



GREAT YARMOUTH
BOROUGH COUNCIL

Parish Liaison Meetings

Date: Monday, 15 September 2014
Time: 19:00
Venue: Council Chamber
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

Open to Public and Press

- 1 MINUTES 3 - 6**
To consider the minutes of the meeting held on the 17 March 2014.
- 2 MATTERS ARISING**
To consider any matters arising from the above minutes.
- 3 RECYCLING AND REFUSE**
To consider a presentation on changes around recycling and refuse.
- 4 CHALLENGES AND TRANSFORMATION PROGRAMME**
To consider a presentation on the challenges that the Borough Council is facing, and details relating to the Council's Transformation Programme.
- 5 ISSUES RAISED BY PARISH COUNCILS**
 - (a) Martham Parish Council 7 - 7**
 - Briefing note attached relating to byelaws for Village Greens.

(b) Bradwell Parish Council

- Parish Precepts/Council Tax Support grants 2015/16.
- Concurrent Functions Grants 2015/16
- Section 106 Agreements in respect of parished areas:-

(i) progress in utilising "historic" Section 106 monies still held.

(ii) progress of negotiating agreements in respect of large housing developments, and extent to which Parish Council's may be involved in such negotiations.

(c) Somerton Parish Council

- Loss of the waste collection service from Somerton Parish Staithe following the reclassification of the waste from domestic to commercial.

(d) Caister on Sea Parish Council

- With regard to the 180 homes to be built at the north end of Caister by Pegasus, will these have a Caister address?

6 ANY OTHER BUSINESS

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

Parish Liaison Meetings

Minutes

Monday, 17 March 2014 at 19:00

PRESENT:

Councillor T Wainwright (in the Chair); Councillors Linden, Pettitt, B Walker and Williamson .

Mrs J Beck (Director of Customer Services), Mrs D Summers (Group Manager Finance), Mr R Hodds (Cabinet Secretary), Mr J Davis (Emergency Planning Manager), Mr I Hardy (Design, Conservation and Access Officer), Mr S Mutton (Head of Policy GYB Services) and Mr D Minns (Group Manager Planning).

Representatives from the Parish Councils of Caister on Sea, Belton, Burgh Castle, Bradwell, Hopton on Sea, Ormesby with Scratby, Somerton, Repps with Bastwick and Martham also attended.

A representative from the Norfolk Association of local Councils attended.

1. **MINUTES**

The minutes of the meeting held on the 16 September 2013 were agreed.

2. **NON LISTED HERITAGE ASSETS WITHIN THE NEW LOCAL PLAN**

The Design, Conservation and Access Officer reported on the Non Listed Heritage Assets within the New Local Plan. He reported that arrangements had commenced to liaise with Parish Councils in order to prevent the demolition of buildings within their parishes that may be vulnerable. The Parish Councils were advised that a display in atrium of the Town Hall showed the kind of structures that should be identified by the Parish Councillors. Over the next few months Parish Councils would be invited to make suggestions for Non Listed Heritage Assets within their parishes on structures that were not of listed quality but would be of local importance.

The Parish Councils noted that the Design, Conservation and Access Officer would be contacting all Parish Councils with further details on this matter in due course.

3. **COMMUNITY RESILIENCE PLANS**

The Emergency Planning Manager reported on the Community Resilience Plans. He reported that the purpose of these plans would be to enhance the ability to respond to emergencies as they arise and on the need to identify enhanced communications with

the provision of local contacts who have local knowledge in their parish areas.

The Emergency Planning Manager reported that there are currently four Community Resilience Groups that had been established and that currently six Parish Councils had signed up to participate in the Community Resilience Plans Initiative.

Parish Councils were asked to discuss this issue at their Parish Council meetings and that if they wished to receive further information they should contact the Emergency Planning Manager direct who could be contacted by email on jan@great-yarmouth.gov.uk.

4. ISSUES RAISED BY PARISH COUNCILS

RETROSPECTIVE PLANNING APPLICATIONS

The representatives from Burgh Castle Parish Council sought clarification with regard to the planning requirements in respect of retrospective planning applications.

The Group Manager (Planning) reported that the Borough Council has discretionary powers to deal with retrospective planning applications and that there is a requirement to determine the application on its particular merits.

The Parish Council representatives asked whether the Local Authority had any powers to require an applicant to demolish a structure that had not received the necessary planning consent. The Group Manager (Planning) explained the process that the Local Authority would undertake and on the requirements of the appeals process in this particular area.

STANDARDS BOARD

The Belton with Browston Parish Council representatives asked for clarification with regard to the timescale of Code of Conduct Complaints against Parish Councillors that are dealt with through the Standards process.

The Cabinet Secretary explained that representatives from nplaw normally carry out investigations into Code of Conduct Complaints and that by their nature these can be quite time consuming. Once the investigation has been carried out a report on the complaint is considered by the Standards Committee of the Borough Council, who have the power to advise the relevant Parish Council of the decision in respect of their particular Parish Councillor, although under the current legislation it is within the power of the Parish Council to either accept or reject any recommendation made by the Standards Committee.

