

Minutes of a meeting of the Ashwell Parish Council held on Wednesday 6th November 2013 in the Parish Room at 8.00pm

Present: Councillors Peter Long (Chairman except for 7.1.2, 7.1.3, 7.1.4), Mike Berry, Jane Buxton, John Connolly, Graham Lee, Bridget Macey, Daniel Mathews, Mark White (Chairman for 7.1.2, 7.1.3, 7.1.4). The Clerk was also in attendance. Members of the public: Twenty-three parishioners. Mr Peter Carey, manager at the NHDC department responsible for environmental protection.

Declarations of interest: Cllr Peter Long, re items 7.1.2, 7.1.3, 7.1.4 (accepted hospitality from The Three Tuns); did not act as chairman, did not participate in discussion or votes.

66. APOLOGIES FOR ABSENCE Cllr Martin Hoffman (away on holiday), Cllr Jane Smith (work commitment).

67. MINUTES OF COUNCIL MEETING 2nd October 2013 The Chairman reported that Mr Guy Reed had requested a change to the minutes. Mr Reed had claimed that minute 61.1 ‘...outside readings had been 76 decibels’ was incorrect; the figure should be 77.5 decibels. It was noted that the minute was correct, ie that is what was said, but the information given may or may not have been correct. It was agreed that the inaccuracy be noted.

It was **resolved** that the minutes be approved and signed.

68. PARISH CLOCK NOISE COMPLAINTS (October Council, 61.1) Update, and response to questions from parish councillors, by Mr Peter Carey, manager at the NHDC department responsible for environmental protection.

Mr Carey outlined the procedures his department routinely followed when such complaints were received. The Environmental Protection Act 1990 placed a duty on officers to investigate noise complaints and to determine whether there was a statutory nuisance. If this was determined they had a duty to serve a Noise Abatement Notice (NAN). This would require measures to be taken to address the nuisance within a set time limit. The department’s standard procedure was to try and find a means of resolving the issue between the parties concerned. If complaints were withdrawn there would be no requirement to serve a NAN.

It had now been determined that the night-time noise from the Parish Clock was a statutory nuisance.

To determine this two limbs of evidence had to be considered, (i) was the noise a prejudice to health, and (ii) was it a nuisance. In this case both were considered to be factors. The ‘prejudice to health’ was an absolute based on the limits set by the WHO guidelines; other factors such as historical background were not considered relevant and not taken into account. If the noise was deemed only to be a ‘nuisance’ other factors would be taken into account.

Questions put by parish councillors to Mr Carey.

Q Who makes the decision that a noise is prejudicial to health? Who authorises action? Are elected members involved? **A** A decision is reached following discussion by officers; legal advice is also taken. Action is authorised by environmental health officers. There is no involvement of elected members.

Q Why does the draft NAN include both the hourly strike and the quarterly Westminster chimes but the letter from NHDC dated 16th October propose that only the quarterly chimes be suspended? **A** The draft NAN included in the letter from NHDC dated 12th July, referred to the collective night-time noise from the Parish Clock, ie the hourly strike and the quarterly chimes, as both have noise levels in excess of the WHO guidelines. The complaints received by NHDC have, however, been specifically directed at only the quarterly chimes. This had been the basis on which they had proposed that only the quarterly chimes be silenced (letter of 16th October ‘...if Ashwell Parish Council were to commit to a course of action whereby the quarterly chimes between 22.05 and 07.05 would be suspended in the near future then this would have a material bearing on North Hertfordshire District Council’s decision making as regards enforcement action’).

Q If the Parish Council was to silence the quarterly chimes at night but a complaint was subsequently made to NHDC re the hourly strike, what would be the response? **A** NHDC would have a duty to investigate; ‘cannot say’ what the decision would be.

Q Does the Environmental Protection Act 1990 differentiate between a noise related to a public service and any other noise when considering whether it is a nuisance? **A** No, probably not.

Q What are the criteria for considering whether a noise is prejudicial to public health? **A** Whilst there are no statutory limits, environmental health officers have to look at what guidance is available. The WHO guidelines are considered to be appropriate; they are the only source available. They are based on good research and are recognised by professional organisations as a basis on which to assess noise nuisance. Whilst the levels are not statutory limits they are widely accepted as standards. Other factors including

frequency, ie how often, as well as tone, are also considered. Mr Carey was not aware of any case where a NAN issued by a District Council to a Parish Council had been challenged in court.

