

MINUTES OF THE ORDINARY MEETING OF

Effingham Parish Council

Tuesday April 26th, 2022, at 8pm, The Barnes Wallis Hall.

Present:

Councillors: Cornwell, Hogger, Moss, Muscat, Pindar (acting Chairman), Thorne

Also present:

Parish Clerk, Chris Hogger (EVRT Managing Trustee), Vivien Chair (EFFRA Chair)
+ 7 local residents

BUSINESS DONE

097/22	Apologies For Absence: Apologies were received from Cllrs Hackett & Symes .
098/22	Review of the Register Of Interests & Other Interests Affecting this Agenda: Cllr Hogger declared an interest as a member of Guildford Borough Council's Planning Committee, and therefore doesn't comment on planning applications. Cllr Thorne & Moss declared an interest as parish council-nominated trustees of the Effingham Village Recreation Trust charity, which provides a village hall and public recreation facilities for the residents of Effingham. Cllr Thorne stated that he would not participate in decision making items, regarding the EVRT Charity.
099/22	Minutes: The Minutes of the previous meeting of - March 29th, 2022 (Ordinary Meeting of the Parish Council) were considered, approved & then signed by Cllr Pindar (Acting Chair)
100/22	Matters arising from the Minutes not otherwise on the Agenda, along with noting decisions made between parish council meetings: None.

GOVERNANCE

101/22	Items relating to governance: None.
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THE FUTURE OF EVRT

102/22	<p><u>The Future of Effingham Village Recreation Trust (EVRT)</u></p> <p><u>THE FUTURE OF EVRT</u></p> <p>At the start of the item, Cllr Pindar read out a statement together with the answers to questions submitted prior to the meeting. (see appendix 5)</p> <p>The Chairman of the EVRT Board of Trustees was present, and stated that EVRT would offer the public the opportunity to comment on the proposed change to the sole trustee governance model before the final decision on the revised charity scheme was made.</p> <p>The parish council agreed to publish the legal advice they had received regarding the administrative and financial arrangements to be made should EPC become the sole trustee of EVRT (permission would be sought from the Solicitor before doing so)</p> <p>Several residents present, including some former trustees of EVRT, made comments and asked further questions.</p> <p>Cllr Pindar opened the debate to councillors, and read out a brief statement from Cllr Hackett who was unable to attend the meeting.</p> <p>Following discussion, the Council agreed that:</p> <p>Subject to confirmation from EVRT that they wish to adopt the Sole Trustee model, that Effingham Parish Council will take on the responsibility as the Sole Trustee.</p> <p>Cllr Pindar proposed the motion, Cllr Hogger seconded the motion.</p> <p>All participating councillors voted in favour of the motion.</p> <p>Cllr Thorne did not participate in the debate or vote.</p> <p>Cllr Pindar agreed to contact EVRT Managing Trustees with the decision asap.</p>
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MATTERS RAISED

103/22	MATTERS raised by Effingham organisations and residents: None.
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PLANNING APPLICATIONS

104/22	<u>The flowing application responses were agreed:</u>
22/P/00483	Fieldside , Guildford Road, Effingham. KT24 5QF Erection of a single storey front, side and rear extension and garage conversion including changes to fenestration and insertion of seven rooflights. Informative request (see appendix 3)
22/P/00400	Wildacres , Orchard Close, East Horsley. KT24 5EZ Single storey rear extension and ancillary outbuilding housing a swimming pool and small gym area. Objection (see appendix 3)
22/T/00071	Browns , Browns Lane, Effingham. KT24 5NL 3 x small Leylandii trees - fell, 1x Large Leylandii to have a low limb removed which will rebalance the tree and to have a height reduction of 3 metres, 1x large Leylandii to have a low limb removed which will rebalance the tree (Effingham Conservation Area). No comment.
105/22	Previous planning applications: Notification of results are set out in <u>Appendix 1</u> The parish council were pleased that planning application 21/P/01306 (Hybrid planning application for land at Effingham Lodge Farm) had been refused by GBC's planning committee and noted that the parish council would actively defend the decision at appeal.
106/22	Responses to Guildford Borough Council on any late received planning applications:
22/P/00354 (16th May)	Effingham Golf Club , Guildford Road, Effingham. KT24 5PY Listed Building Consent for installation of two wall mounted high level internal air conditioning units and replacement of 4no recently removed condenser units located behind parapet on external flat roof. No comment.
107/22	Other Planning Matters: (for information) Enforcement cases: (March 2022) Enforcement cases closed 5 Current enforcement cases 14 of which 9 are classified low priority & 5 are classified medium priority The oldest case is dated 28.11.2012 the latest 08.03.2022

