

Minutes of Dunham-on-Trent, with Ragnall, Darlton and Fledborough Parish Council (Dunham & District Parish Council)



Meeting of **Dunham & District Parish Council** held on the **15th Nov 2022** at Dunham Village Hall, the meeting commenced at **6:30pm**.

Council Members & Officer Present

Cllr Madeline Barden
Cllr Vera Ballinger
Cllr Kathryn Watkinson
Cllr Emma Thorpe
Cllr Carole Booth
Current Vacancies
Ed Knox
2 Members of the Public
County Cllr
District Cllr

Chairman
Vice-Chair
Cllr Lucy Atkinson
Cllr Rachel Lovett
Cllr Rachel Bean
1
Clerk/Responsible Financial Officer
(left after public forum)
John Ogle
Lewis Staniland

Also, Present

➤ Public Forum

Two members of the public from Darlton discussed traffic speed issues and felt the Police would be more successful speed checking the opposite end of the village, near to the bus stop and play park. The bus stop is overflowing with leaves and there is poor signage alerting drivers entering the village to the speed limit. County Cllr Ogle advised that the Parish Council could ask the Highways Manager to investigate what potential additional signage the County Council could install to help encourage drivers to slow down and make them aware of the playground and school children crossing. The Police to be approached regards further speed checks and the Highways Manager regards the signage issues.

70/22 To receive apologies for absence

The Council **resolved** to accept the apologies of Cllr Oldfield. Cllr Stapleton did not attend.

71/22 To receive declarations of interest

None.

72/22 To Approve Minutes of the Previous Meeting

After discussion, the council **resolved** to accept the minutes. The chairman signed the minutes of the previous meeting as a true and accurate record.

73/21 To Progress the Jubilee Wildlife & Environmental Project

The ongoing annual maintenance cost of the sites is expected to be £1500 in total, per year. The Clerk suggested that the Council can potentially fund this, at no extra cost to the tax-payer by using 75% of the S.137 budget for this purpose to be discussed in the January 2023 budget setting agenda item. The Project Manager advised that there will be another invoice for approximately £2,500 this month which will include the Darlton meadow and leaves approximately £2,000 for the ponds, trees and wildlife, insect, animal homes.

Cllr Barden advised that the planting of Reptile Gardens has concluded and the pond is going in shortly. The land to the north of the village hall is to be seeded by the end of November. Darlton bulbs are going in shortly. The District Council owned grass area in Darlton, Cllr Thorpe has spoken with Bassetlaw several times without success of their commitment to a partnership deal over grass cutting at certain times, to allow for successful wildflower planting. Dist Cllr Staniland agreed to take this up with Bassetlaw.

Cllr Barden advised that Whimpton Moor planting will be done by the end of the month, followed by the pond in December. Ragnall planting to be completed by the end of November. The wildlife, insect and hedgehog homes will be installed soon. Cllr Thorpe is looking into ways in which the local children attending the district tree planting day at Dunham can mark the event with a suitable artwork piece for the village hall.

74/22 To receive reports from County and District Councillors

Dist Cllr Staniland: provided an update to the Council, which included:

- The Final Bassetlaw Local Plan consultations are underway with local open day sessions to allow the public to make comments and ask questions.
- A lengthy discussion followed over the future of the former High Marnham Power Stn site, which the Parish Council expressed dismay at the fact that Bassetlaw removed the site from the Local Plan and that several planning applications have gone in from the Pears group.

Dist Cllr Isard – Sent Apologies.

County Cllr Ogle: provided an update to the Council, which included:

- County have now adopted the devolution deal, which is under consultation, more information about the consultation, and a link to the online survey, are available online:
www.eastmidlandsdevolution.co.uk/have-your-say this is a survey open to anyone to comment on.
- Encouraged the Council to report any blocked drains and make Cllr Ogle aware of these.