Q Would a NAN include the reasons why the decision had been reached? **A** The NAN would not include detail but additional clarification could be given.

Q Does an environmental health officer have to take into account the views of the wider community? Are the views of the 'ordinary person' considered? Would NHDC take this into account as was apparently done in the case of Cranfield, Bedfordshire? **A** Officers have to assess reasonableness; often referred to as 'the man on the Clapham omnibus'. However, this is not the basis for a decision. A decision is not based on a democratic vote. Even if the majority are against, this is not grounds for not serving a NAN. Mr Carey said he was not aware of the Cranfield case.

Q What does NHDC have in mind re its proposal that the Parish Council silences the quarterly chimes between 22.05 and 07.05 so that a 'community solution' can be achieved? (letter of 16th October 'Such a suspension would enable a period of reflection for all parties so that a sustainable, longer term, community solution could emerge.') **A** It would enable the community to come up with a solution. NHDC understands that this would satisfy the current complainants. It would enable the hourly strike to be retained.

Q Would NHDC 'turn a blind eye' to the fact that the hourly strikes still exceeded the WHO levels?

A NHDC only acts on complaints it has received, in this case the quarterly chimes.

Q Earlier correspondence referred to silencing between eleven at night and seven in the morning; why has this now been changed to 22.55 to 07.05? **A** To avoid any potential problems with noise at 23.00 and 07.00.

Q If a NAN is to be served, what is the likely time frame? Will it be referred to elected members?

A 'Shortly after this meeting, ie within days'. It would be without reference to elected members.

The Chairman thanked Mr Carey for his attendance.

It was **resolved** that Standing Orders be suspended for members of the public present to contribute.

Public contributions.

It was noted that a formal request had been made by a parishioner to report on an email that she had received. She reported that this had been from the AshwellAdvocates re the Parish Church Clock noise complaints. She was of the view that the content had been very threatening and she had felt very intimidated by it. Since its receipt she had felt scared at the possibility of any further threats both when at home and when about the village. She had no idea how her email address had been gained. She had taken legal advice on the matter.

Another parishioner reiterated her view that the clock chimes should not be altered. They had sounded at night for many years; many generations of parishioners had lived in close proximity to the Church without problem.

A former parishioner reported that she disagreed with the NHDC officer re the WHO guidelines and had taken legal advice on this. She was pursuing a campaign to change the law to exclude churches and other places of worship.

A parishioner asked, if a NAN was served would this mean that the bells prior to the midnight Christmas Eve service would be silenced? The Chairman responded that only the clock would be affected and not the bells. He was not aware of any complaints about the Church bells, only about the clock. In any event the bells were the responsibility of the Parochial Church Council not the Parish Council.

It was **resolved** that Standing Orders be reinstated.

Parish councillors expressed the following views.

The Parish Council was being forced into a situation; this was a very serious concern.

Parish councillors were elected to represent parishioners; they should support the majority.

The Parish Council was being forced to make a decision contrary to the views of the majority.

The Parish Council had to obey the law and had to be seen to obey the law.

The Parish Council was being asked to make decisions based on the views of an anonymous pressure group; this was not democracy.

Individual parish councillors had been subjected to very serious lobbying and, in some cases it was alleged, intimidation; this was unacceptable. The Chairman asked whether a proposal should be made to exclude the public and to hold the discussion in camera. It was agreed that it was in the public interest that discussion, and decisions made by the Parish Council, take place in a public meeting.

The Chairman summarised the situation.

NHDC had proposed that the quarterly chimes be silenced overnight. If this was actioned they had indicated it was likely that a NAN would not be served. If the Parish Council did nothing it was likely that a NAN would be served requiring both the quarterly chimes and the hourly strikes to be silenced. It was noted that there was no guarantee that a further complaint about the hourly strike would not subsequently be made and NHDC had given no assurances as to how this would be handled. If a NAN was served the Parish Council could consider the option to appeal. This would, however, result in the Parish Council and the District Council opposing each other in a court of law with each side funded by the local taxpayer; he was of the view that this would be a nonsensical situation.

NHDC had proposed that the night-time hours be defined as between 22.55 and 07.05. It was understood that this was to fit with WHO guidelines. The validity of these had been questioned and the evidence from sound readings taken by NHDC in Ashwell indicated that these were not appropriate to the local situation, eg ordinary noise levels associated with daytime village activity began much earlier than seven in the morning.

