of this informal consultation exercise and informed members that a formal consultation exercise will be undertaken between 9 September and 29 October 2010.

Members decided that the information reported be noted and that the document detailing the results of the informal consultation exercise be circulated amongst members of the Parish Council.

(4) Kings Lynn and West Norfolk Local Development Framework – consultation on Core Strategy.

The Clerk reported briefly on the content of this consultation document, which invites the submission of representations between 1 September and 13 October 2010.

Members decided that, given the fact that none of the proposals within the document relate to any of the villages settlements within the parish of Elm, they had no representations to make to the Borough Council of Kings Lynn and West Norfolk in respect of the proposed changes to its Core Strategy.

(5) Registration of land.

The Clerk reported an invitation from the Land Registry for the Parish Council to undertake the voluntary registration of its land and property.

The Clerk informed members that, upon receipt of this invitation, he had sought further information from the Land Registry in relation to the estimated cost and work involved in this process. The Land Registry (LR) has advised that the likely cost to the Parish Council would be around £40.00 and the work involved would be the completion of an application form and for LR to view the deeds for the Parish Council's land and property.

Members decided that registration of the Parish Council's land and property be undertaken, the Clerk being authorised to complete the necessary documentation etc in relation to this matter.

73/10 Gate at Maltmas Drove, Fridaybridge

The Chairman reported a quotation for replacement of a gate at Maltmas Drove, Fridaybridge.

Some members were unsure as to whether such work is necessary.

Members decided that the situation would be assessed by Councillor Softley before any further action is taken.

(The Chairman agreed to this item of business being discussed as a matter of urgency to enable any works to be undertaken without undue delay)

74/10 Next meeting

Members decided that the next meeting of the Parish Council be held on 19 October 2010, commencing at 6.30 pm, at the Pavilion, Begdale Road, Elm.

Meeting finished at 8.45 pm

Signature:.....(Council Chairman).

Date:.....

PARISH/TOWN COUNCIL (To be returned to Development Services)
Elm Parish Council

Case Officer: Shanna Penney

FENLAND DISTRICT COUNCIL
DETAILS OF PLANNING APPLICATION

Application Number: F/YR12/0011/O

Date Application Received: 29 December 2011

Date Application Valid: 6 January 2012

Application Target Date: 2 March 2012

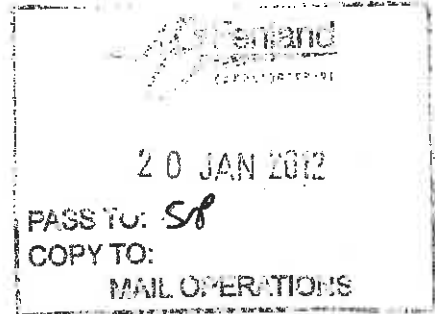
Applicant: Mr & Mrs T Keeble
15 Overstone Drive
Coldham
Cambridgeshire
PE14 0NG

Agent: Mr Grahame Seaton
67 St Peters Road
Upwell
Wisbech
PE14 9EJ

Description: Erection of 4 x dwellings involving the demolition of existing garage

Location: Land North West Of 15 Overstone Drive Coldham
Cambridgeshire

Grid Reference: E 543371
N 302958



Observations:



From: The Clerk of the Parish/~~Elm~~ Council

Signed:

Dated: 19/1/12

Consultation Date: 11 January 2012

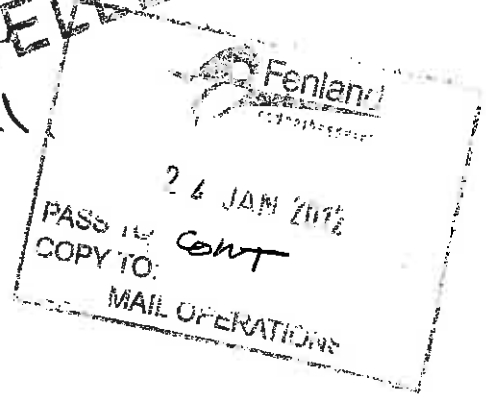
* Supported, subject to the imposition of planning condition that Overstone Drive be made up to an adaptable standard prior to the occupation of any new dwellings.

Logged/replied
25/01/12

15a Overstone Dr
Coldham
P.E.14 0NG
24 January 2012

Shanna Penney
Senior Development
Fenland District Council

CANCELLED



Dear Madam

Your ref F/YR12/0011/0.

We are writing in response to your letter dated 11 January 2012. We advise you we have no problem with the erection of your dwellings on land to the rear of our property, with one condition.

We wish to draw your attention to the access for the developers from Station Road along Overstone Drive.

CANCELLED

We moved into our premises in December 2001 and since that time the surface of this road has fallen into serious disrepair to include large potholes and drainage problems.

It is our opinion that the drive will not be suitable in its present condition to sustain heavy building goods vehicles without causing further damage.

Mr. F. Johnson is disabled with Parkinsons Disease and uses a wheelchair as he is unable to walk any distance.

Should you pass this outline planning permission may we request that a condition be placed on it to bring Overstone Drive up to an acceptable public road prior to any work being commenced.

Yours faithfully

J. A. Johnson

pp. F. E. Johnson

Tel. No. 01945 860281.

Councillor Johnson

Tel. 01945 860281

Your ref 12H/20120125/29.

07 February '12

Mr. Hunt
Chief Solicitor
Fentand District Council

Dear Mr. Hunt

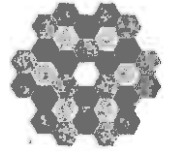
With reference to your letter dated 31 January 2012 I am writing in connection with my position on application F/VR12/0011/0. After seeking prior advice I declared a personal interest due to the fact that I am a neighbour to Mr. Keeble, and took no part in the Elm P.C. discussion or indeed in the voting, after seeking permission to stay at the meeting.

As to the allegation that I influenced the debate to obtain a recommendation that Overstone Drive be brought up to adoptable standard I deny this most strongly after checking with Elm Parish Clerk that my recollection was correct.

I am surprised that this complaint was raised as Mr. Keeble was present during the discussion and did not leave the meeting until after voting took place.

Yours sincerely,

J. A. Johnson, Councillor E.P.C.



Official copy
of register of
title

Title number CB254326

Edition date 17.12.2001

- This official copy shows the entries on the register of title on 23 MAR 2012 at 12:28:30.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 23 Mar 2012.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1-A *guide to the information we keep and how you can obtain it*.
- This title is dealt with by Land Registry, Peterborough Office.

A: Property Register

This register describes the land and estate comprised in the title.

CAMBRIDGESHIRE : FENLAND

- 1 (01.06.2001) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 15A Overstone Drive, Coldham.
- 2 (01.06.2001) The land has the benefit of the rights granted by but is subject as mentioned in the Conveyance dated 3 May 1978 referred to in the Charges Register in the following terms:-

"TOGETHER WITH

.....

(b) An unrestricted right of way at all times and for all purposes over and along the roadway edged blue on the plan leading to and from the property from and to Station Road

SUBJECT ONLY to the Purchaser paying the cost of any damage occasioned to the roadway by the use of heavy vehicles under the control of the Purchaser

.....

SUBJECT TO

(A) All such privileges and advantages as regards way support water gas or electricity supply drainage light or of laying and maintaining drain water or other pipes mains or cables of any nature whatsoever for the benefit of any adjoining or neighbouring property as the owners tenants or occupiers thereof are now or have been accustomed to enjoy by way of easements quasi easements or otherwise

(B) To such rights of land drainage as are now enjoyed by the owners or occupiers of the land lying to the South of the land hereby conveyed through the land drainage system passing thereunder"

Title number CB254326

A: Property Register continued

NOTE: The roadway edged blue referred to is Overstone Drive.

- 3 (01.06.2001) The land has the benefit of the following rights reserved by a Transfer of 15 Overstone Drive dated 18 July 1983 made between (1) John William Brand and Daphne Rose Brand (Vendors) and (2) Terence Roy Keeble and others (Purchasers):-

"EXCEPT AND RESERVED unto the Vendors and their successors in title owners and occupiers of the Vendors' adjoining land a right of way over the part of the driveway coloured blue on the said plan annexed hereto SUBJECT TO payment of a proportionate part of the cost of maintenance and repair thereof"

NOTE: The part of the driveway coloured blue referred to is tinted brown on the filed plan.

- 4 (17.12.2001) The land has the benefit of the rights granted by but is subject to the rights reserved by the Transfer dated 3 December 2001 referred to in the Charges Register.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (17.12.2001) PROPRIETOR: FRANK EDWARD JOHNSON and GILLIAN AVRIL JOHNSON of Maebank, 15A Overstone Drive, Coldham, Cambs.
- 2 (17.12.2001) The price stated to have been paid on 3 December 2001 was £107,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (01.06.2001) The land is subject to the rights granted by a Deed dated 30 June 1967 made between (1) David Edgson And Dennis George Ward and (2) Eastern Gas Board.

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy in Certificate. Original filed under CB247171.

- 2 (01.06.2001) A Conveyance of the land in this title and other land dated 3 May 1978 made between (1) D. Edgson and D.G. Ward Limited (Vendor) and (2) John William Brand (Purchaser) contains the following covenants:-

"FOR the benefit of the land adjacent thereto which has previously been in the ownership of the Vendor and with the intent to bind him and his successors in title the Purchaser hereby covenants to use the property for the purposes of a residential development and not to do or cause or suffer to be done any act matter or thing which might be or become a nuisance to the Vendor or adjoining or adjacent owners or occupiers of land"

- 3 (17.12.2001) A Transfer of the land in this title dated 3 December 2001 made between (1) Trevor George William Adcock and Priscilla Louise Wadey and (2) Frank Edward Johnson and Gillian Avril Johnson contains restrictive covenants.

NOTE: Copy in Certificate.

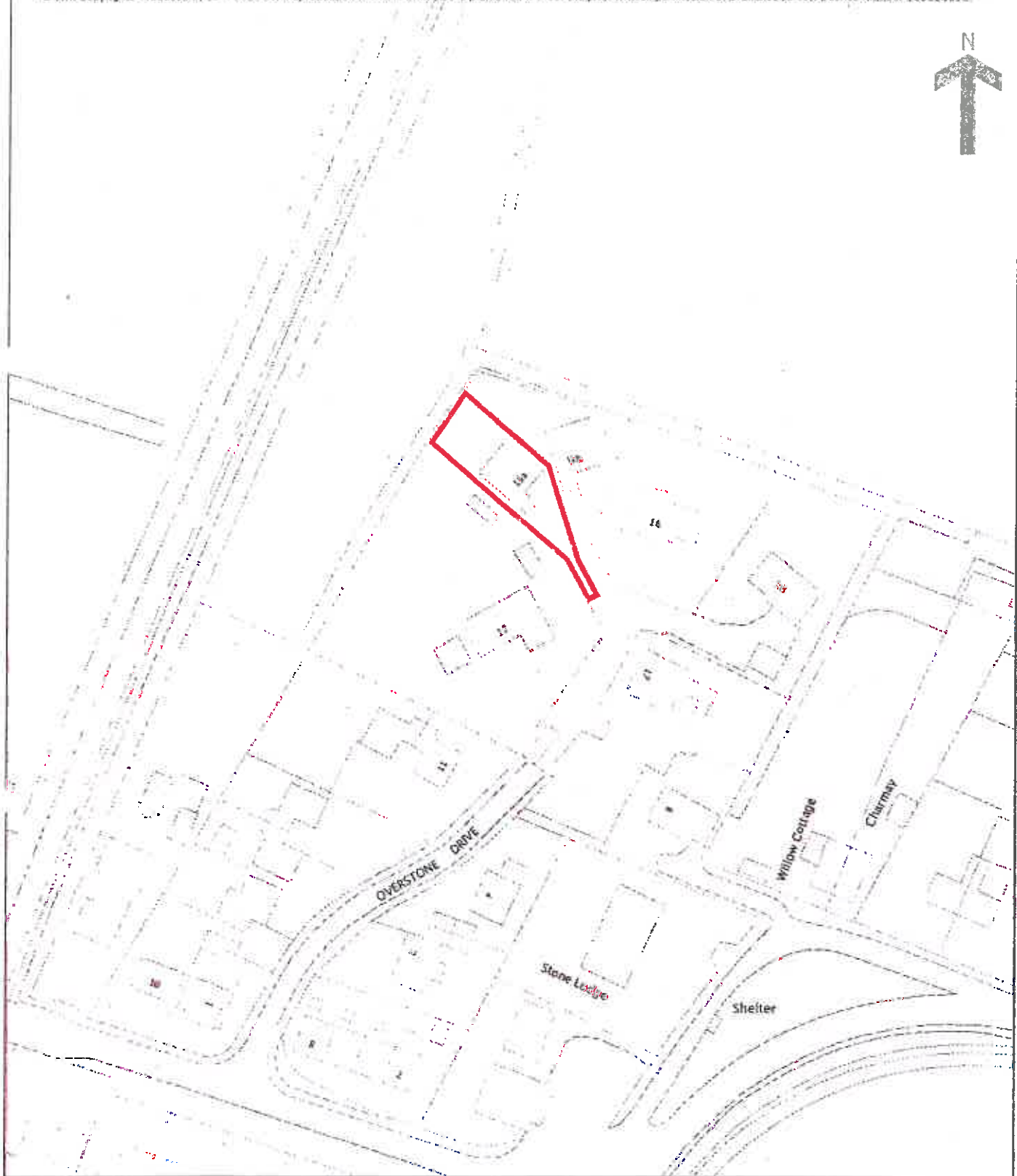
End of register

Land Registry
Official copy of
title plan

Title number **CB254326**
Ordnance Survey map reference **TF4302NW**
Scale **1:1250**
Administrative area **FENLAND**



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BIRKENHEAD



HALDANE



HALSBURY



CAIRNS



SELBORNE



WESTBURY



HM Land Registry

Land Certificate

This is to certify

that the land described within and shown on the official plan is registered at HM Land Registry with the title number and class of title stated in the register.