75/22 Finance:

1. To Approve Payments:

The Council **approved** the following: -

<u>Payee</u>	<u>Item</u>	<u>Amount</u>
Cllr Thorpe	Ryman – Printing Ink for Noticeboards 2022/23	£43.19
Holmes Groundcare	Grass cutting Dunham Play Area Oct	£46.35
RBLI	War Memorial Poppy Wreath	£20.00
MeadowMakers Ltd	Wildlife Project wildflower meadows, across 5 sites	£2,500.00
Total Payments		<u>£2,609.54</u>
<u>Receipts:</u>		
<u>From</u>	<u>Item</u>	<u>Amount</u>
HMRC	VAT Rebate 2021/22	£290.65
BT Openreach	Reptile Gardens 2022 Wayleave Phone Poles	£21.00
Total Receipts		<u>£311.65</u>
<u>Bank Balance</u>		<u>£30,981.28*</u>

Bank Reconciliation for the year to date to be approved. Council **resolved** unanimously that figures were correct. Reconciliation to be signed by when practical. Direct Debits and Standing Orders for staff salaries including PAYE and Pension, all **approved** unanimously. * £2,336.50 Wildlife & Environmental Project Budget, Grant Funds currently raised and Ring-Fenced for the project. The County Council Local Communities Fund Grant Application final 25% will be paid once the Council spends a further £236.50 on the wildlife project, on provision of invoices to Notts CC.

76/22 To Receive an update on Fledborough Broadband with a 15 Minute Presentation by Evolve Ltd

Cllr Bean gave an overview on the progress to date. Evolve Ltd are hopeful that the Govt Voucher scheme will, if enough domestic properties and businesses sign up to the scheme it will fund the project. By signing up to the scheme, the applicants have to receive their broadband from Evolve for a minimum 1-year term. At present, Evolve are waiting for the Govt Portal to go live and funding to be allowed to be applied for (as the Govt have frozen this at present), Evolve will then produce a leaflet for each resident explaining how to apply. It is hoped that the funding levels under the new scheme, will be higher than previously. If any residents have further questions, they can also contact the Notts County Council Broadband Engagement Officer and his Better Broadband for team using enquiries.broadband@nottsccl.gov.uk or by phoning 0115 977 2532.

77/22 To discuss the Lengthsman Role

After successfully complaining to the County Council, the original £3,700 annual grant payment has been reinstated to the Parish Council.

The Clerk has spoken with the interested party, who is an experienced Lengthsman at other parishes, and has the tools, equipment and insurance. The person is looking for 1 day's work per week of 6 hours for £13ph. The combined Lengthsman, Street Cleaning and Concurrent grants from NCC £3,700 and BDC £522, allows for £4,222 expenditure at no cost to the local tax payer via the precept towards the labour, parts and material costs of the Lengthsman activities.

After discussion, Cllr Watkinson **Proposed**, Cllr Barden **Seconded** and the Council **Resolved** to appoint Robert Flamwell as self-employed Lengthsman from 21st Nov 2022 until the end of the current Lengthsman Period of 31st Mar 2023 on the basis of £13ph, 6 hrs a week for 47 weeks of the year, with the option to renew each year. The Clerk to arrange signing of the Lengthsman contract and send out the full list of duties so that any additional tasks can be added.

78/22 To resolve to adopt the General Power of Competence

Sections 1 to 8 of the Localism Act 2011 provides statutory power to local councils the general power of competence (GPC) 'to do anything that individuals generally may do', described as a 'power of first resort'. The generality of the power is not limited by the existence of any other powers of the authority, as long as it does not break other laws. Once adopted GPC, council cannot also incur section 137 Local Government Act 1972 expenditure.

The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 lays down the criteria for eligibility:

- When a resolution is passed that the council meets the criteria, the number of councillors declared elected at the last ordinary election or subsequent by-election, must equal to or be greater than two-thirds of the total number of members of the council.
- The clerk must hold either CiLCA 2012 or a higher education (Level 4) degree qualification in Local Council Administration.

The Clerk achieved CiLCA in 2020. At the 2019 election, 5 seats were elected on the parish council, the rest co-opted. If 8 or more seats are elected at the May 2023 election then the Council can then adopt the General Power of Competence. Therefore, after discussion, Cllr Watkinson **Proposed**, Cllr Barden **Seconded** and the Council **resolved** to automatically adopt the General Power of Competence as soon as the Council meets all the Criteria.