NHDC had proposed that the night-time quarterly chimes be suspended 'in the near future'. To achieve this a timing device would have to be installed; this required both the raising of funds and seeking the permission of the Diocese. The timescales of these were unknown.

NHDC had proposed a period of reflection to allow a longer term community solution to emerge. The proposal for a detailed survey of parishioners' views could be progressed as soon as possible and further village consultation take place at the Annual Parish Meeting in March. Other longer term solutions could continue to be investigated.

The Parish Council are very reluctant to take any action on this matter. Parish councillors are not persuaded that the noise from the Clock is a prejudice to public health and believe the NHDC determination to that effect to be flawed. Any action taken would be solely to avoid waste of public money in litigation. However, if no NAN has been served the Parish Council could decide to reverse its decision at any stage.

A **proposal** was made that a quantified and detailed survey of parishioners' views be carried out as soon as possible. The detailed content of the associated questionnaire to be approved by the Parish Council and the costs signed off by the Finance Committee.

It was **resolved** that the proposal be accepted.

A **proposal** was made that the quarterly chimes be turned off between the hours of 23.05 and 05.55 for a trial period. The trial to start as soon as funds had been raised and permission obtained from the Diocese for the installation of the necessary timing mechanism. During the trial period a longer term community solution to be investigated and parishioners further consulted. Parishioners to be consulted at the Annual Parish Meeting in March 2014. The Parish Council to review its position at the April 2014 Council meeting.

It was **resolved** that the proposal be accepted.

69. MATTERS OF REPORT FROM PREVIOUS MEETINGS

69.1 (October Council 2013, 57.3) Ashwell's Post Office. Cllr Graham Lee reported that concerns for the future remained. It was noted that there appeared to be a number of options and much village gossip. The current owners of the business, Mr Rob and Mrs Maureen Coston, had offered to attend a meeting to aid discussion. It was agreed to invite Mr and Mrs Coston and an appropriate representative from The Post Office to the December Parish Council meeting.

GEL/Clerk

69.2 North Hertfordshire Parish, Community and Town Councils' Conference 23rd October 2013. The Chairman thanked Cllr Graham Lee for attending. Cllr Lee had nothing to report that would directly affect the parish.

69.3 (October Council, 61.1) Parish clock noise complaints. See item 68 above.

70. OTHER CORRESPONDENCE RECEIVED

70.1 Copy of email from parishioner to County Councillor Tony Hunter with concerns at lack of response from Herts Highways re blocked gully in High Street.

70.2 Draft Central Bedfordshire Design Guide. Consultation until Friday 22nd November. Details on www.centralbedfordshire.gov.uk/consultations.

70.3 HCC review of Speed Management Strategy re 20mph limits and zones. Consultation until Friday 22nd November. Details on www.hertsdirect.org/ltp32013. It was agreed that the Streets & Environment Committee review and respond.

S&E

70.4 Meeting Herts Highways Liaison/North Herts 7th October. Copies of the presentation and notes; also copy of the Highway Service Guide available.

70.5 Email from corporate social responsibility champion for the Ringway Hertfordshire Highways contract; invitation to bid for small local projects scheme.

70.6 Invitation from HCC leader Robert Gordon to 'Meeting Hertfordshire's challenges', an event for Hertfordshire's community leaders; Wednesday 27th November 2013, Stevenage, 6.15 to 8.00pm. Cllr John Connolly agreed to attend if his work commitments allowed. **JC**

70.7 Luton Airport (via email from NHDC). Report of a noise assessment re the planning application by Luton Borough Council for airport expansion. (forwarded to Aircraft Noise Working Group)

70.8 Superfast Broadband. Email from commercial supplier re satellite broadband service (following failure of this area to be included in the latest coverage). Cllr Daniel Mathews reported that he had reviewed the proposals but would not recommend them.

70.9 Copy of consultation document sent to NHDC by BT Payphones re Parish Council's proposal for removal of telephone kiosk in Station Road adjacent to bus shelter (copy displayed on Parish Council and community notice boards).

70.10 Email from NHDC requesting views on its Draft North Herts Housing Strategy 2013 – 2018. In order to meet the required deadline the Chairman had sent an email to all parish councillors requesting their views. A response had subsequently been sent giving full support to the document.