There are contained in this certificate office copies of the entries in the register and of the official plan and, where so indicated in the register, of documents filed in the Land Registry.

Under section 68 of the Land Registration Act, 1925 and rule 264 of the Land Registration Rules, 1925 this certificate shall be admissible as evidence of the matters contained herein and must be produced to the Chief Land Registrar in the circumstances set out in section 64 of the said Act.



WARNING

All persons are cautioned against altering, adding to or otherwise tampering with either this certificate or any document annexed to it.



REGISTERED LAND – GENERAL INFORMATION

Classes of Title

There are four classes of title with which land may be registered.

(a) **Absolute.** In the case of freeholds, this guarantees that the estate registered is vested in the proprietor of the land, subject only to the entries in the register and such overriding interests (see below) as may affect it.

An absolute title in the case of leaseholds guarantees not only that the registered lease is vested in the registered proprietor but also that the lease was granted validly.

(b) **Possessory.** In the case of either freeholds or leaseholds, registration with possessory title does not affect or prejudice the enforcement of any estate right or interest adverse to the title of the first proprietor and no guarantee is therefore given in respect of such matters. Otherwise such registration has the same effect as absolute title.

(c) **Good leasehold.** This is applicable only to leaseholds. Registration with good leasehold title does not affect or prejudice the enforcement of any estate right or interest adverse to the title of the lessor to grant the lease and no guarantee is therefore given in respect of such matters. Otherwise such registration has the same effect as absolute title.

(d) **Qualified.** In the case of freeholds, this has the same effect as an absolute title except that the title is subject to some defect or right which is specified in the register. A qualified title to leaseholds has the same effect as an absolute or good leasehold title, as the case may be, except for the specified defect.

Conversion of titles. When registration has taken place with any of the above titles other than absolute, conversion to a better title may take place subsequently, in some circumstances as of right, or otherwise at the discretion of the Chief Land Registrar.

Appurtenant rights and privileges

Except where otherwise shown on the register, there is vested in the registered proprietor of the land, any easement, right, privilege or appurtenance which appertains or is reputed to appertain to the land or any part of it or, was at the time of registration demised, occupied or enjoyed with the land or any part of it. This is the case

whether or not such matters are included in the description of the land in the A (Property) register. Where any easement referred to in the A (Property) register is validated by the provisions of the Perpetuities and Accumulations Act 1964 it is to that extent included in the title.

Overriding interests

The register of a title does not normally refer to matters which, in the case of unregistered land, would not usually be disclosed in an abstract of title. The land may nevertheless be subject to such matters, in addition to the charges and other matters referred to on the register, and these include the following:—

(a) Such rights as may be discovered by inspection of the land (e.g., rights of way, light, drainage and other easements) and enquiry of the occupier or any person to whom rent is paid (e.g. leases not noted on the register and equitable interests)

(b) Liabilities arising under Act of Parliament

(i) affecting land generally (e.g. redemption annuities and other rates and taxes of a general nature)

(ii) affecting land in a particular district (e.g. the Building Acts, the Public Health Acts, etc)

(iii) the possibility of compulsory acquisition or requisition whether permanently or for a limited period, by a government department or a local authority (e.g. under the Town and Country Planning Acts, the Agriculture Act 1974, etc)

(c) Local Land Charges (i.e. charges in favour of a local authority under an Act of Parliament). These will be registered in the local registers kept by the local authority.

The above provides only a summary of the matters which may affect registered land whether or not referred to on the register. A detailed list of such matters (known as overriding interests) is contained in section 70 of the Land Registration Act 1925 to which further additions have been made by Rule 258 of the Land Registration Rules 1925, section 13(11) of the Tithe Act 1936 and section 41 of the Coal Act 1938 (with section 5 and Schedule 1 to the Coal Industry Nationalisation Act 1946). Where necessary reference should be made to these provisions for further information.

A: 1
This r

1.

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3.



A: Property Register

This register describes the land and estate comprised in the title.

CAMBRIDGESHIRE : FENLAND

1. (1 June 2001) The **Freehold** land shown edged with red on the plan of the above Title filed at the Registry and being 15A Overstone Drive, Coldham.
2. (1 June 2001) The land has the benefit of the rights granted by but is subject as mentioned in the Conveyance dated 3 May 1978 referred to in the Charges Register in the following terms:-

"TOGETHER WITH

.....
(b) An unrestricted right of way at all times and for all purposes over and along the roadway edged blue on the plan leading to and from the property from and to Station Road

SUBJECT ONLY to the Purchaser paying the cost of any damage occasioned to the roadway by the use of heavy vehicles under the control of the Purchaser

.....
SUBJECT TO

(A) All such privileges and advantages as regards way support water gas or electricity supply drainage light or of laying and maintaining drain water or other pipes mains or cables of any nature whatsoever for the benefit of any adjoining or neighbouring property as the owners tenants or occupiers thereof are now or have been accustomed to enjoy by way of easements quasi easements or otherwise

(B) To such rights of land drainage as are now enjoyed by the owners or occupiers of the land lying to the South of the land hereby conveyed through the land drainage system passing thereunder"

NOTE: The roadway edged blue referred to is Overstone Drive.

3. (1 June 2001) The land has the benefit of the following rights reserved by a Transfer of 15 Overstone Drive dated 18 July 1983 made between (1) John William Brand and Daphne Rose Brand (Vendors) and (2) Terence Roy Keeble and others (Purchasers):-

"EXCEPT AND RESERVED unto the Vendors and their successors in title owners and occupiers of the Vendors' adjoining land a right of way over the part of the driveway coloured blue on the said plan annexed hereto

A: Property Register continued

SUBJECT TO payment of a proportionate part of the cost of maintenance and repair thereof"

NOTE: The part of the driveway coloured blue referred to is tinted brown on the filed plan.

4. (17 December 2001) The land has the benefit of the rights granted by but is subject to the rights reserved by the Transfer dated 3 December 2001 referred to in the Charges Register.

C: c

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NOT

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title Absolute

1. (17 December 2001) **PROPRIETOR:** FRANK EDWARD JOHNSON and GILLIAN AVRIL JOHNSON of Maebank, 15A Overstone Drive, Coldham, Cambs.
2. (17 December 2001) The price stated to have been paid on 3 December 2001 was £107,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

1. (1 June 2001) The land is subject to the rights granted by a Deed dated 30 June 1967 made between (1) David Edgson And Dennis George Ward and (2) Eastern Gas Board.

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy in Certificate. Original filed under CB247171.

2. (1 June 2001) A Conveyance of the land in this title and other land dated 3 May 1978 made between (1) D. Edgson and D.G. Ward Limited (Vendor) and (2) John William Brand (Purchaser) contains the following covenants:-

"FOR the benefit of the land adjacent thereto which has previously been in the ownership of the Vendor and with the intent to bind him and his successors in title the Purchaser hereby covenants to use the property for the purposes of a residential development and not to do or cause or suffer to be done any act matter or thing which might be or become a nuisance to the Vendor or adjoining or adjacent owners or occupiers of land"

3. (17 December 2001) A Transfer of the land in this title dated 3 December 2001 made between (1) Trevor George William Adcock and Priscilla Louise

C: Charges Register continued

Wadey and (2) Frank Edward Johnson and Gillian Avril Johnson contains restrictive covenants.

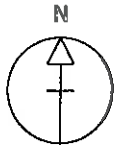
NOTE: Copy in Certificate.

END OF REGISTER

*NOTE A: A date at the beginning of an entry is the date on which the entry was made in the Register.
NOTE B: This is a copy of the register on 17 December 2001 at 09:44:04.*



TITLE NUMBER
CB254326



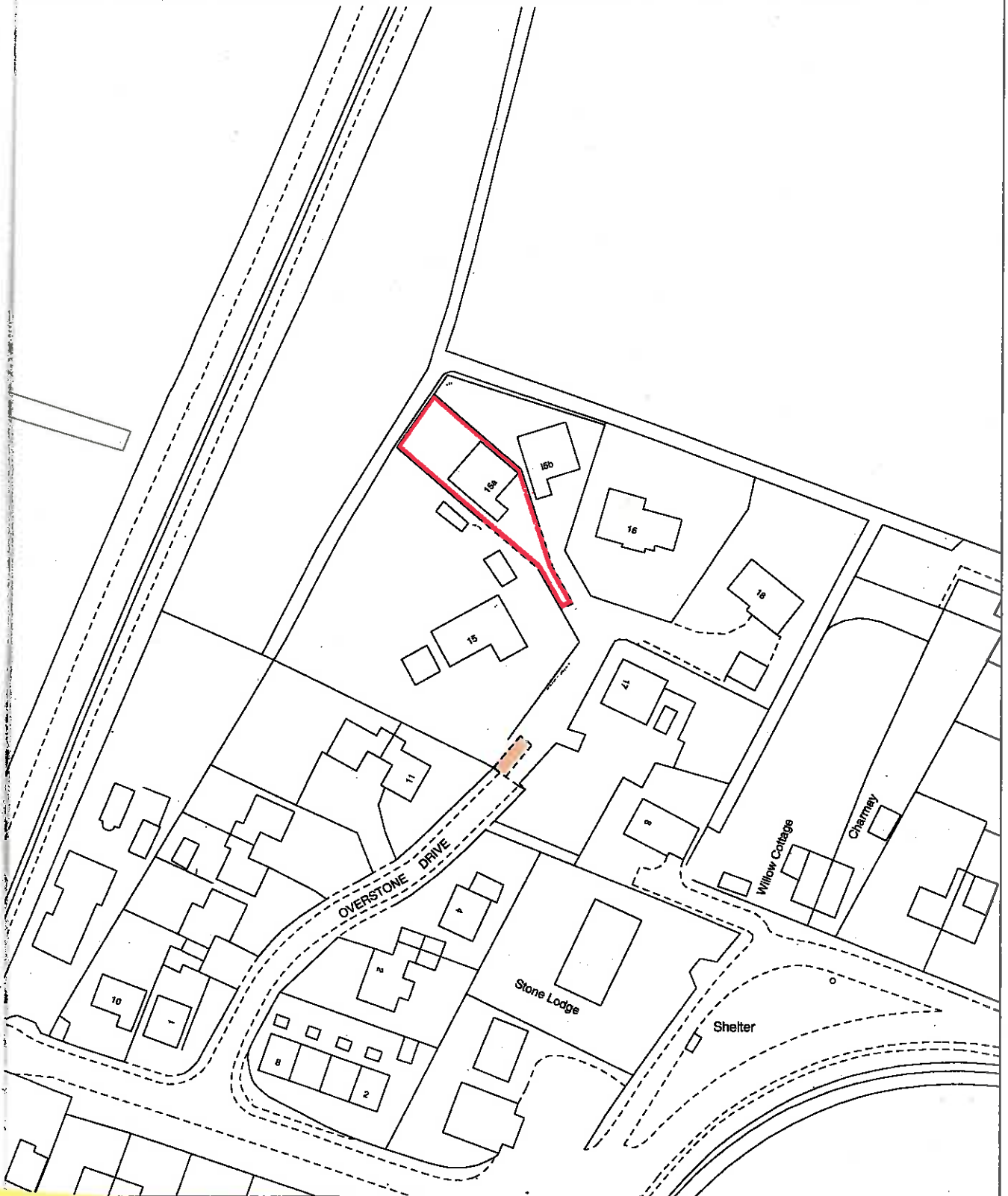
CAMBRIDGESHIRE : FENLAND

ANCE SURVEY MAP REFERENCE:

TF4302NW

SCALE 1:1250 Enlarged from 1/2500

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T H I S D E E D is made the 30th day of June

One thousand nine hundred and sixty-seven B E T W E E N DAVID EDGSON and DENNIS GEORGE WARD carrying on in partnership together the trade of Builders at Back Road Colletts Bridge Elm in the County of Cambridge under the style or firm of Edgson & Ward (hereinafter called "the Grantors") of the one part and EASTERN GAS BOARD of Sun Building Clarendon Road Watford in the County of Hertford (hereinafter called "the Board") of the other part

W H E R E A S

(1) The Grantors are seised in fee simple in possession free from encumbrances of the land (hereinafter called "the said land") situate at Coldham Near Wisbech in the County of Cambridge which said land is more particularly described and drawn on the plan annexed hereto (hereinafter called "the said plan") and thereon edged green

(2) The Board is the statutory undertaker for the supply of gas within the Eastern Area established by the Gas Act 1948 and the Board in the exercise and performance of its functions as such statutory undertaker requires the easements privileges rights and liberties hereinafter specified for the benefit and extension of and to be used in connection with and as appertaining to its statutory gas undertaking and under the said Gas Act 1948 the Board is authorised to acquire and make use of the said easements privileges rights and liberties for the purposes aforesaid

(3) The Grantors have agreed to grant to the Board the easements privileges rights and liberties hereinafter specified

NOW THIS DEED WITNESSETH as follows:-

1. IN consideration of £50 (Fifty pounds) paid upon the execution of these presents by the Board to the Grantors (receipt whereof the Grantors hereby acknowledge) the Grantors as BENEFICIAL OWNERS HEREBY GRANT unto the Board and its assigns in fee simple the easements privileges rights and liberties specified in the First Schedule hereto in through upon and over the said land

2. THE BOARD hereby covenants with the Grantors and their successors in title that the Board in exercising its said easements privileges rights and liberties will do as little damage as possible to the surface of the said land and the crops for the time being growing thereon and will pay to the Grantors

and their successors in title compensation for all damage so done as aforesaid and the amount of such compensation to be determined in default of agreement by arbitration pursuant to the provisions of the Arbitration Act 1950

3. THE GRANTORS to the intent and so as to bind the said land and every part thereof into whosoever hands the same may come and to benefit and the easements privileges rights and liberties hereby granted hereby covered with the Board that no buildings or constructions of whatsoever nature shall be erected on and no soil or materials shall be deposited over and no excavation shall be made in that part of the said land being a strip of land 30 feet width as indicated for identification purposes only by the line marked on the said plan and thereon coloured red (hereinafter called "the said strip of land") without the consent of the Board

4. IT is hereby mutually agreed that so far as regards the section of main which formerly lay between the points marked C-B on the said plan a strip of land through which such section passed (such section of main has lately been removed) the Deed of Grant dated the 7th day of October 1951 made between the Oak Brewery Company Limited of the one part and Eastern Board of the other part shall cease to have any effect

5. THE GRANTORS hereby acknowledge the right of the Board to produce the deeds and documents specified in the Second Schedule hereto and to take copies thereof and hereby undertake with the Board for the safe custody thereof

6. IT is hereby certified that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds the sum of Four thousand five hundred pounds

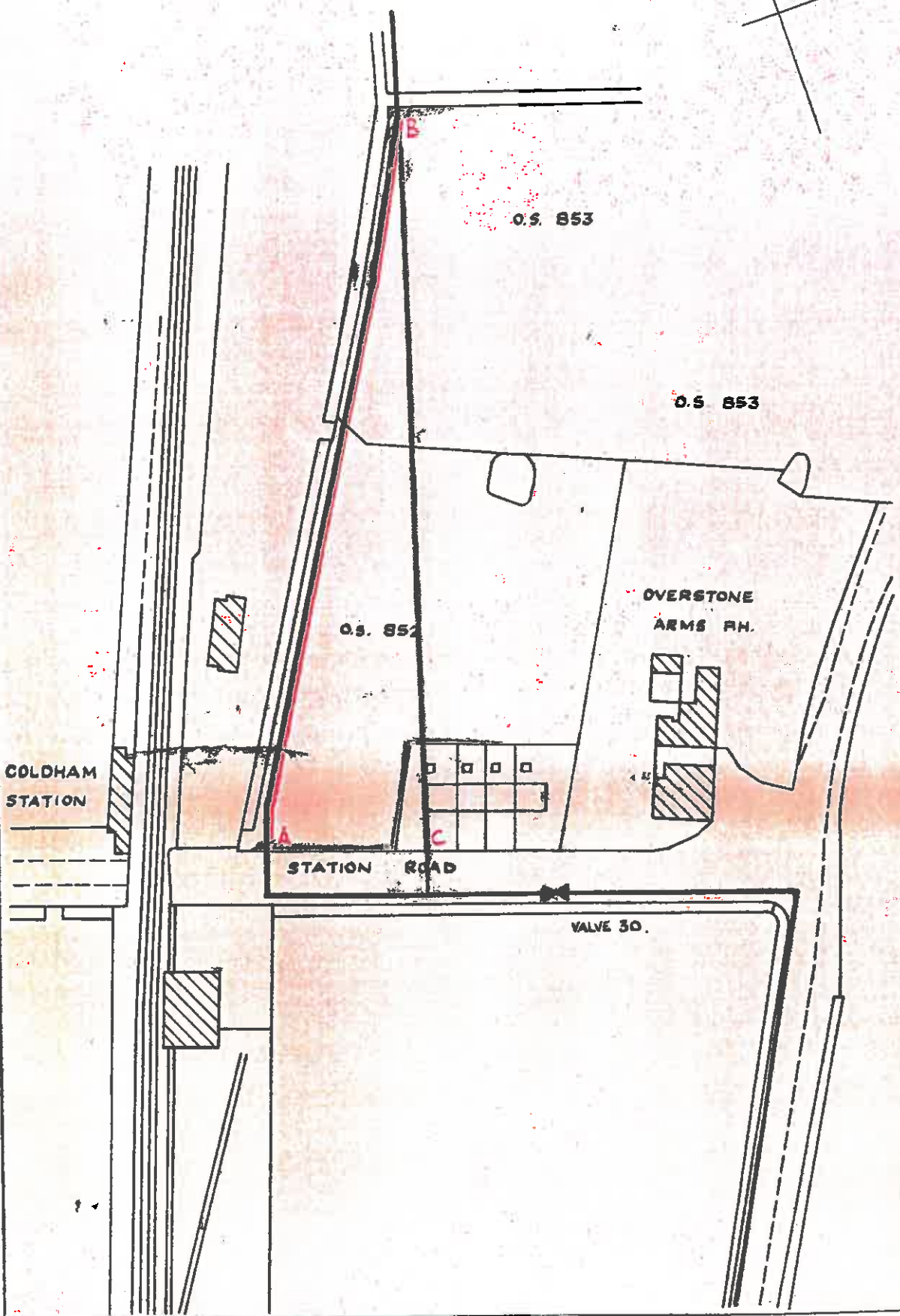
IN WITNESS whereof the Grantors have hereunto set their hands and the Board has caused its Common Seal to be hereunto affixed the day of the year first above written

THE FIRST SCHEDULE above referred to

The easements privileges rights and liberties of laying and maintaining mains and pipes together with syphons valves and other ancillary apparatus carrying gas of a size hereinafter mentioned (hereinafter together called "the said works") in through upon and over the said strip of land at a depth less than 3 feet and of inspecting maintaining repairing and renewing and enlarging the said works and connecting service pipes to such mains and together with full and free right of access to the said works over the said land with all necessary workmen vehicles machinery and apparatus for all purposes aforesaid

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O.S. 853

O.S. 853

O.S. 852

COLDHAM STATION

OVERSTONE ARMS RH.

STATION ROAD

VALVE 30.

Eastern GAS

**FENS REGION
KING'S LYNN UNIT**

DIVERSION OF MAIN - COLDHAM STATION

71

KEY

REGIONAL DISTRIBUTION DEPARTMENT

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Size of Main

6" diameter

Length of Main

186 yards

THE SECOND SCHEDULE above referred to

3rd July 1964 Conveyance between Oak Brewery Company Limited of the one
part and Reginald George Curston of the other part
5th April 1967 Conveyance between Reginald George Curston of the one part
and the said David Edgson and Dennis George Ward of the
other part

SIGNED SEALED AND DELIVERED

by the said DAVID EDGSON in

D Edgson

the presence of:-

R. W. Measance
13 South Brink, Wickham
Legal Executive

SIGNED SEALED AND DELIVERED

by the said DENNIS GEORGE WARD

D G Ward

in the presence of:-

R. W. Measance

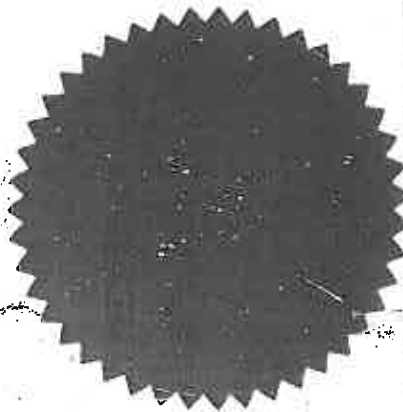
THE COMMON SEAL of EASTERN GAS

BOARD was hereunto affixed

in the presence of:-

A. Dyer
Deputy Chairman

W. G. ...
Asst. Secretary



transfer & register if you need more
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D. EDGSON ESQ & D. WARD ESQ

to

EASTERN GAS BOARD

GRANT OF EASEMENT

relating to Gas Main at Coldham
 in the County of Cambridge

Transfer of part
& registered title(s)

OFFICE COPY

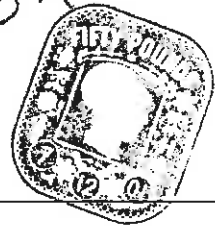
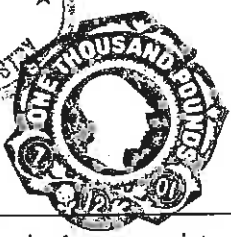
HM Land Registry

TP1

If you need more room than is provided for in a panel, use continuation sheet CS and staple to this form

1. Stamp Duty

INLAND REVENUE
PRODUCED
06 DEC 2001
FINANCE ACT 2001
BIRMINGHAM OFFICE 191



Place in the box that applies and complete the box in the appropriate certificate.

It is certified that this instrument falls within category in the Schedule to the Stamp Duty (Exempt Instruments) Regulations 1987

It is certified that the transaction effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds the sum of

£ £250,000.00

2. Title number(s) out of which the Property is transferred (leave blank if not yet registered)

CB247171

3. Other title number(s) against which matters contained in this transfer are to be registered (if any)

4. Property transferred (Insert address, including postcode, or other description of the property transferred. Any physical exclusions eg. mines and minerals, should be defined. Any attached plan must be signed by the transferor and by or on behalf of the transferee)

PLOT 1, 15A OVERSTONE DRIVE, COLDHAM, CAMBS

The Property is defined: (Place "X" in the box that applies and complete the statement)

on the attached plan and shown (state reference e.g. "edged red")

on the Transferor's filed plan and shown (state reference e.g. "edged and numbered 1 in blue")

5. Date 3rd December 2001

6. Transferor (give full names and Company's Registered Number if any)

TREVOR GEORGE WILLIAM ADCOCK
PRISCILLA LOUISE WADEY

7. Transferee for entry on the register (Give full names and Company's Registered Number if any; for Scottish Co. Reg. Nos. use an SC prefix. For foreign companies give territory in which incorporated.)