79/22 To Receive Councillor's/Clerks' Reports including Road Traffic Accidents:

- **Noting of Accidents** – A blue mini crashed into the ditch opposite Low St/A57 junction in Dunham. New Highways issues, Cllrs report via the online tool (ideally with photos) in first instance whenever possible and let the Clerk know the reference number, then at each meeting any unactioned reported items the Clerk will escalate to the County Cllr/District Cllr, Highways Manager/Waste Managers. The following items have been raised with the Highways Authority Manager so that these matters can be investigated and finally resolved. Each month the Clerk chases the Highways Manager and the Parish Council adds to this list while awaiting a reply:

Outstanding Items (chased monthly with the Highways Manager and being discussed with the new area manager at the site meeting with Cllrs Barden & Ballinger on 15th Nov 2021) Highways Manager Response in italics:

- **4 Long Row Cottages Flooding** - The Drainage Manger and Principal Flood Risk Manager are working together to find a resolution to this issue. The resident has been contacted by a member of the Flood Risk team at NCC. The Council would like to be copied in on the final resolution for information purposes, request that Highways Manager provides a copy of the report. 23.12.2021 – *The flooding issues at 4 Long Row Cottages are currently being investigated and if I receive any further updates, they will be forwarded to the Parish Council. 16.06.2022 the County Drainage Manager advised "This particular issue is something that I've looked in to. It has been awaiting a further drainage investigation, at my request, to try and establish the cause of the issue, but we just haven't been able to prioritise an attendance as yet due to the backlog of other issues Countywide. The information in the letter from the resident to Cllr Ogle is really helpful and actually negates the need to attend for further investigation. It's clear that we need an assessment of the levels to see if the recently installed pipe can be replaced with one at the appropriate level for the water to drain away. This is something that I'll need to request that my colleagues in the Highways Design Maintenance team carry out. I'll submit a request to them tomorrow and then advise you when I receive a response to indicate what timescale we may be looking at. In terms of when the works might take place, the Structural Drainage budget, which I manage and is designed to deliver such works, is allocated in advance of each financial year. This means that I will be unable to fund any required works this year, but any required works could potentially be considered for funding in next year's programme.*

We need to know what any proposed works will consist of before any further decision can be taken, so let's see where things are once the levels have been assessed. 25.08.2022 Drainage Manager advised "I need to chase up my colleagues in the Highways Design team. I'll come back to you once I have a response."

06.09.2022 Drainage Manager advised "I'm meeting a colleague from the Highways Design team on site tomorrow afternoon to start initial discussions. In terms of allocating funds for any works identified, it'll be dependent on the magnitude of scheme required, but it won't be this financial year as my budget is allocated in advance of each financial year. It'll be consideration for funding alongside all other schemes Countywide that require funding from the structural drainage budget. That's allocated on a risk-based approach. This means giving priority to those situations where a risk of injury exists (e.g., on the highway speed network) or where the internals of properties might be affected. Everything else we will seek to prioritise as best we can, but it still means fitting in work between the most pressing issues / programmed activities."

*11.10.2022 Drainage Manager advised "I met a colleague from the Design Team on site a couple of weeks ago. We spoke to the resident affected whilst there. We'll need to return to take levels but I think that the solution is to create a ditch around the outside of the field. This will require liaison with the owner of the field. **It's a scheme that will be considered for funding for the next financial year, commencing April 2023.** The resident is aware of that."*

- **Children Playing/Playground Signage REF HAMS 4302792** - the Parish Lengthsman advises that on Low Street near the Village Hall, there is no Children Playing/Playground Signage. Reported to Highways Manager 19.04.21. Highways Manager agreed no signage was there so this would be looked into for potential signage installation. The Highways Manager asked Ruth Eyre Highways Liaison Coordinator (HLC) to provide the PC with an update. 01.10.2021 HLC asked for a google earth map of the location of the play area, map emailed to HLC. 07.12.21 HLC confirmed this is submitted on the Highways Programme for 2022/23. 15.06.2022 The 'children playing' sign on Low Street will be provided this current financial year – I'm sorry I can't be more specific on timescales, as there have been a number of staff changes in the section that deals with these so I can only say that it will be provided in due course.