GENERAL PLANNING MATTERS

108/22	<p>Neighbourhood / Local Plans Reports & updates on the Neighbourhood & Local Plans: None.</p>
<p>109/22</p> <p>EPC EFFRA</p>	<p>Berkeley Homes /Howard Of Effingham:</p> <p>Berkeley Homes have already announced their intention to appeal against the refusal of 21/P/01306. It was agreed that the Appeal Steering Group (21/P/01306) should meet asap, EPC agreed to send out invites.</p> <p><u>The following membership was agreed:</u></p> <p>Cllrs Hogger, Moss & Roscoe Vivien White, Ian Smith</p> <p>It is thought that the inquiry will last 5 days.</p> <p>It was agreed that Cllr Pindar would draft a letter to the parish council's barrister, to ensure he was available to represent the parish council at the appeal.</p>

WORKING GROUPS

110/22	<p>Matters relating to Effingham Village Recreation Trust (EVRT) Trustee Appointments, Conversion to CIO & other Updates. No updates. (see 102/22)</p>
111/22	<p>Finance & General Purposes Working Group (F&GP): (AP/KC/IS/JS/CT) No updates.</p>
12/22	<p>Parish Council Website Working Group No updates.</p>
113/22	<p>Climate Change Working Group (CCWG)</p> <p>Cllr Pindar hoped to have a guide insulating homes soon.</p> <p>Cllr Muscat said he would call a meeting of the CCWG in May.</p>
114/22	<p>Transparency Working Group: No updates.</p>

TRANSPORT GROUP

115/22	<p>Transport Group: Reports and recommendations from the Transport & Highways Working Group: The parking situation on The Street was discussed, various options were being considered i.e. parking permits, yellow lines etc. It is hoped that a representative of the Queen Stage will attend a future meeting. Cllr Muscat voiced his concerns regarding road safety, due to the lack of “line of sight” for motorist & cyclists alike.</p>
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COUNTRYSIDE ACCESS

116/22	<p>Countryside Access matters: Reports from Parish Councillors and any correspondence relating to Countryside matters: None.</p>
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SURREY COUNTY COUNCIL – COUNCILLOR CROSS

117/22	<p>Reports & updates from SCC County Councillor Cross None. It was noted with concern that Cllr Cross had failed to attend a parish council meeting since October 2021.</p>
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FINANCIAL MATTERS

118/22	<p>Council Payments: Payments for the month of March 2022 were acknowledged. (see appendix 4)</p>
119/22	<p>Bank reconciliation: The latest bank reconciliations (March 2022) were confirmed to have been checked and signed off by Cllr Thorne.</p>
120/22	<p>Other Financial matters: Reports or correspondence relating to other finance matters: None.</p>

COMMUNITY AND ENVIRONMENT

121/22	<p>Community Fund: A further funding request from Effingham Village Recreation Trust, to increase the agreed grant of £4,100 to a maximum of £5,100, to fund the Queens Platinum Jubilee celebrations was considered and approved.</p> <p>Vivien White (Chairman EFFRA) confirmed that she would be making a grant request in the near future in support of marketing material for the Heritage Open Day & the specially requested Barnes Wallis exhibition.</p>
122/22	<p>Concurrent Functions Grant Aid (CFGGA) An item on the 2022/23 CFGGA may no longer be required, so an alternative item may need to be substituted if approved by GBC. (children's play equipment for the KGV Playing Fields £6,235)</p>
123/22	<p>Other Community Matters Reports from Parish Councillors and any correspondence relating to other community or environmental matters None.</p>