FRANK EDWARD JOHNSON AND GILLIAN AVRIL JOHNSON

Unless otherwise arranged with Land Registry headquarters, a certified copy of the transferee's constitution (in English or Welsh) will be required if it is a body corporate but is not a company registered in England and Wales or Scotland under the Companies Acts

8. Transferee's intended address(es) for service in the U.K. (including postcode) for entry on the register

MAEBANK PLOT 1, 15A OVERSTONE DRIVE, COLDHAM, CAMBS

9. The Transferor transfers the property to the Transferee.

74

Consideration (Place "X" in the box that applies. State clearly the currency unit if other than sterling. If none of the boxes applies, insert an appropriate memorandum in the additional provisions panel.)

The Transferor has received from the Transferee for the Property the sum of (in words and figures)
ONE HUNDRED AND SEVEN THOUSAND POUNDS (£107,000)

(insert other receipt as appropriate)

The transfer is not for money or anything which has a monetary value

The Transferor transfers with (place "X" in the box which applies and add any modifications)

full title guarantee limited title guarantee

Declaration of trust Where there is more than one transferee, place "X" in the appropriate box.

The Transferees are to hold the Property on trust for themselves as joint tenants.

The Transferees are to hold the Property on trust for themselves as tenants in common in equal shares.

The Transferees are to hold the Property (complete as necessary)

Additional Provisions

1. Use this panel for:

- definitions of terms not defined above
- rights granted or reserved
- restrictive covenants
- other covenants
- agreements and declarations
- other agreed provisions
- required or permitted statements, certificates or applications.

2. The prescribed subheadings printed in the form as set out in Schedule 1 to the Land Registration Rules 1925 may be inserted, added to, amended, repositioned or omitted.

RIGHTS GRANTED FOR THE BENEFIT OF THE PROPERTY

A right of way at all times in common with others so entitled and for all purposes with or without vehicles and animals for access to the property over the land coloured blue for identification purposes only on the attached plan and a right to repair clean and maintain all service pipes wires cables and drains running thereunder on the terms that the buyers and their successors in title pay a proportionate part of the cost of maintenance and repair thereof.

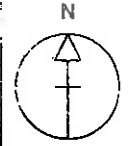
Such rights over the Transferors remaining property before mentioned title as are necessary for the convenient enjoyment of the property as dwellinghouse.

RESERVED FOR THE BENEFIT OF THE REMAINDER OF THE TRANSFEROR'S LAND REFERRED TO IN THE ABOVE MENTIONED TITLE NUMBER

Such rights over the Transferees property hereby transferred as are necessary for the convenient enjoyment of the remainder of the Transferors land for the benefit of the Transferors or the Transferor's successors in title.

R

TITLE NUMBER



SURVEY MAP REFERENCE:

TF4302NW

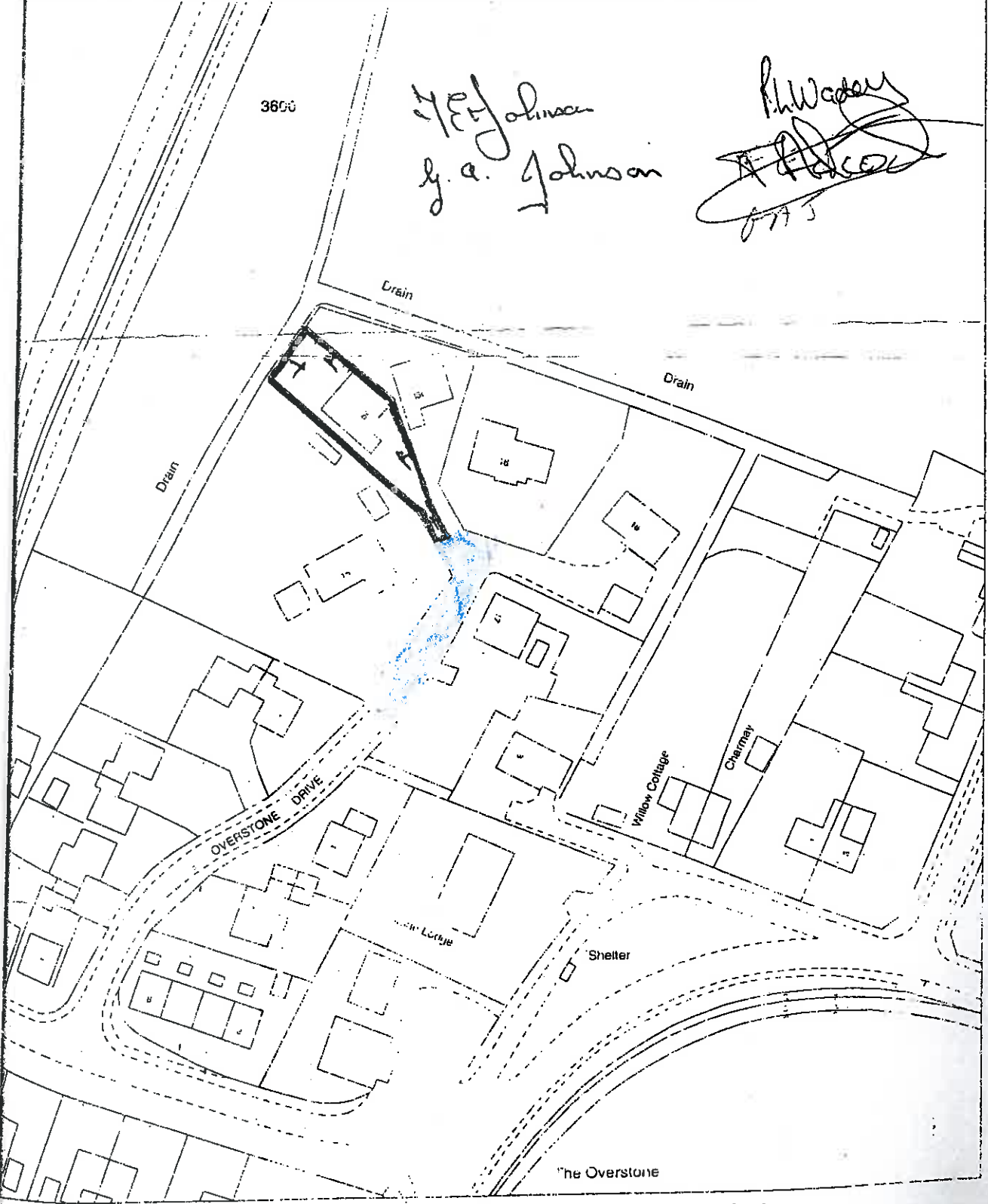
SCALE 1:1250 Enlarged from 1/2500

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3600

*M.E. Johnson
J.A. Johnson*

*R.W. Waters
A. [unclear]
[unclear]*



I hereby certify this to be a true copy.
[Signature]
Allan T. G. Denman,

The transferee to the intent and so as to bind them and their successors in title, for the benefit of the remainder of the Transferors land covenant as follows with the Transferor and Transferor's successors in title

i) to observe and perform the covenants referred to in the Property and Charges register of the above title number and the burdens affecting the land and indemnify the seller in respect of any claims for any breach or non-observance thereof

ii) to maintain the boundary marked with an inward "T" on the attached plan

iii) not to use the land hereby transferred for any other purpose other than a private dwellinghouse for the occupation by one family.

OTHER MATTERS

The Transferor conveys with full title guarantee except that the words "at his own cost" in S2(1)(b) of the Law of Property (Miscellaneous Provisions) Act 1994 are replaced by the words "at the Buyers cost".

The property is sold subject to all matters that are capable of being ascertained by a prudent Buyer by the making of the usual searches and enquiries of the local authority or authorities or other competent authority or authorities

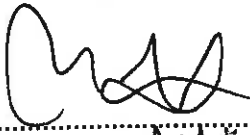
The Transferors and all other necessary parties (including the proprietors of all the titles listed in panel 3) should execute this transfer as a deed using the space below and sign the plan. Forms of execution are given in Schedule 3 to the Land Registration Rules 1925. If the transfer contains transferees' covenants or declarations or contains an application by them (e.g. for a restriction), it must also be executed by the Transferees.

Signed as a deed by TREVOR GEORGE
WILLIAM ADCOCK & PRISCILLA LOUISE
WADEY in the presence of:

Sign here



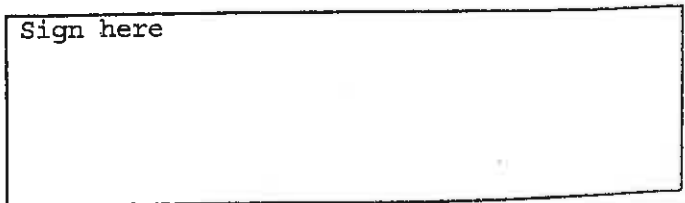
P.L. Wadey

Signature of witness 

Name (in BLOCK CAPITALS) MANJINDER MAGRA
Address 6 THE DRIVE, HIVE, EAST SUSSEX

Signed as a deed by FRANK EDWARD
JOHNSON & GILLIAN AVRIL JOHNSON in
the presence of:

Sign here



Signature of witness
Name (in BLOCK CAPITALS)
Address

The Transferors and all other necessary parties (including the proprietors of all the titles listed in panel 3) should execute this transfer as a deed using the space below and sign the plan. Forms of execution are given in Schedule 3 to the Land Registration Rules 1925. If the transfer contains transferees' covenants or declarations or contains an application by them (e.g. for a restriction), it must also be executed by the Transferees.

Signed as a deed by TREVOR GEORGE
WILLIAM ADCOCK & PRISCILLA LOUISE
WADEY in the presence of:

Sign here

Signature of witness
Name (in BLOCK CAPITALS)
Address

Signed as a deed by FRANK EDWARD
JOHNSON & GILLIAN AVRIL JOHNSON in
the presence of:

Sign here
F. Johnson
G. A. Johnson

Signature of witness H. Prosser
Name (in BLOCK CAPITALS) HARRIET PROSSER
Address 11 MILLER CLOSE DODDINGTON MARCH WISCONSIN

79

Boundaries of Registered Land

Except in the very few cases where the register of title states that the boundaries have been fixed the title plan, a copy of which is included in the certificate, only indicates the general boundaries to the land registered. This means that the exact line of any boundary is left undetermined – as, for instance, whether it includes a hedge or wall and ditch, or runs along the centre of a wall or fence, or its inner or outer face, or how far it runs within or beyond it; or whether or not the registered land includes the whole or any portion of an adjoining road or stream.

The Ordnance Map on which the title plan is based, shows physical features such as a hedge, a wall or a fence. Where the boundaries of land are represented by such physical features, the title is mapped up to them. The physical boundaries are therefore defined on the title plan but the exact boundary lines within the features are left undetermined.

Where the boundary of the land does not follow a physical feature shown on the Ordnance Survey Map it will be indicated on the title plan by a dotted line. In addition, the fullest available particulars of the boundary are required to be added.

The Registry may also endorse the title plan that the boundaries have been plotted from the plans to the deeds and that the title plan may be updated from later survey information.

For more exact information concerning the position of boundaries the land should be inspected and such inquiries made as to boundaries as may be necessary. The register may disclose some information as to the ownership or responsibility for the maintenance of boundaries, where such information is available from any deeds and documents of title. However such information is often uncertain or incomplete and its accuracy cannot therefore be guaranteed.

Inspection of the land

It will be apparent from the preceding paragraphs that inspection of the land is a matter of importance to any persons intending to purchase or otherwise deal with it. Such persons should always inspect the land itself, not only to discover the position of boundaries and the existence of any rights of way, light, drainage or other easements or overriding interests but also the identity of all persons in occupation of the land or any buildings on it so that enquiries may be made as to their rights of occupation and otherwise and as to whom rent (if any) is paid.

Revision of the Ordnance Survey Map(s)

The title plans prepared by HM Land Registry are based on the large scale maps of the Ordnance Survey.

The Ordnance Survey map is revised from time to time and a new title plan may be substituted for the existing title plan based on such revision. If this happens an entry to that effect will be made in the register and the copy of the title plan in the certificate will be replaced when the certificate is next sent to the Land Registry.

Personal covenants

Covenants imposing a positive obligation on the covenantor, such as those to erect and maintain fences, repair roads or to indemnify a previous owner in respect of existing positive covenants are not a burden on the land but only on the person making them. Such covenants are not therefore entered as encumbrances in the charges register. On a sale of registered land, as on a sale of unregistered land, the vendor will want to be satisfied as to whether or not he or she has entered into any personal covenants so that, if necessary, an indemnity covenant may be taken from the purchaser.