In response to the question of whether this process could be amended, the Cabinet Secretary reported that this could only be achieved by making representations to both the Local Government Association and to the Government.

PLAYGROUND MAINTENANCE

The representatives from Belton with Browston Parish Council reported that playground equipment at Belton needed maintenance and also provision of new equipment if possible. A question was asked whether there was any budgetary fund for the provision of playground equipment for the villages.

The Cabinet Member (Transformation and Regeneration) reported on the funds

available through Section 106 funds that had been accrued by the Borough Council.

The Head of Policy (GYB Services) reported that he would look into the issues at Belton and take the necessary action where possible.

STREET CLEANING

The Belton with Browston Parish Council's representatives sought clarification with regard to the mobile street cleaner and whether this machine now only covers the main spine roads of the villages.

The Head of Policy (GYB Services) reported that currently GYB Services has only the one vehicle to undertake this work and therefore by necessity the vehicle concentrates mainly on the main roads throughout the borough. He reminded the Parish Councils that there was a need to direct resources where they are most needed in the borough.

PRECEPT ARRANGEMENTS 2015/16

The representatives from Bradwell Parish Council asked whether the precept arrangements for 2015/16 would be the same as provided in the previous year.

The Group Manager (Finance) reported that the formula and process would be the same although at this stage the Borough Council could not guarantee any level of funds that might be available.

CONCURRENT FUNCTIONS GRANTS 2015/16

The representatives from Bradwell Parish Council stated that they wished to plan ahead and sought information with regard to the level of concurrent function grants for 2015/16.

The Group Manager (Finance) reported that the Borough Council was looking at the best way of providing services and were currently examining ways of offering services in conjunction with GYB Services. The Parish Councils were advised that work was currently under way with regard to setting a timetable with regard to this issue and that the issue of concurrent function grants was currently the subject of detailed discussions by the Borough Council's Transformation Board.

FLOOD PROTECTION BARRIER IN GREAT YARMOUTH

The representative from Somerton Parish Council asked whether the Borough Council had entered into discussions with the Broads Authority with regard to the Flood Protection Barrier.

The Director of Customer Services reported that at present no conversation had been held with the Broads Authority although this matter can be taken forward and that discussions could be arranged with the Broads Authority. The Somerton Parish Council representative suggested that the Borough Council should talk directly with the Environment Agency on this issue.

RAMP AT SCRATBY

The representative from Ormesby St Margaret with Scratby Parish Council asked whether the ramp at Scratby would be extended. It was agreed that the Borough

Council's Coast Protection Officer would advise the Parish Council on this particular issue.

POPPY SEEDS – PLANTING IN PARISHES

The Cabinet Secretary reported that the Borough Council's Civic Working Party had recently discussed the possibility of encouraging Parish Councils to purchase poppy seeds that are currently available for sale at the B & Q Store in Great Yarmouth for planting in their parishes. The Parish Councils were asked to consider the purchase of these poppy seeds.

The meeting ended at: 21:00

Proposal:

To obtain a byelaw covering Great Yarmouth Borough preventing anyone from driving on, or parking on a Green or Common without permission of the landowner.

Martham Parish Council, like many Councils I am sure, understood that the Village Green was protected in law. The Green in the village is currently suffering repeated vehicular incursions by a local resident.

Investigation has educated the Council to the fact that it is not a legal, but a civil matter, and entirely down to the Council to fight this as a landowner, in a civil way. There is no legal redress as the individual concerned is parking within 15 yards of the road.

The Highways Act 1988 section 34;

Prohibition of driving mechanically propelled vehicles elsewhere than on roads.

(1) Subject to the provisions of this section, if without lawful authority a person drives a mechanically propelled vehicle—

(a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or

(b) on any road being a footpath, bridleway or restricted byway, he is guilty of an offence.

(2) For the purposes of subsection (1)(b) above, a way shown in a definitive map and statement as a footpath, bridleway or restricted byway is, without prejudice to section 56(1) of the M1 Wildlife and Countryside Act 1981, to be taken to be a way of the kind shown, unless (subject to section 34A of this Act) the contrary is proved.

(3) It is not an offence under this section to drive a mechanically propelled vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

Defra's Guidance;

<http://archive.defra.gov.uk/rural/documents/protected/common-land/tvgprotect-faq.pdf>

3. Can vehicles drive over or park on greens?

Section 34 of the Road Traffic Act 1988 makes it a criminal offence to drive over, or park on land (including a green

) not forming part of a road without lawful authority to do so.

In this context 'lawful authority' includes either the lawful permission of the owner of the land or a private vehicular right¹⁰. Those who have lawful permission, a private right or some other form of lawful authority may drive over, or park on, a green without committing an offence under the 1988 Act. **Furthermore it is not an offence under the 1988 Act to drive on a green within 15 yards of a public road solely for the purposes of parking on the green.**

As national law does not completely protect the Green, the Council is seeking a Byelaw to make it illegal, and ensure that the Green can be protected.

If any Parish Council would like further information the Clerk can be contacted on 01493 749938 and would be happy to discuss this.