- **Dedicated public highway access St Oswalds Church to Church Walk**

At the May meeting members of the public expressed concern over the closure of the access to the public along this route. Cllr Barden explained that she had been in contact with the Highways Officer at County Council regards the matter of the closure of the public highway, because the County Council have stipulated in their response to the planning application for the conversion of the church the following:

"It should be noted that our records suggest that the footpaths linking the church to the A57 and Church Walk, together with the area located directly in front of the entrance into the building are dedicated as public highway. These areas must remain available for public use."

The Council has contacted Bassetlaw Planning Dept for their views because the red line looks as though part of the dedicated highway is showing within the curtilage of the church's new owner, BDC have advised:

*"With regard to public rights of way, there is no specific reference within the planning permissions, however, the granting of planning permission **does not override** any existing legal rights of way. The closure of a right of way, etc would be a matter initially for the County Council to resolve and there are appropriate procedures to follow.*

The red line application site refers to the land to which the application relates, however, the granting of planning permission does not override any existing legal rights of way or third-party rights of ownership."

After talking with the highways officer at the County Council, they have clarified that:

"The whole path from the A57, under the church, in front of the church door and onto Church Walk is a public highway of Notts County Council."

The highway has been closed by the new owner of the church at the archway (which they do not own) and has erected signage which states:

"This is no longer a church. It is a private residence. To access the graveyard entries are via the A57 and the Green Thank you." And "Over the last year large pieces of stone have fallen. For health & safety reasons, and by the recommendation of the Highway Authority, the gate is closed until further notice"

The County Council Highways Officer advised that "To close have an official Urgent Footpath Closure, the applicant has to send in an Urgent Footpath Closure form to the County Council and pay the appropriate

fee and display the correct temporary notices and provide alternative route access. The signage is the wrong signage and not county council authorised signage."

The Council has chased the Highways Officer for regular updates and on 6.07.2022 was advised that they wrote to the new owner of the church and said "Your details and email of 13 May 2022 have been forwarded on to myself to look further into the matter of the extent of adopted area at Church Walk Dunham on Trent.

The plan previously submitted to you shows the adopted area shown green and is historically the extent of adopted highway for public access to the church. This would have been brought to your attention as part of the purchase of the building – I see from our records that you enquired in August last year about the process for having the adopted highway stopped up prior to the purchase.

s part of the planning process, included within the Highway Authority's response to Bassetlaw DC was that the footpaths linking the church to the A57 and Church Walk, together with the area located in front of the entrance into the building are dedicated as public highway. Therefore, these areas must remain available for public use. I understand that these areas have been closed off by yourself. You state in your email of 13 May that the Church of England was unable to provide any documentation as to when and why it was adopted. This would have been public highway for visitors to the Church from the time of its construction which I understand to be 15th Century so obviously this would prove difficult to provide official documentation from this era.

*You should be aware that for any public adopted highway to be permanently closed off, it needs to be permanently extinguished, with prior approval from the Highway Authority, by the process of a Stopping Up Order under S116 of the Highways Act 1980 which is a legal process through the Magistrates Court, completely funded by the applicant. The whole Stopping Up process may be challenged by anyone wishing to do so in the court and should an objection be received; the Order would not be successful. The applicant will need to fund the Stopping Up Order process, which can prove costly, even if unsuccessful. My colleague, Jo Hage, has sent emails to yourself with attachments regarding the process for a temporary closure whilst you carry out the necessary repairs to make the building safe so that the public highway may be reopened, and not remain closed without approval. **In view of this, the public highway should remain available for public use, and if works are to be carried out to the building which requires a temporary closure to the public highway**, then approval from the Highway Authority should be sought as per the email from Jo below." 12.07.2022 Cllr Barden has spoken with the Highways Manager to clarify and emailed to confirm as follows: "The public footpath should be open until Mr Waddingham seeks a proper closure order from Nottinghamshire County Council, Highways Department, which you suggest could take approximately six weeks."*