Since 1952, personal covenants contained in transfers of registered land have been noted in the proprietorship register. Until 1993 no note was made of personal covenants contained in deeds dated prior to the date of registration. Since then personal covenants contained in deeds including registration have been dealt with in the same way as those contained in transfers of registered land.

On computerised registers the date of first registration of the land will usually be entered in brackets before the property description. Where exceptionally no date is shown this means that parts of the title were first registered at different times. In such cases information can be obtained from the appropriate district land registry.

It is regretted that the Land Registry cannot take retrospective action with regard to such personal covenants where the land was registered before 1993.

Further Information

The information set out above is intended to be only general guidance to the topics referred to. More detailed information may be obtained as set out in the accompanying Explanatory Leaflet.

Any enquiries relating to the registration of any matters referred to above and in the accompanying leaflet may be addressed to the appropriate district land registry for the area in which the land is situated. This information is set out in Explanatory Leaflet No. 9 available free of charge from any district land registry. The Registry will always try to assist with such enquiries but it should be borne in mind that the Land Registry is not authorised nor in a position to advise as to legal matters generally nor act for any person in such matters so that, where necessary, the assistance of a solicitor or other person or body such as the Citizens' Advice Bureau should be sought.

IMPORTANT

There are a number of matters which are included in the title to land and others to which land is subject which are not referred to in the register. These are set out in the General Information notes printed on the inside of this cover.

The date in NOTE B at the end of the office copy of the entries on the register is the latest date on which this certificate was made to agree with the register.

You may send this certificate to the appropriate district land registry to be brought up to date at any time. This service is provided free of charge and is usually completed within a day or two of receipt of the certificate. The date in NOTE B will not be altered unless there has been an addition or amendment to the register since the issue of this certificate.

The copy of the official plan in this certificate is an exact copy of the plan filed at the district land registry on the date referred to in NOTE B at the end of the register. A later revision of the Ordnance Survey Map may have taken place. In this connection please also see the section headed Revision of the Ordnance Survey Map(s) on the inside of this cover.

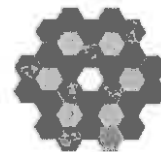
You may, by applying on printed Form 109 and paying the prescribed fee obtain from the appropriate district land registry office copies of the register and of the official plan.

Any person intending to purchase, or take a mortgage or lease of the registered land may apply to the appropriate district land registry for an official search to confirm the entries in the register and to obtain the prescribed period of priority for the proposed transaction.

Full details of both the office copy and search procedures are set out in Practice Leaflets obtainable as mentioned in the accompanying Explanatory Leaflet.

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy
of register of
title

Title number CB256591

Edition date 14.11.2008

- This official copy shows the entries on the register of title on 16 MAY 2012 at 16:15:57.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 16 May 2012.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1-A guide to the information we keep and how you can obtain it.
- This title is dealt with by Land Registry, Peterborough Office.

A: Property Register

This register describes the land and estate comprised in the title.

CAMBRIDGESHIRE : FENLAND

1 (01.06.2001) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 15b Overstone Drive, Coldham, Wisbech (PE14 ONG).

2 (01.06.2001) The land has the benefit of the rights granted by but is subject as mentioned in the Conveyance dated 3 May 1978 referred to in the Charges Register in the following terms:-

"TOGETHER WITH

.....
..

(b) An unrestricted right of way at all times and for all purposes over and along the roadway edged blue on the plan leading to and from the property from and to Station Road

SUBJECT ONLY to the Purchaser paying the cost of any damage occasioned to the roadway by the use of heavy vehicles under the control of the Purchaser

.....
..

SUBJECT TO

(A) All such privileges and advantages as regards way support water gas or electricity supply drainage light or of laying and maintaining drain water or other pipes mains or cables of any nature whatsoever for the benefit of any adjoining or neighbouring property as the owners tenants or occupiers thereof are now or have been accustomed to enjoy by way of easements quasi easements or otherwise

(B) To such rights of land drainage as are now enjoyed by the owners or occupiers of the land lying to the South of the land hereby conveyed

A: Property Register continued

through the land drainage system passing thereunder"

NOTE: The roadway edged blue referred to is Overstone Drive.

- 3 (01.06.2001) The land has the benefit of the following rights reserved by a Transfer of 15 Overstone Drive dated 18 July 1983 made between (1) John William Brand and Daphne Rose Brand (Vendors) and (2) Terence Roy Keeble and others (Purchasers):-

"EXCEPT AND RESERVED unto the Vendors and their successors in title owners and occupiers of the Vendors' adjoining land a right of way over the part of the driveway coloured blue on the said plan annexed hereto SUBJECT TO payment of a proportionate part of the cost of maintenance and repair thereof"

NOTE: The part of the driveway coloured blue referred to is hatched brown on the filed plan.

- 4 (17.12.2001) The land has the benefit of the following rights reserved by the Transfer dated 3 December 2001 referred to in the Charges Register:-

"RESERVED FOR THE BENEFIT OF THE REMAINDER OF THE TRANSFEROR'S LAND REFERRED TO IN THE ABOVE MENTIONED TITLE NUMBER

Such rights over the Transferees property hereby transferred as are necessary for the convenient enjoyment of the remainder of the Transferors land for the benefit of the Transferors or the Transferor's successors in title"

NOTE: The Transferor's land referred to above includes the land in this title.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (13.02.2002) PROPRIETOR: MATIAS GARCIA and CAROL ANN GARCIA of 15b Overstone Drive, Coldham, Wisbech, Cambridgeshire PE14 ONG.
- 2 (13.02.2002) The price stated to have been paid on 1 February 2002 was £105,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (01.06.2001) The land is subject to the rights granted by a Deed dated 30 June 1967 made between (1) David Edgson And Dennis George Ward and (2) Eastern Gas Board.

The said Deed also contains restrictive covenants by the grantor.

NOTE: Original filed under CB247171.

- 2 (01.06.2001) A Conveyance of the land in this title and other land dated 3 May 1978 made between (1) D. Edgson and D.G. Ward Limited (Vendor) and (2) John William Brand (Purchaser) contains the following covenants:-

"FOR the benefit of the land adjacent thereto which has previously been in the ownership of the Vendor and with the intent to bind him and his successors in title the Purchaser hereby covenants to use the property for the purposes of a residential development and not to do or cause or suffer to be done any act matter or thing which might be or become a nuisance to the Vendor or adjoining or adjacent owners or occupiers of land"

C: Charges Register continued

- 3 (01.06.2001) By a Conveyance of the land in this title and other land dated 6 July 1978 made between (1) John William Brand (Grantor) and (2) Daphne Rose Brand (Donee) the land was conveyed subject as follows:-

"SUBJECT ALSO TO the right of way over the driveway hatched black on the said plan for the owners and occupiers of the adjoining properties coloured blue on the said plan for the purpose of access to and egress from the properties coloured blue on the said plan SUBJECT TO the owners or occupiers of the said properties paying a proportionate part of the cost of maintenance and repair thereof"

NOTE: The driveway hatched black referred to is hatched blue on the filed plan so far as it falls within the land in this title. The properties coloured blue referred to comprise 17 Overstone Drive.

- 4 (01.06.2001) The land is subject to the following rights granted by a Conveyance of 16 Overstone Drive dated 10 March 1987 made between (1) John William Brand and Daphne Rose Brand (Vendors) and (2) Keith William Howard and Nanette Margaret Howard (Purchasers):-

"TOGETHER WITH a right of way for all purposes in common with others so entitled over the driveway coloured red on the said plans SUBJECT TO the payment of a proportionate part of the cost of maintenance and repair thereof"

NOTE: The driveway coloured red referred to is tinted blue on the filed plan so far as it falls within the land in this title.

- 5 (17.12.2001) The parts of the land affected thereby are subject to the following rights granted by a Transfer of 15A Overstone Drive dated 3 December 2001 made between (1) Trevor George William Adcock and Priscilla Louise Wadey (Transferor) and (2) Frank Edward Johnson and Gillian Avril Johnson (Transferee):-

"RIGHTS GRANTED FOR THE BENEFIT OF THE PROPERTY

A right of way at all times in common with others so entitled and for all purposes with or without vehicles and animals for access to the property over the land coloured blue for identification purposes only on the attached plan and a right to repair clean and maintain all service pipes wires cables and drains running thereunder on the terms that the buyers and their successors in title pay a proportionate part of the cost of maintenance and repair thereof.

Such rights over the Transferors remaining property before mentioned title (sic) as are necessary for the convenient enjoyment of the property as dwellinghouse."

NOTE 1: The Transferors remaining property referred to includes the land in this title

NOTE 2: Original filed under CB254326.

- 6 (13.02.2002) A Transfer of the land in this title dated 1 February 2002 made between (1) Priscilla Louise Wadey and Trevor George William Adcock (Transferors) and (2) Matias Garcia and Carol Ann Garcia (Transferees) contains the following covenants:-

"The Transferees and their successors in title hereby covenant with the Transferor and the Transferors successors in title i) to maintain the boundary marked with an inward "T" on the attached plan AND (ii) not to use the land hereby transferred for any other purpose other than a private dwellinghouse for the occupation by one family (sic)"

NOTE: Copy plan filed.

- 7 (13.02.2002) The land is subject to the following rights reserved by the Transfer dated 1 February 2002 referred to above:-

"The Property hereby sold is subject to a right of way over the area shown coloured blue on the plan annexed hereto in favour of the adjoining land owners"

Title number CB256591

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

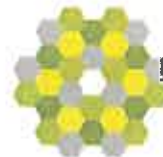
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

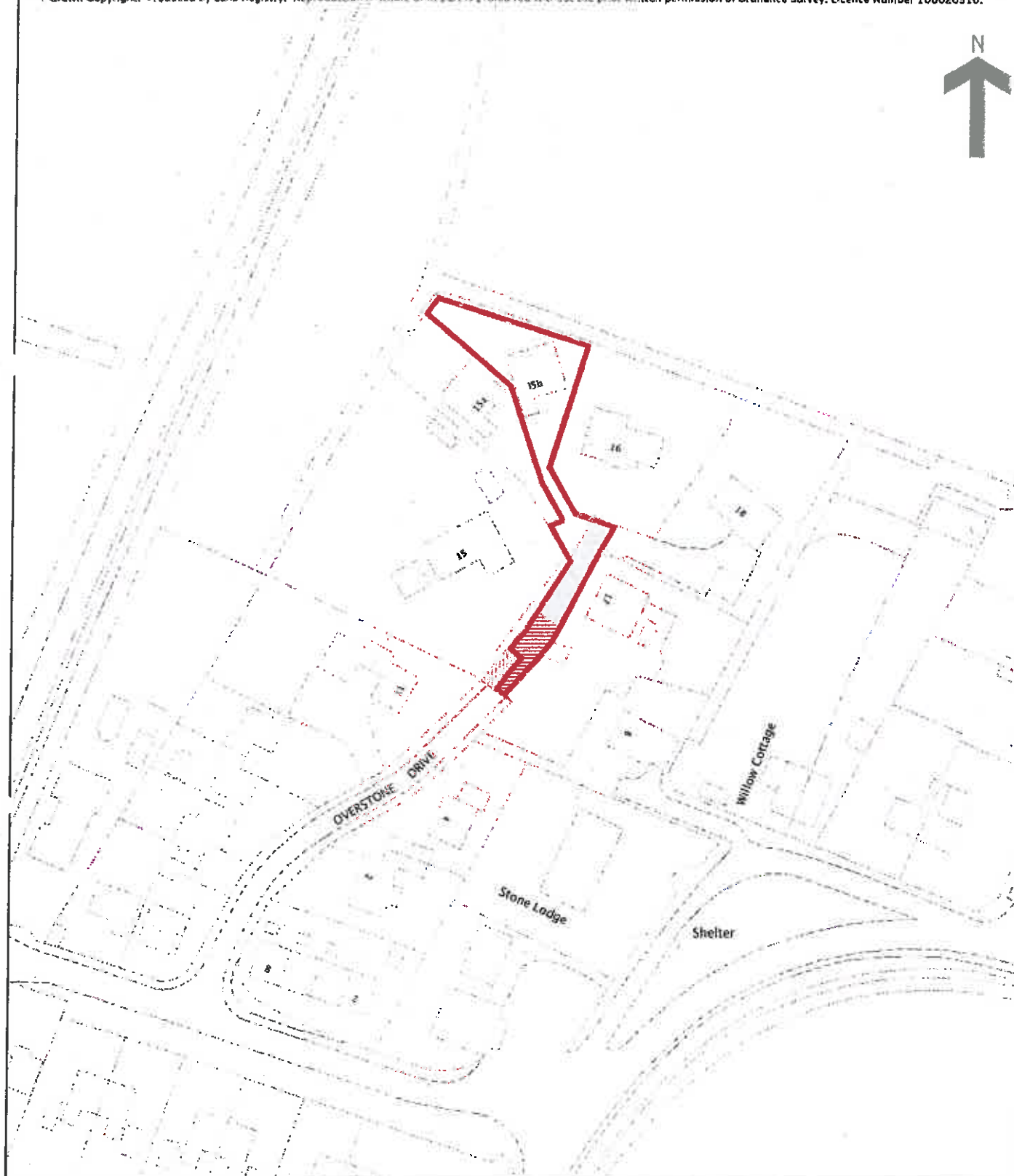
Additional references, which are not referred to in the register of title, may appear on the title plan in respect of any pending applications.