71. REPORT RE PLANNING COMMITTEE

71.1 Consultations received (from NHDC as Planning Authority to Parish Council as consultee)

71.1.1 Case Ref No: 13/02233/1H. 14 Colbron Close. Full Permission Householder: Single storey rear extension following removal of existing conservatory. It was noted that a neighbour had written to the NHDC Planning Officer with concerns re access during works; this was not a material planning matter.

It was **resolved** to recommend acceptance.

Clerk

Cllr Peter Long declared an interest (see above) for three items 7.1.2, 7.1.3, 7.1.4; these were chaired by Cllr Mark White.

71.1.2 Case Ref No: 13/02404/1AD (Advertisement Consent) The Three Tuns, High Street.

71.1.3 Case Ref No: 13/02419/1LB (Listed Building) The Three Tuns, High Street.

71.1.4 Case Ref No: 13/02392/1 The Three Tuns, High Street.

Section 73 Application (minor material amendment to application no. 13/01447/1 granted 15/08/13).

71.1.5 Case Ref No: 13/02480/1TCA (Trees in Conservation Area) Wolverley House, Gardiners Lane.

71.1.6 Case Ref No: 13/02401/1TCA Ducklake House, Springhead.

71.1.7 Case Ref No: 13/02403/1TCA 1 Forresters Cottages, High Street.

71.1.8 Case Ref No: 13/02408/1TCA 21 Mill Street.

For items 71.1.2 to 71.1.8 above: It was **resolved** to recommend acceptance.

71.2 Notifications of decisions made by NHDC as Planning Authority.

71.2.1 Case ref. 13/02103/1NMA (Non Material Amendment)

35 High Street And Whitby Farm, Silver Street

Plot 1: Change to dormer roofing material. Changes to doors and windows. Alterations to single storey lean-to. (As amended by plans received 3rd October 2013) Plots 2 and 3: Alterations to doors, windows and glazing Plot 4: Changes to doors, roof lights and windows. Entrance porch added. Flue position moved. (As amended by plans received 9th October 2013) Plot 5: Changes to windows, doors and roof lights (as set out in Schedule received 02 September 2013).

NHDC decision: Approved.

71.2.2 Case ref. 13/02293/1DOC The Three Tuns, 6 High Street.

Condition 2: A sample of the bricks proposed to be used in the bricking up of the fixed door opening at ground floor on the north elevation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby granted consent. In addition, the infill brickwork shall be set back from the existing brickwork and shall be flemish bond with mortar to match existing unless otherwise agreed and approved in writing by the Local Planning Authority.

NHDC decision: Approved.

71.2.3 Case Ref No: 13/02401/1TCA Ducklake House, Springhead. For Mr P Saxon.

Remove one Ash Tree. Remove one Paper Bark Birch tree. Remove one Robinia tree.

NHDC decision: No objection.

It was noted that the NHDC Planning Officer had issued the decision notice for tree work in the conservation area without consulting the Parish Council (application dated 7th October, decision dated 21st October).

It was **resolved** that NHDC be requested to adhere to the agreement whereby the Parish Council is consulted on its view prior to a decision notice. It was agreed that the Neighbourhood Plan include proposals for Tree Protection Orders (TPO's); it was noted that an approved Neighbourhood Plan would strengthen the Parish Council's powers with regard to TPO's.

Clerk/NP Group

71.3 Correspondence on planning matters.

71.3.1 (October Council, 59.1.4) Letter from NHDC Planning Officer with provisional formal notice, Tree Preservation Order 192 (20) Land between Ducklake House and 19 Springhead dated 16th October 2013. 'The Council...considers the trees make an important contribution to the visual amenity of the locality.' Deadline for objections 27th November 2013.

71.3.2 Development adjacent to Moules Yard. It was noted that works were now at the stage where roof trusses were being installed. It was agreed to write to the NHDC Building Control Officer to ensure that he remained aware that the proposed heights had been very contentious and that agreed plans should be strictly adhered to.

Clerk

72. REPORT FROM STREETS & ENVIRONMENT COMMITTEE (Chairman Mike Berry)

(draft minutes meeting 11th Sept available; next meeting scheduled for Wednesday 13th November)

72.1 Cllr Mike Berry reported on the proposal to Herts Highways for a new bollard outside Foresters Cottages in the High Street. Details had now been received; these would be considered and local residents consulted.