On 12.07.2022 the Council **resolved** that because the owners of the church were emailed by the County Council on 6th July instructing them to keep the walkway open, and that so far the owners have not removed the barriers and signage, to email the new owners of the Church to point out that they were told on 6th July to open the public highway and they must do so immediately, if they don't the Parish Council will inform the Highways Manager at the County Council and request that they may take legal action to force open the public highway until the proper temporary closure order has been granted. The clerk wrote to the owner on 13.07.2022. **(No response)**

The Clerk chased the Highways Manager and Rights of Way Manager on 20.07.2022 **(no response)**. The Clerk then forwarded a written complaint from a member of the public on 14.08.2022 to the Highways Manager, Rights of Way Manager and County Cllr Ogle to ask for help with the matter and whether we should direct complaints about the public highway at the church direct to the County Council **(No response)**.

On 16.08.2022 The Clerk forwarded a photo of the inappropriate signage, which the new owner of the church has fitted to the Parochial Church Council's gate, to the Highways Manager, County Highways Manager, Rights of Way Officer and County Cllr Ogle advising that "Local people feel that this sign 'red' is making it a 'keep out/psychological' barrier to local people. The church had been closed as a church for some years and even when it had been used for funerals/weddings, in between these, it was never 'open' to the public so to say "the church is no longer open" is unnecessary, to state "it is a private residence" is also unnecessary as the whole village knows it has been bought and being turned into a house. The line "the path provides access to the church only" is a lie as the path is (as you have confirmed) a public highway which doesn't provide access to the church 'only' it provides access from the pavement/public highway beside the A57 to the pavement/public highway on Church Walk. The last statement is also

incorrect as "the Graveyard access is via the Green and A57" is incorrect, graveyard access can be along this path via church walk round to the Green and then into the church yard. The sign is misleading at best, a mental 'keep out/red' barrier to local people and at worst incorrect." The Clerk asked the County Council Managers for their guidance on the matter and asked if they are doing anything about the signage and contacting the new church owner. **(No response).**



25.08.2022 Response received from Notts County Council Highways Manager: "I apologise for the fact that you've had to chase this matter up. I wanted to give the new owner of the church sufficient time to respond and then unfortunately I contracted Covid and then took annual leave.

I can confirm that the new owner of the church has not contacted me at all, nor have they contacted my colleagues in Co-ordination about a temporary closure of the public highway. Your frustrations and those of the Parish Council are absolutely clear. My understanding is that this is not the responsibility of the Public Footpath Officer to be involved. **I am in the process of issuing an Enforcement Notice** and once completed, this Notice has to be submitted to Licensing and Enforcement for approval and signature before sending to the Owner of the Church. I will confirm to you when this has been carried out and submitted.

If there is still no response within the dates specified in the Notice, VIA will carry out the required works. Finally, if there are harassment concerns regarding the new owner of the church, this would be a matter for the members of the public to pass to the police." 25.08.2022 The Clerk chased the Highways Manager for confirmation on 'what are the dates specified within the notice' and to ask about the outstanding matter of "Do the public have the right still to walk from the public highway into the churchyard at point where the grass becomes pavement near the church door". No response received. Clerk chased again 5.09.2022

06.09.2022 The Rivers Retford Parochial Church Council advised that "NCC Highways stated their position on the public highway very clearly in their submission as part of the planning process. If the right of way is being obstructed, it is a matter for them to take forward."

06.09.2022 – The County Council Highways Manager advised that "Enforcement Notice has been posted today to Mr Waddingham. I have allowed 14 days for the public highway to be reopened (by 20th Sep). As the footpath leading to the south shown by the green cross is not public adopted highway unfortunately, I can't provide any information about it, even though I understand this has been used by the public in the past."

11.10.2022 It is believed that the incorrect signage is still in place, Cllr Ballinger to check tomorrow so that the Clerk can report the breach to the Highways Manager. 27.10.2022 Highways Manager responded "Thanks for updating me about the signage & gates. I have a meeting tomorrow with a colleague in legal so will provide a further update once I've spoken with him." 7.11.2022 The Clerk chased again for a response. 08.11.2022 Highways Manager advised "I need to check something with another colleague who is on leave at present." 15.11.2022 Highways Manager advised they have emailed the owner of the church today with the NCC legal representative's opinion, which is as follows: "It is confirmed that the signage displayed on the gates is misleading and deters people from using the public adopted highway, in this case ancient highway, under the National Parks and Access to the Countryside Act 1949. As the Highway Authority, we have a duty to assert and protect the public's right to safely pass and repass and is engaged where public highway rights exist. Therefore, the signs do dissuade members of the public from using the public highway and should be removed immediately.