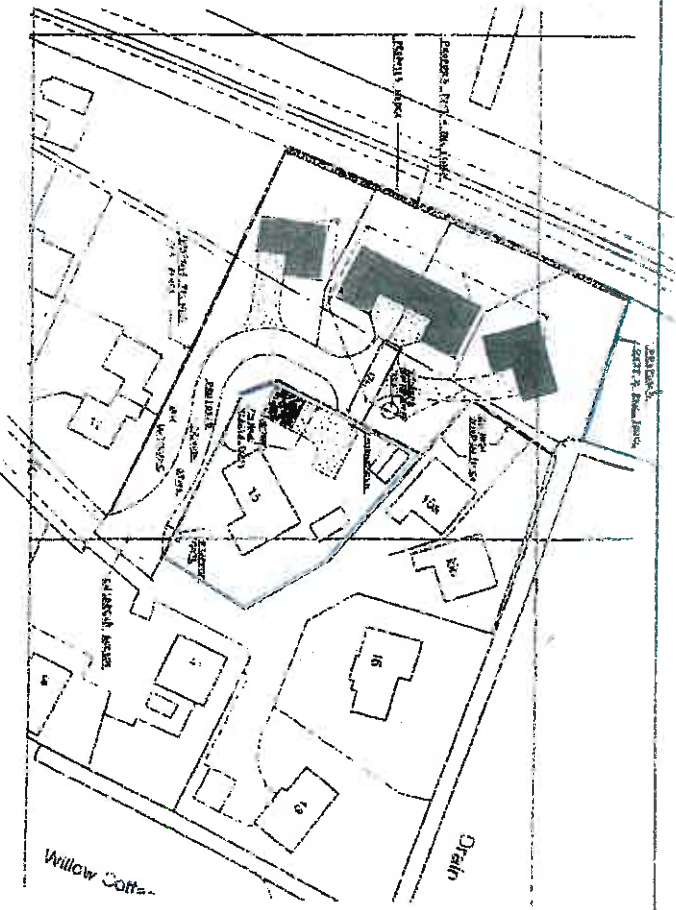
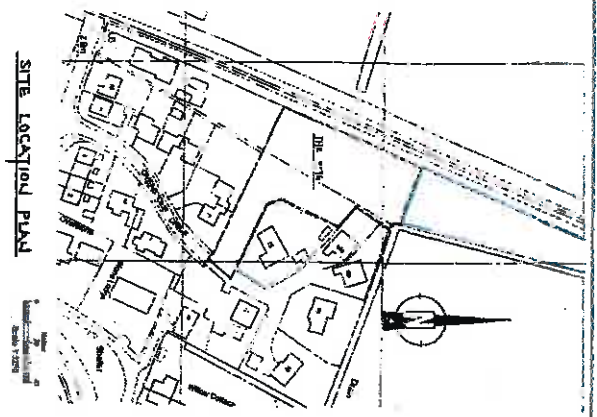
This official copy is issued on 16 May 2012 shows the state of this title plan on 16 May 2012 at 16:15:57. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 7 - *Title Plans*.

This title is dealt with by the Land Registry, Peterborough Office .

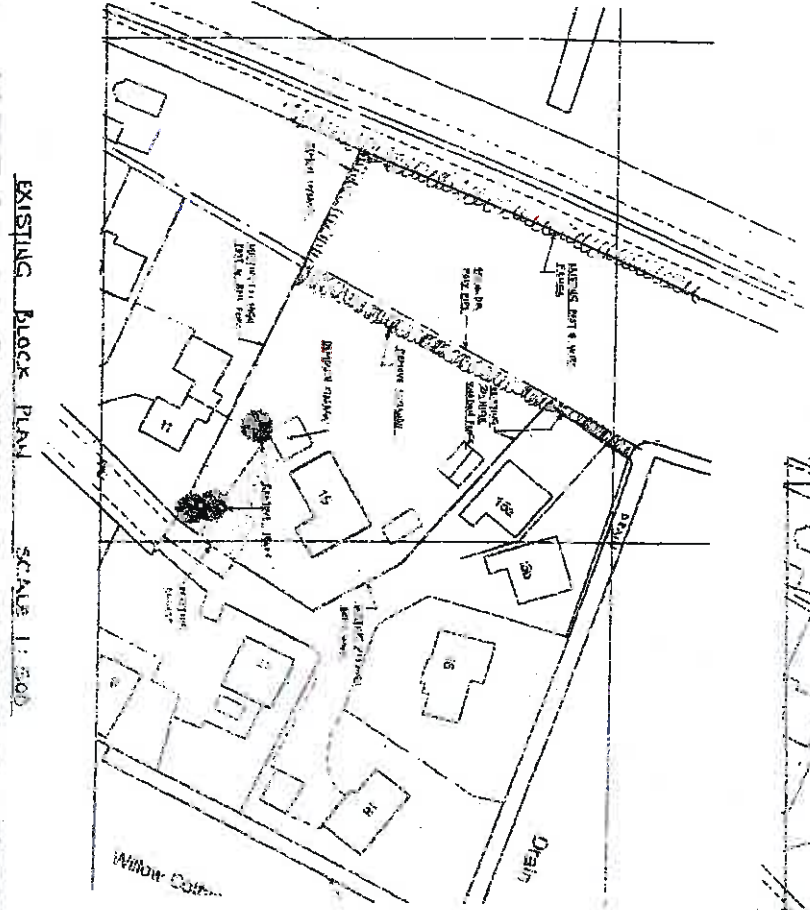


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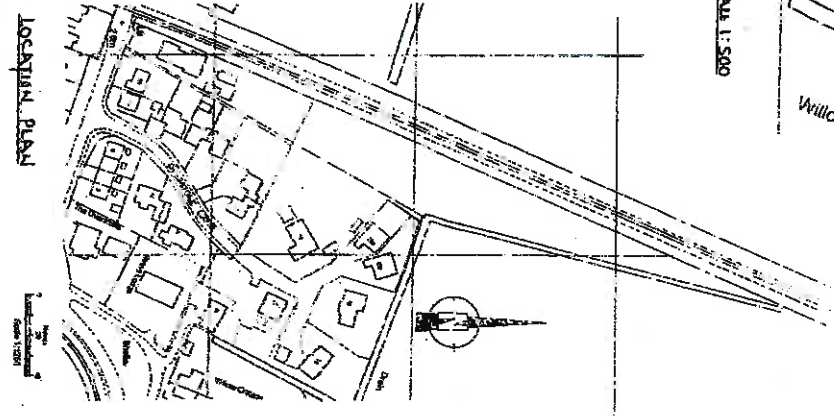




PROPOSED BLOCK PLAN SCALE 1:500



EXISTING BLOCK PLAN SCALE 1:500



LOCATION PLAN

NOTES:
All dimensions shall be measured on the site and shall include any existing structures.

PRJ 123456789

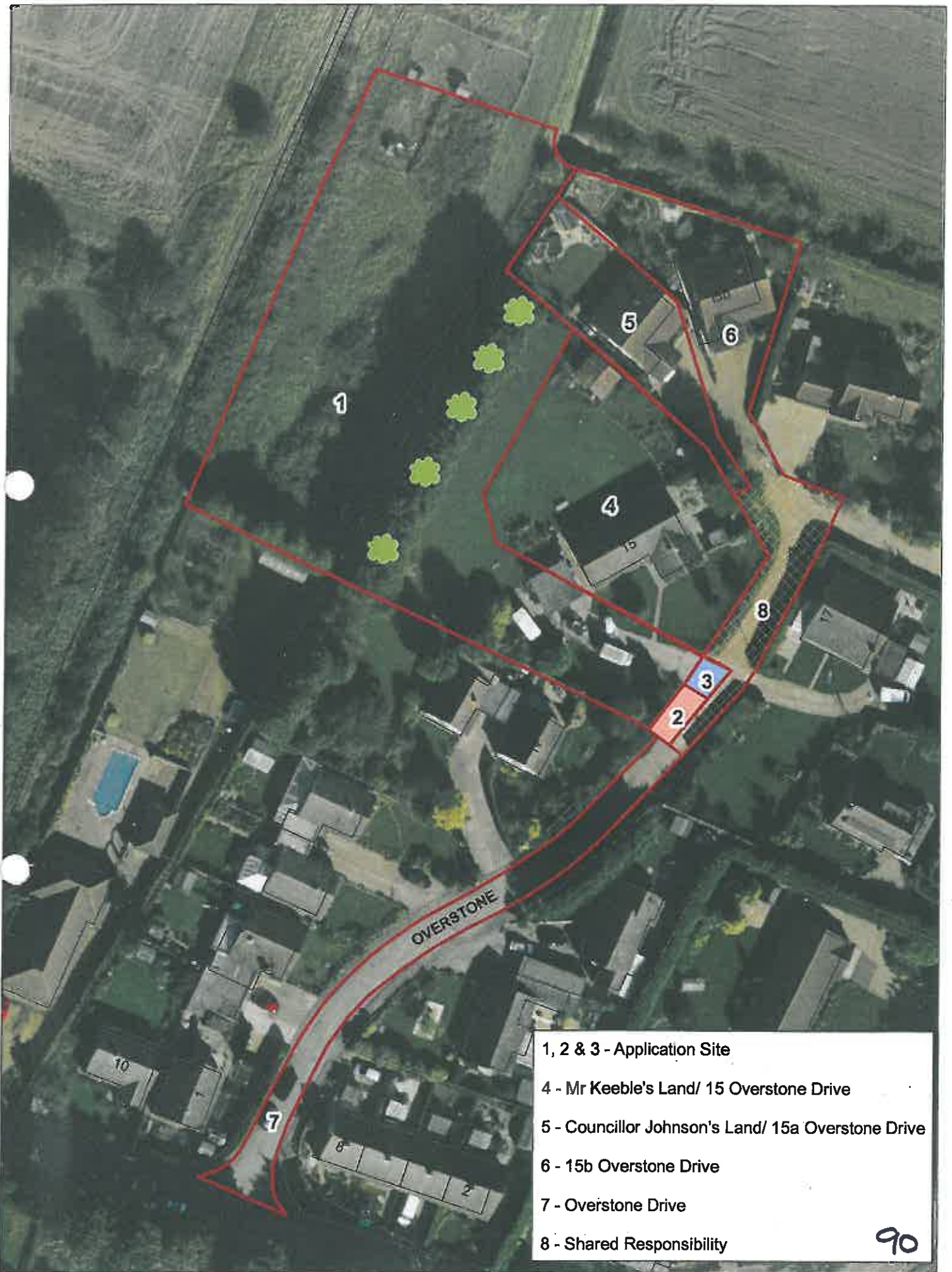
| NO. | REVISION | DATE |
|-----|----------|------|
| | | |
| | | |

Prepared by: [Name]
Checked by: [Name]
Date: [Date]

Site for construction of four dwellings on land west of [Address].
[Address]
[Address]

LOCATION PLAN AND BLOCK PLANS

Scale: 1:500
Date: Dec 2011
Date: 11/12/1939



- 1, 2 & 3 - Application Site
- 4 - Mr Keeble's Land/ 15 Overstone Drive
- 5 - Councillor Johnson's Land/ 15a Overstone Drive
- 6 - 15b Overstone Drive
- 7 - Overstone Drive
- 8 - Shared Responsibility

90

Overstone Drive

Scale = 1:750



Interview Preamble

Unrecorded Interviews

My name is Rory McKenna and I am an investigator for the monitoring officer of Fenland District Council.