73. REPORT FROM RECREATION & FACILITIES COMMITTEE (Chairman Jane Buxton)

(draft minutes meeting 14th October available; next meeting scheduled for Monday 17th February)

73.1 Cllr Jane Buxton reported that an allotment tenants' meeting was scheduled for Sunday 17th November, 9.30am.

74. REPORT FROM CHARACTER AREAS COMMITTEE (Chairman Martin Hoffman)

(draft minutes meeting 30th September available) Nothing further to report.

75. REPORT FROM FINANCE COMMITTEE

(draft minutes meeting 21st October available; next meeting scheduled for Monday 24th February)

75.1 Draft minutes Finance Committee meeting 21st October 2013 were noted.

(i) Proposal for the Parish Precept for 2014-15. It was noted that the figure for the tax base had now been received from NHDC; it had been calculated that a precept of £51,000 would result in an increase of c1.8% compared to 2013-14.

It was **resolved** that the proposal be accepted.

(ii) Proposal for the budget for 2014-15.

It was **resolved** that the proposal be accepted.

75.2 Proposal for approval of November Accounts and Bills for Payment.

It was **resolved** that these be approved and paid.

Clerk

76. REPORTS FROM WORKING GROUPS

76.1 Neighbourhood Plan Group. Cllr Peter Long reported that there had been some rearrangement of responsibilities within the group to accommodate members' other commitments. The next meeting was scheduled for 13th November.

76.2 Website Group. Cllr Daniel Mathews reported that there was a considerable amount of work involved to upload all the content for the new site; more volunteers to do this would be welcomed. The latest status would be circulated.

76.3 Yearbook Group (notes of meeting 8th October available; next meeting 26th November) Cllr Peter Long requested all parish councillors who contributed to forward their draft reports to him by 26th November.

MWB/EJB/MGH

76.4 Speed Watch Group. Cllr Bridget Macey reported that monitoring was on-going again. Various legal issues had been sorted out.

76.5 Community Housing Group. Cllr Jane Buxton reported that there had been further correspondence from parishioners following the application by Origin Housing for an extension to Walkdens. The social issues, as opposed to planning matters, that had been raised were being investigated. It was agreed that District Councillor Andrew Young be formally requested to be involved.

76.6 Aircraft Noise Group. It was reported that a further meeting had been held and a full report was in preparation.

77. PARISH AFFAIRS, REPORTS FROM OTHER BODIES AND OPEN FORUM

77.1 Police matters. Cllr Bridget Macey reported that PC Nic Musto's monthly report had been circulated. Cllr Jane Buxton reported that the police had been requested to take action re a vehicle in Station Road that persistently parked on the pavement making it impassable for buggies etc.

77.2 Cllr Mark White reported his concerns re fly-posting particularly on telegraph poles. It was noted that this was in fact illegal. The Parish Council's policy was reiterated, ie posters advertising local organisations' and charities' events would be tolerated as long as they were removed promptly afterwards; others would be removed.

77.2 Items raised by parishioners (re Parish Clock noise complaints. See item 68 above).

77.2.1 A parishioner raised concerns re overflowing litter bins. The Chairman responded that this had been a general problem since the new NHDC recycling system had been introduced. The Parish Council had been pressing NHDC for a more frequent service.

77.2.2 A parishioner raised concerns re overgrown hedges in Kingsland Way. It was agreed that the Streets & Environment Committee ensure it was reported to Herts Highways. **S&E**

77.2.3 A parishioner raised concerns re spoil from badger digging at the top of Kingsland Way. It was noted that this had been raised with Herts Highways; it was agreed that the Streets & Environment Committee ensure it was raised again. **S&E**

77.2.4 A parishioner raised concerns re signage still left abandoned following Herts Highways resurfacing work in Swan Street over a year ago. It was agreed that the Streets & Environment Committee raise this with Herts Highways. **S&E**

Meeting closed at 9.45 pm

Appendix 1 – General material received

Hard copies (items available at meeting)

- Mailing from War Memorials Trust

Items forwarded by email

- North Herts District Council weekly 'Members Information'
- HAPTC Briefings and Bulletins.
- *Rural News* from PC Nic Musto.
- Invitation to Hertfordshire Service to Sport Awards 2013, Thursday 5th December 6.15 for 7.00pm at Hatfield .

Appendix 2