COUNCIL ADMINISTRATIVE MATTERS

124/22	<p>Updates, if any: None.</p>
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REPORTS

125/22	<p>To RECEIVE reports on:</p> <p><u>Police and community issues</u> - Appendix 2 February 2022</p> <p>https://www.surrey.police.uk/guildford/send-ripley-wisley-ockham-the-horsleys-the-clandons-effingham/Allotments</p> <p><u>Burial Ground</u></p> <p><u>KGV Hall and Fields</u></p> <p><u>Home Farm West - Calvert and Chester Roads</u></p> <p><u>Effingham Common</u></p> <p><u>Parish Room</u> A decision on the old iron gate & fence from St.Lawrence School was deferred.</p>
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	<u>Shop Parade</u>
126/22	Other Parish Matters: Reports from Parish Councillors and any correspondence relating to other parish matters. None.

CORRESPONDENCE

127/22	Any Other Correspondence: It was agreed that it wasn't necessary to make a parish council response to the National Association of Local Councils (NALC) request for feedback on which issues smaller councils would like to see addressed by the association. An email from Effingham Residents Association was received and considered regarding Effingham Village Recreation Trust's request for Effingham Parish Council to become Sole Trustee to the charity. (see appendix 5)
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NEXT AGENDA

128/22	New items of business for the Agenda of the next meeting: None.
	Next meeting: (8.00 pm start unless otherwise stated) Annual Meeting of the Parish Council – Tuesday 31st May 2022 Venue – KGV Hall & Playing Fields, The Barnes Wallis Hall, Browns Lane, Effingham. KT24 5ND.
	Next Planning Review Group meeting: Tuesday 24th of May 2022. (7.30pm).

APPENDIX 1

Planning Results

105/22

- 21/P/01306** **Land at Effingham Lodge Farm**, Lower Road, Effingham. KT24 5JP
Hybrid planning application for outline planning permission (only access to be considered) for the erection of 4 self-build dwellings on land at 408-410 Lower Road, following demolition of all existing buildings: and full planning permission for the erection of 110 dwellings with access, parking, community assets, landscaping, and associated works on land at ELF.
REFUSED
- 21/P/01598** **Land opposite White Lodge**, Critten Lane, Dorking, RH5 6SN
Relocation and enlargement of equestrian arena.
APPROVED.
- 21/P/02362** **West Court**, Beech Avenue, Effingham. KT24 5PJ
Conversion and extension of detached garage to ancillary self-contained accommodation.
REFUSED.
- 22/P/00147** **14 The Grove**, Effingham. KT24 5AF
Proposed single storey rear extension with glazed roof-lights and shared party wall with Nr 13 The Grove
APPROVED
- 22/P/00149** **13 The Grove**, Effingham. KT24 5AF
Proposed single storey rear extension with glazed roof-lights and shared party wall with Nr 14 The Grove
APPROVED
- 21/P/01668** **Ranmore**, Beech Avenue, Effingham. KT24 5PJ
Erection of detached open-sided garage.
APPROVED.

APPENDIX 2

Crime figures (x5)

125/22

February 2022

Beech Close	Anti-social behaviour (x2)
Leewood Way	Other theft
Orchard Gardens	Anti-social behaviour
Strathcona Avenue	Possession of weapons

22/P/00483 **Fieldside**, Guildford Road, Effingham. KT24 5QF

Erection of a single storey front, side and rear extension and garage conversion including changes to fenestration and insertion of seven rooflights.