As I advised you in our telephone conversation on the 14th March I will be taking notes but will not be recording this interview.

The monitoring officer responsible for this investigation has asked me to help him with case number 20120125/29 about allegations of the conduct of Councillor Gillian Johnson.

I am conducting this interview under the powers given to the monitoring officer by the Local Government Act 2000 and The Standards Committee (England) Regulations 2008.

Prior to the completion of the investigation, you, Cllr Johnson and the complainant, Mr Keeble will be sent a draft of the report to enable you all to make any representations you consider necessary. Having considered comments on the draft report, I will then issue my final report. Parts of the notes of this interview may be included in the draft and final report.

If the matter is considered at a hearing, notes of this interview may be submitted as evidence and you might be called as a witness. If you provide us with information of a sensitive or private nature, I will ask the Adjudication Panel for England or the standards committee to keep this information confidential. This is, however, their decision and they may disagree with my recommendation and allow the information you have provided to be made public.

Please treat any information provided to you during the course of this investigation as confidential. In addition, there are statutory restrictions on the disclosure of information obtained during an investigation. This is covered by Section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

If at any stage you feel you would like a break please say so, and we will adjourn the interview for a short period. Do you have a fixed end time?

The interview should take approximately 1 hour, however this may change and if so I will discuss this with you.

Is there anything else you would like me to explain, either procedural or otherwise?

Interview Script:

Background/Preliminary

1. Can you confirm your full name and your position with Elm Parish Council (hereafter EPC)?

Mr Terry Jordan (hereafter T J). Clerk to EPC. Prior to that Democratic Services and Licensing Manager at FDC. Held the positions within democratic services for some 23 years in total. Historically he was responsible for the conduct and administration of Council committees, although in the last few years he stepped back into a more supervisory (and less operational) role dealing with matters such as FOI applications and electoral activities prior to his redundancy from the District Council.

2. How long have you held the role?

19th July 2010.

3. Position or positions held prior to current role?

See point 1 above.

4. Do you know the complainant, Mr Keeble?

Don't know him personally but would now recognise him to see. He has attended EPC meetings in February and March 2012.

5. Is Cllr Johnson a member of EPC?

Yes. Cllr Johnson was a member of EPC before her re-election in May 2011 although not sure for how long.

Documents considered

4. EPC Code of Conduct.
5. Declaration of Acceptance of Office Form.
6. Declaration of Interest.
7. EPC Agenda dated 19th January 2012.
8. EPC Minutes dated 19th January 2012.
9. EPC Minutes 20th February 2012.

10. Letter submitted (Consultation Response) by G. A. Johnson & F. E. Johnson on 24th January 2012

11. Letter of Complaint received 25th Jan 2012 with supporting documentation.

12. Response to the Planning Application from EPC dated 19 January 2012

Confirmed the note reads, "Supported, subject to the imposition of planning condition that Overstone Drive be made up to an adoptable standard prior to the occupation of any new dwellings". It was made by TJ at the meeting as was probably put through FDC's post box on his way home from the meeting.

13. Initial Assessment Sub-Committee Decision

14. Letter submitted by Cllr Johnson dated 7th February 2012

15. Ask Terry Jordan if he believes that any other documents need to be considered?

No. TJ confirmed that EPC is made up of 8 members from Elm/Friday Bridge, 2 members from Coldham and 2 members from Rings End wards.

Specific Questions

14. Are you aware of the history of the site as regards the maintenance of Overstone drive

Not in specific detail. Approximately 1 year ago Cllr Johnson made a request to the Parish Council for financial support to do road repairs to Overstone Drive. EPC declined the request. TJ subsequently provided the minutes of the meeting which took place on the 21st September 2010.

15. Did Cllr Johnson complain about the condition of the road surface?

See 14.

17. Did she make any representations when the planning application was discussed?

Can't remember in any detail. She may have said a few words when the planning application was introduced however the chairman (John Brand) took over. She may have made a comment about the condition of Overstone Drive.

16. Minutes only record that she declared a personal interest and that "it be recorded "that she abstain from voting". Doesn't record that she didn't take part in the discussion. Any comments?

TJ generally only records when member interests are declared. He wouldn't record other matters unless a member specifically asked for something to be recorded in the minutes. It is not recorded how the vote went in terms of numbers for or against or how a Cllr voted.

17. Where did she sit in the room when the matter was being discussed?

See Plan attached.

18. Where was the complainant sitting when the matter was being discussed?

See Plan attached.

19. Confirm the wording of the consultation response from EPC?

See point 12 above.

20. Who proposed and seconded that the application be supported subject to the imposition of the condition that Overstone Drive be made up to an adoptable standard? If he cant answer this does he know if any other members present would be able to answer the question? Was it a unanimous decision?

Can't remember but thinks it was a unanimous decision. There would have been a proposer and a seconder. Graham Stokes is the vice chair and he usually makes the proposals although it could have been the Chair. Normally TJ helps the members with the wording of their recommendations but it is based on their discussions.

21. Did the complainant, Mr Keeble speak on the matter?

Yes – he talked about the history of the road issue and about the fact that a resident had made efforts to organise the repairs with all the residents making a contribution.

22. Cllr Johnson in letter (see point 12) states that she sought prior advice. Did she seek that from TJ? If so what advice did he give?

Cllr Johnson approached TJ at the end of the Wisbech & District Neighbourhood Forum meeting in Elm which was held on the 17th January 2012 about her Interest position. TJ advised her that she was the only person who can determine the issue based on the facts. He advised her to look at and consider the criteria attached to the committee agenda (see point 7 above). He told her that he didn't know the application site in relation to where she lived. He asked Cllr Johnson whether she was an adjoining land owner to which she said "no". He asked her to consider whether she would gain a benefit or a

disadvantage more than anyone else should the application be approved or refused. She said her view would be no. TJ advised her that the decision needs to be one which she takes. Cllr Johnson told TJ that she thought her interest was a personal interest and no more. TJ told her that she had a few days before committee to think about the answer. At the beginning of the meeting Cllr Johnson said she thought she had an interest to declare in the planning application. TJ asked her to confirm the nature and extent of the interest. She said she had a personal interest by virtue of ownership and residency of a property at Overstone Drive. TJ advised her that if the interest is only personal then she can speak and vote on the matter. If it is a personal and prejudicial interest then she must leave the room. On the basis that she only declared a personal interest TJ advised her that she could remain in the room for the item.

23. Who did Cllr Johnson seek permission from to stay in the meeting?

TJ – see point 22.

24. Did Cllr Johnson influence the debate? Did she vote?

No. At most she mentioned the condition of Overstone Drive

25. Any comments on the allegations (see point 12)

Knowing what TJ knows now he would consider her to have both a personal and prejudicial interest in the matter – had she told him that her land adjoins the application site. He does not believe her actions brought EPC in disrepute nor does he believe she used her position improperly to confer or secure an advantage or disadvantage.

26. AOB

When the Planning application was discussed TJ introduced the item and laid out the application plans on the table for all the members to see.

Mr Keeble did not avail of his opportunity to speak during the public forum part of the meeting.

Interview Preamble

Unrecorded Interviews

My name is Rory McKenna and I am an investigator for the monitoring officer of Fenland District Council.

As I advised you in our telephone conversation on the 27th March I will be taking notes but will not be recording this interview.

The monitoring officer responsible for this investigation has asked me to help him with case number 20120125/29 about allegations of the conduct of Councillor Gillian Johnson.

I am conducting this interview under the powers given to the monitoring officer by the Local Government Act 2000 and The Standards Committee (England) Regulations 2008.

Prior to the completion of the investigation, you, Cllr Johnson and Terry Jordan will be sent a draft of the report to enable you all to make any representations you consider necessary. Having considered comments on the draft report, I will then issue my final report. Parts of the notes of this interview may be included in the draft and final report.

If the matter is considered at a hearing, notes of this interview may be submitted as evidence and you might be called as a witness. If you provide us with information of a sensitive or private nature, I will ask the Adjudication Panel for England or the standards committee to keep this information confidential. This is, however, their decision and they may disagree with my recommendation and allow the information you have provided to be made public.

Please treat any information provided to you during the course of this investigation as confidential. In addition, there are statutory restrictions on the disclosure of information obtained during an investigation. This is covered by Section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

If at any stage you feel you would like a break please say so, and we will adjourn the interview for a short period. Do you have a fixed end time?

The interview should take approximately 1 hour, however this may change and if so I will discuss this with you.

Is there anything else you would like me to explain, either procedural or otherwise?

Interview with Mr Keeble – 30 April 2012

Interview Script:

Background/Preliminary

1. Can you confirm your full name?

Terrence Roy

2. Do you know Cllr Johnson? If so for how?

We are neighbours and have been so since she moved in around 2000.

3. Have you had any previous dealings with Cllr Johnson

There have been:

- 1 Boundary disputes
- 2 Noise complaints regarding the keeping of Mr Keebles animals and that there may have been previous letters in relation to these dealings and that these basically are the main elements.

Documents considered

4. EPC Code of Conduct.
5. Declaration of Acceptance of Office Form.
6. Declaration of Interest.
7. EPC Agenda dated 19th January 2012.
8. EPC Minutes dated 19th January 2012.

Mr Keeble had no comment to make on the minutes at page 6 of the document and confirmed the minutes as correct and accurate except for the fact that he believes that the minutes should read that the road should be made up to "a reasonable standard" and not "an adoptable standard" as dated on the minutes.

9. EPC Minutes 21st February 2012.
10. Letter submitted (Consultation Response) by G. A. Johnson & F. E. Johnson on 24th January 2012.
11. Letter of Complaint received 25th Jan 2012 with supporting documentation.
12. Response to the Planning Application from EPC dated 19 January 2012.
13. Initial Assessment Sub-Committee Decision.

14. Letter submitted by Cllr Johnson dated 7th February 2012.

Mr Keeble stated that this document was a lie.

15. Office Copies Entries for 15a Overstone Drive.

Mr Keeble accepted that the document was accurate and confirmed the maintaining responsibility which the office copy entry showed for Councillor Johnson.

16. Site Location Plan.

17. Ask Mr Keeble if he believes that any other documents need to be considered?

Mr Keeble accepted that there were no further documents to be considered in this investigation.

Specific Questions

18. Can you tell me about the history of the site as regards the maintenance of Overstone drive?

Mr Keeble purchased number 15 from Councillor Brand in 1983. Councillor Brand still owned land in and around the application site and then developed number 16, when he sold number 16 he now built number 18 and he sold the land for 15a and b for development in around 2000. Mr Keeble confirmed that he was an objector to this application on the basis that the access road should have been tarmaced up to the start of Overstone Drive. Mr Keeble confirmed that the road hasn't been properly treated since 1983.

19. Why do you think Cllr Johnson had a P & P interest. Prejudicial more so.

Mr Keeble answered that the reason he thought that Councillor Johnson had a prejudicial interest was because that two of her boundaries joined the application site.

20. Who allowed Cllr Johnson to talk?

The chairman of the meeting allowed Councillor Johnson to talk on the item.

21. What exactly did she say?

Councillor Johnson was complaining about the poor state of Overstone Road. She went on to say that the road would be worse if the development went ahead. Mr Keeble confirmed that he was allowed to talk but couldn't talk about

the specifics of the application itself as to do so he would have had to have registered his interest at the start of the meeting which he did not do. He could only talk about the history of the site and respond to the fact that Councillor Johnson wouldn't pay to make the road done up to an acceptable standard when the opportunity was there.

22. What evidence do you have to support your assertion that her opinion did influence the Parish Council members to make a recommendation to support the application subject to the condition?

- 1 Councillor Johnson was asked about the width of the road.
- 2 Did it have street lights?
- 3 Did anyone maintain the road?
- 4 Was there drainage?
- 5 She made the comment that her husband nearly fell of the stretcher when being taken to hospital by the ambulance as a result of the road condition. Mr Keeble confirmed that these responses given by Councillor Johnson were not as a result of her making representations but from asking questions from other Council Members.

23. What personal advantage would she have gained?

The onus of the maintenance has now changed to the developer whereas it should have been the collective responsibility of the land owners surrounding Overstone Road.

24. Minutes only record that she declared a personal interest and that "it be recorded "that she abstain from voting". Any comments?