With regard to the automatic devices on the gates, the gated footpaths leading to your property are considered to be ancient highway and the locking devices provide a restriction that wasn't there previously. Although it could be stated that these remain unlocked at all times, there is the risk that closure/locking may happen, causing an obstruction to the public highway. The adopted paths should

remain open/available for use 24 hours a day/7 day a week, therefore, the locking devices should be removed immediately.

I mentioned previously about the adopted highway and the following comments were received from the legal representative:

Where a path is, as here, recorded as 'adopted', i.e., maintainable at the public expense, the fabric of the highway is vested in (and therefore owned by) us regardless of who owns the subsoil beneath the fabric of the highway, and any interference with such 'adopted' fabric can also give rise to actions for criminal damage. Also, the longer a highway sits on official records without challenge, the stronger the presumption that it is properly on such records, and the more unjust it would be to remove them now without sufficiently strong proof that a mistake was made in the first place. Note: this is proof of a mistake, not the absence of proof that it should have been so registered. Should any party consider our records to be incorrect, the burden is on them to provide proof of evidence that it is not public highway. As such, as has been supported both in statute and at common law, our List of Streets does indeed carry 'a lot' of weight and cannot simply be amended." The Highways Manager has repeated that in view of the above, the signs and self-closing devices should be removed immediately. The Clerk responded to ask what action will be taken if the owner doesn't comply.

- **Road Resurfacing Work towards Dunham Bridge** - Cllr Ogle then mentioned that a resurfacing request for approach to Dunham Bridge from the village on the A57 will be put forward on the Cllrs Priority List due to the very poor condition of this main road. Cllr Watkinson added that on the Lincolnshire side of the bridge, the A57 has been resurfaced and gives a negative, neglected impression of Nottinghamshire once you get over the bridge.

New Items:

- **Cllr Atkinson** – Provided an update from the latest Village Hall Committee meeting, and the recent retirement of several of its members, the committee is looking for new members to join. An afternoon tea for pensioners is to be held at Dunham Village Hall on Tues 6th December.
- **Cllr Watkinson** – Fly tipped conifer cuttings in the Dunham Road Layby on the way to Laneham – Clerk to report to Bassetlaw (ref 2286937). 3 lights out on same road, already reported by clerk and Notts CC advised it is a power supply fault they have passed onto the electric company. Dunham Primary recently held an open morning to try and encourage more families with young children to attend Dunham as new students.
- **Cllr Booth** – Mentioned the overgrowth from the abandoned house onto the public footpath has become a problem again, and recommended that this is dealt with by the new lengthsman once they have been appointed. Also, the Police Setting quarterly meetings at Retford Town Hall which Bassetlaw used to invite the Parish Council's to send a representative to haven't been taking place. The Clerk agreed to investigate this with the Police and Bassetlaw.
- **Cllr Ballinger** – Is going to contact Unity Trust Bank to try finishing the registration progress as an online signatory for the bank.
- **Cllr Thorpe** – Arranged for the new Dial A Buss Notts County Council bus service leaflets to be up in each noticeboard and a selection of leaflets are available at the Village Hall, Cllr Thorpe to see if the White Swann will allow a poster and leaflets to be displayed.

In accordance with the Public Bodies (Admission to Meetings) Act 1960 the following agenda item was closed the members of the public due so that the Council can discuss information which is relating to an individual for example Contracts of employment, salaries, financial or personal business affairs of the individual. Minutes of the decisions made under this item will be open to the public.

80/22 To note Contractual National Cost of Living Pay Rises for staff members

After discussion, the Council **noted** the contents of the private & confidential appendix report detailing the contractual pay rises applicable from 1st Apr 2022.

81/22 Closure of Meeting

There being no further business, the Chairman thanked everyone for their contributions and closed the meeting at 9:15pm.