Because she said she abstained from the vote this was treated as a vote for the purposes of the complaint Mr Keeble stated again that she should not have been allowed to remain in the room at the point that she should have declared a personal and prejudicial interest earlier.

25. Where did Cllr Johnson sit in the room when the matter was being discussed?

See Plan attached.

26. Where did you sit when the matter was being discussed?

See Plan attached.

27. Who proposed and seconded that the application be supported subject to the imposition of the condition that Overstone Drive be made up to an adoptable standard? Was it a unanimous decision?

Don't recall.

28. Did you speak on the matter?

Mr Keeble only spoke to explain about the condition of the road because at the start of the meeting he said he didn't want to speak.

29. Any comments on the allegations?

He has nothing further to add.

30. AOB

The land behind the dotted line was owned by the Co-op, Mr Keeble brought it from the Co-op however there was a covenant on the land which stated that only one property could be built the other part of the application land when he brought the house in 1983 Mr Keeble did a deal with the Co-op where a man from the Co-op came up and assessed how much it would cost to have the covenant removed. This deal was to be done up to the end of September and was extended for a period of six months until March 2012 however his solicitor has been trying in mid February to extend this date further. I asked Mr Keeble what his reason was for withdrawing his application he stated that he had done two pre apps and that it had never been mentioned that he would have to bring Overstone Road up to an adoptable standard. The last point that Mr Keeble made was that the clerk had changed what the Member voted for at the meeting and that the Members voted that the road should be got up to a "reasonable" standard and not "adoptable" standard as noted on the minutes. Mr Keeble stated that another resident of Overstone Drive was present at the committee meeting a Mr Bryan Arlying who lives at number 7 Overstone Drive he would be prepared to give evidence. The only other point to make is in relation to the owners of number 15b Overstone Drive who are Carl and Matteus. Mr Keeble confirmed that within their deeds they're responsible for maintaining the majority of Overstone Drive up to the red line within the planning application.

Interview Preamble

Unrecorded Interviews

My name is Rory McKenna and I am an investigator for the monitoring officer of Fenland District Council.

As I advised you in our telephone conversation on the 4th April I will be taking notes but will not be recording this interview.

The monitoring officer responsible for this investigation has asked me to help him with case number 20120125/29 about allegations of your conduct at a meeting of Elm Parish council on the 19th January 2012.

I am conducting this interview under the powers given to the monitoring officer by the Local Government Act 2000 and The Standards Committee (England) Regulations 2008.

Prior to the completion of the investigation, you, Mr Keeble and Terry Jordan will be sent a draft of the report to enable you all to make any representations you consider necessary. Having considered comments on the draft report, I will then issue my final report. Parts of the notes of this interview may be included in the draft and final report.

If the matter is considered at a hearing, notes of this interview may be submitted as evidence. If you provide us with information of a sensitive or private nature, I will ask the Adjudication Panel for England or the standards committee to keep this information confidential. This is, however, their decision and they may disagree with my recommendation and allow the information you have provided to be made public.

Please treat any information provided to you during the course of this investigation as confidential. In addition, there are statutory restrictions on the disclosure of information obtained during an investigation. This is covered by Section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

If at any stage you feel you would like a break please say so, and we will adjourn the interview for a short period. Do you have a fixed end time?

The interview should take approximately 1 hour, however this may change and if so I will discuss this with you.

Is there anything else you would like me to explain, either procedural or otherwise?

Interview Script:

Background/Preliminary

1. Can you confirm your full name?

Gillian Avril Johnson

2. Do you know Mr Keeble? If so for how?

December 2001 when they moved into 15 Overstone Drive

3. Have you had any previous dealings with Mr Keeble?

- Within a year Mr Keeble had a Norwegian style chalet in his garden which Cllr Johnson says was placed in front of her kitchen but on Mr Keeble's land.
- She had problems with the conifer trees at the back of his property which were too high.
- She had problems with Mr Keeble's wife.
- There were words exchanged between the parties in December/January of this year.

Documents considered

4. EPC Code of Conduct.
No comment
5. Declaration of Acceptance of Office Form.
No comment save to say she had been a Member since May 2007
6. Declaration of Interest.
No comment
7. EPC Agenda dated 19th January 2012.
No comment
8. EPC Minutes dated 19th January 2012.
No comment
9. EPC Minutes 21st February 2012.
No comment
10. Letter submitted (Consultation Response) by G. A. Johnson & F. E. Johnson on 24th January 2012.

She had a conversation with Shanna Penney from planning whom she asked was it all right for her to respond because she was a councillor from Elm Parish Council. She says that she was advised by Shanna Penney to write in as a resident and not as a parish councillor.

11. Letter of Complaint received 25th Jan 2012 with supporting documentation. She states that didn't agree that she could obtain a personal advantage she had no other comments to make in relation to document.
12. Response to the Planning Application from EPC dated 19 January 2012.
13. Initial Assessment Sub-Committee Decision.
14. Letter submitted by Cllr Johnson dated 7th February 2012.
15. Office Copies Entries for 15a Overstone Drive.
16. Site Location Plan.
17. Ask Cllr Johnson if she believes that any other documents need to be considered?
She provided the land registry details for her property.

Specific Questions

18. Can you tell me about the history of the site as regards the maintenance of Overstone drive?
She agreed with the history of the site as provided by Mr Keeble. She believes that her responsibility for the maintenance of Overstone Drive is a shared responsibility between properties 15, 15a, 15b, 16, 17 and 18 she went on to say that no one will claim responsibility for it and that she doesn't think that she is responsible for Overstone Drive itself as shown on the map. She states that it went into the parish plan, and states that the problem is further complicated by the fact that most of the properties on Overstone Drive are not registered. She told me that in December 2011 she held a meeting at her house to discuss the condition of the road which she says is stoned. She sent the invitation out to 15b, 16, 17 and 18 and also to 15, 15 and 17 did not attend the meeting and in fact 17 stated afterwards that his solicitor had told him not to get involved. 15a, 15b, 16 and 18 discussed the condition of the gravel and stated that between them they would offer to look after it.
Cllr Johnson believed that Overstone Drive comes up to the point at where the tar mcadam finishes and starts at the entrance to Overstone Drive.
19. Why did you declare a personal interest at the meeting? Why did you request that it be recorded that you abstained from voting?

She stated that she declared a personal interest at the meeting because the fact the land that the houses were going to be built on was at the back of her property. She confirmed that she took no part in any discussion and was told by the chair that she couldn't take part. Cllr Mac Cotterall asked Cllr Rosa Hopkin to talk about the condition of Overstone Drive.

20. Did you speak on the application? If so who allowed you to talk at the meeting?
No
21. What exactly did you say?
N/A
22. Did influence the Parish Council members to make a recommendation to support the application subject to the condition?
No
23. What personal advantage would you have gained if this application was approved subject to the condition that Overstone Drive be brought up to an adoptable standard?
The trees would be taken down at the back of her property which would give her garden more light.
24. Minutes only record that she declared a personal interest and that "it be recorded "that she abstain from voting". Did you vote on the matter?
No
25. Where did Cllr Johnson sit in the room when the matter was being discussed?
See Plan attached.
26. Where did you sit when the matter was being discussed?
See Plan attached.
27. Who proposed and seconded that the application be supported subject to the imposition of the condition that Overstone Drive be made up to an adoptable standard? Was it a unanimous decision?
No. Yes it was a unanimous decision.
28. Any comments on the allegations?
The first allegation - bringing an office or authority into disrepute
She answered no and that she's always acted honestly.
In relation to the second allegation of using your position as a Member in property to confer and secure advantages and disadvantages.
She says no, as she did not take part in the discussion or vote in the debate
Three having a prejudicial interest and failing to act properly
She says no, and that she never involved other people in the matter and just wanted to walk away.

29. AOB

She stated that she was late getting to the meeting due to the fact that her husband was in hospital. When the meeting had started and she interrupted as she wanted to make her apologies and that she stated that wanted to declare a personal interest in planning matter and she stated as far as she was concerned she did not have any problems with the application itself but did have concerns about the state of Overstone Drive and that was at the open part before the discussion.

Rory McKenna

From: Shanna Penney
Sent: 25 May 2012 14:58
To: Rory McKenna
Subject: F/YR12/0011/O - Overstone Drive, Coldham

Dear Rory,

Further to our conversation earlier, my comments with regard to the above application are as follows:

Despite the access on the original submission only extending halfway across the adjoining roadway, the application was considered to be valid. However, during the course of the application it is extremely likely that Officers would have requested that the full width of the adjoining roadway was included and the relevant owners notified. This is because occupiers of the site would be using this part of the roadway when turning right out of the site and heading south along Overstone Drive. In hindsight, the whole width of the roadway should have been included in the site area however this would not have been picked up at validation stage as situation arose as part of the decision making of the application.

Now we are aware of the planning issues surrounding the application and the fact that Overstone Drive is not an adopted highway, we would request that the whole of Overstone Drive to the south of the site, extending up to Overstone Road is included within the site boundaries (ie within the red line).

As part of any consent given on the site, it is likely that a condition would be imposed to require the upgrade of Overstone Drive prior to the occupation of the approved dwellings. It is considered that this condition would comply with the tests of circular 11/95 as the additional dwellings are likely to exacerbate the situation in terms of the poor condition of Overstone Drive which would be to the detriment of other occupiers within the immediate area.

The situation with regard to bin collections and access for refuse vehicles is a matter which would need to be agreed with the Councils Refuse Team. However, it would be a requirement within the planning application that the bin collection areas are identified in order that Officers can be satisfied that the amenities of neighbouring residents would not be compromised.

I trust that the above is of assistance to you. If you require any further information please do not hesitate to contact me.

Kind regards

Shanna

Shanna Penney
Senior Development Officer
Fenland District Council
01354 622326

"We are committed to providing you with the best service possible and we value your comments and would welcome your feedback on our service.

If you are an external customer, please use our ace's procedure (comment, compliment or complaint), available via our website at <http://www.fenland.gov.uk/com/navigation/council3c-s-procedure/>

If you are an internal customer, please click here <http://intranet/forms/cse/start>

Thank you"

Rory McKenna

From: Shanna Penney
Sent: 10 August 2012 09:38
To: Rory McKenna
Subject: RE: FYR12/0011/O - Overstone Drive, Coldham

Dear Rory,

Further to the below, I can confirm that we would require Overstone Drive to be upgraded to an adoptable standard.

Kind regards

Shanna

Shanna Penney
Senior Development Officer
Fenland District Council
01354 622326

From: Rory McKenna
Sent: 09 August 2012 15:23
To: Shanna Penney
Subject: RE: F/YR12/0011/O - Overstone Drive, Coldham

Dear Shanna

Further to your e mail of the 25th May can you confirm that when you say "it is likely that a condition would be imposed to require the upgrade of Overstone Drive prior to the occupation of the approved dwellings" what do you mean by the word upgrade? Do you mean an adoptable standard?

Rory

From: Shanna Penney
Sent: 25 May 2012 14:58
To: Rory McKenna
Subject: F/YR12/0011/O - Overstone Drive, Coldham

Dear Rory,

Further to our conversation earlier, my comments with regard to the above application are as follows:

Despite the access on the original submission only extending halfway across the adjoining roadway, the application was considered to be valid. However, during the course of the application it is extremely likely that Officers would have requested that the full width of the adjoining roadway was included and the relevant owners notified. This is because occupiers of the site would be using this part of the roadway when turning right out of the site and heading south along Overstone Drive. In hindsight, the whole width of the roadway should have been included in the site area however this would not have been picked up at validation stage as situation arose as part of the decision making of the application.

Now we are aware of the planning issues surrounding the application and the fact that Overstone Drive is not an adopted highway, we would request that the whole of Overstone Drive to the south of the site, extending up to Overstone Road is included within the site boundaries (ie within the red line).

12/09/2012

As part of any consent given on the site, it is likely that a condition would be imposed to require the upgrade of Overstone Drive prior to the occupation of the approved dwellings. It is considered that this condition would comply with the tests of circular 11/95 as the additional dwellings are likely to exacerbate the situation in terms of the poor condition of Overstone Drive which would be to the detriment of other occupiers within the immediate area.

The situation with regard to bin collections and access for refuse vehicles is a matter which would need to be agreed with the Councils Refuse Team. However, it would be a requirement within the planning application that the bin collection areas are identified in order that Officers can be satisfied that the amenities of neighbouring residents would not be compromised.

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Kind regards

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Thank you"