Informative request:

Effingham Parish Council's Neighbourhood Plan - (EN4) Dark Skies Policy

All proposed developments should have regard to Effingham's current status as a "dark skies" parish, and proposals should avoid light pollution and protect the night-time environment of intrinsically dark areas of village and countryside.

Residential development should be designed to minimise light pollution, avoiding the use of unscreened roof-lights or atria.

22/P/00400 **Wildacres**, Orchard Close, East Horsley. KT24 5EZ

Single storey rear extension and ancillary outbuilding housing a swimming pool and small gym area.

Objection:

Effingham Parish Council OBJECT to the application as they consider the proposal pushes the limits of permitted development for the property.

The parish council request planning officers' study previous planning applications, when considering this latest application.

Appendix 4**Council payments****118/22****Standing Orders & Direct Debits Currently In Force**
(approved May 4th, 2021, 112/21 & 113/21)

DATE	To	Description	£	Authority
		STANDING ORDERS		
01.04.2022	EVRT	Capital replacement (quarterly)	0750.00	4 year agreement commencing 01.04.2019 The Local Government (Miscellaneous Provisions) Act 1976 section 19 (1) (3)
01.04.2022	EVRT	Facilities funding (quarterly)	7750.00	4 year agreement commencing 01.04.2019 The Local Government (Miscellaneous Provisions) Act 1976 section 19 (1) (3)
01.04.2022	EVRT	Management Support Funding	5500.00	The Local Government (Miscellaneous Provisions) Act 1976 section 19 (1) (3) Expires 01.07.2023
25.04.2022	advansys	Website hosting and support (monthly)	0078.00	LGA 1972 s.111
29.06.2022	HMRC	Clerk TAX/NI (Quarterly)	xxxxxx	LGA 1972 s.112
20.04.2022	The Surrey Pension Fund	Clerk / Employer Pension Payments (Monthly)	xxxxxx	LGA 1972 s.112
25.04.2022	Jon Short	Clerk Salary (Monthly)	xxxxxx	LGA 1972 s.112
		DIRECT DEBITS		
28.04.2021	The Phone Co-op	Parish room broadband & phone	0043.80	LGA 1972 s.111
23.04.2022	SES Business Water	PR Water - supply	0010.00	LGA 1972 s.133 <i>Payments to be taken on 22nd of the month</i>
23.04.2022	SES Business Water	Allotment Water - supply	0048.00	Small Holdings & Allotment Act 1908, ss.23, 25 & 42 <i>Payments to be taken 22nd of the month</i>
07.12.2022	Information Commissioners Office	Data protection registration	0035.00	LGA 1972 s.111 <i>Payments to be taken annually on the 8th December</i>
23.04.2022	Bulb	PR Electricity From March 22 increased to £125 per month.	0125.00	LGA 1972 s.133 Payments 23 rd of month

Previously agreed payments:

	To	Description	£	Authority / Notes
01.04.2022	GBC	Rates – PC Burial Ground	0096.31	Open Spaces Act 1906 ss.9 & 10
01.04.2022	Andy's Gardening Services	Various works – allotments / beech trees	1008.00	Small Holdings & Allotment Act 1908 ss.23, 25 & 42
01.04.2022	BHIB	PC Insurance	0786.65	LGA 1972 s.111
19.04.2022	C.Hossack	IT support – pc emails	0080.00	LGA 1972 s.111
19.04.2022	KS& S Air Ambulance	Donation c/f	0300.00	Charities Act 2011 s.297 LGA 1972, 139(1) (b)
19.04.2022	J.Dobbe	Burial Ground mnce	0240.00	Open Spaces Act 1906 ss.9 & 10
19.04.2022	BTS	Parish room photocopier	0048.60	LGA 1972 s.111

Purchases using pre-charged debit-card:

<u>Date</u>	<u>To</u>	<u>Description</u>	<u>£</u>	<u>Balance</u>	<u>Authority</u>
		Balance brought forward 30.01.2022		0025.91	
15.02.22	Microsoft	Office 365	0005.99	0019.92	LGA 1972 s.111
22.02.22		Transfer into acct	0244.47	0264.39	
24.02.22	Shop at Strood Green	Postage stamps for chairman's report	0031.68	0232.71	LGA 1972 s.111
28.02.22	Zoom	Video Conf	0014.39	0218.32	LGA 1972 s.111
03.03.22	Guildford Environmental Forum	Membership renewal	0025.00	0193.32	LGA 1972 s.111
15.03.22	Microsoft	Office 365	0005.99	0187.33	LGA 1972 s.111
		Balance at 28.03.2022		0187.33	
30.03.22	Zoom	Video Conf	0014.39	(0172.94)	LGA 1972 s.111

Monies received:

<u>Date</u>	<u>From</u>	<u>Description</u>	<u>£</u>	<u>Authority</u>
24.03.2022	GBC	CFGF refund – notice board project at Shop Parade	0,1582.50	
11.04.2022	GBC	Precept & CTSG	62,881.50	
		Total	64,464.00	

Appendix 5 The Future of Effingham Recreation Trust 102/22

Response to Questions

Three questions have been asked by four former trustees of EVRT, and the responses are given below:

1. What arrangements is the Parish Council making for sharing the full text of the legal opinion with residents?

A summary of the legal opinion is already available to all residents in the full report referred to in d), which is published on the Council's website. The Council has taken advice from SALC (Surrey Association of Local Councils) about releasing the full text of the opinion, and they have advised that legal advice is listed as an exemption in FoI legislation. However, the Council is able to release the advice if we consider it is in the public interest to do so. We will therefore discuss the release of the full text with the solicitor, who is the legal owner. If he agrees, the Council will make the full text available on request.

2. What arrangements are being made for public consultation before the decision is taken, in accordance with Point 3 of the Liaison Group Note of 3 March 2022?

The Liaison Group makes recommendations to EPC, and is not authorised to make decisions on behalf of the Council. Although the members of the Liaison Group hoped to carry out the actions described, unfortunately pressure of other business meant there was no time to do this. However EPC have completed the actions set out in part d) of the Council decision made on 22 February. It should be noted this gave residents the opportunity to comment on the proposed arrangements: it was not a formal public consultation.

3. When and how will the Council provide publicly its responses to the points raised in the open letter from the four former Trustees dated 28 March 2022?

The points raised in the open letter from former trustees will be considered at tonight's meeting, as set out in the agenda.

Three questions from first Effingham resident:

1) When will the legal advice be published and available for scrutiny as part of the public consultation process?

See response to question 1 above, and note that no formal 'public consultation' was proposed by EPC.

2) Notwithstanding whether the advice has been published or not, how do the Council account for the fact that the proposal varies so significantly from the legal advice received by the previous Trustees, including in the Zoom meeting between EVRT Trustees and EPC of 20 Jan'21 with EVRT's Solicitor, Roger Taylor, in attendance, where it was made clear that Parish Councils could not run a charity such as EVRT. Also, in the meeting of 1 Sep'21 with Liz, Arnold and Bronwen where detailed responses were made to concerns and queries both in the meeting and in a letter of 21 Sep'21.

The proposal for the Council to become sole trustee was made by the EVRT Board Trustees not by the Council, so this question should be addressed to them. However the Council points out that the written legal advice received by the previous trustees has not been made available to the Council, so we are in any case not in a position to comment.

3) *What discussion, consultation or assurances have been offered to EVRT's employees, licenced users, contractors etc., about the potential impact on them?*

As for 2), this question should be directed to the EVRT Board of Trustees, not the Council.

Three questions from second Effingham resident:

1. *I know that the EVRT often runs at a loss. Also there are several significant one-off expenditures, for example, repairs to the roof, damage to the structure and costs incurred by mischievous residents. The EVRT had a plan to incorporate and operate as a business in order to avoid personal liabilities and to increase revenue, but the Parish Council objected to this. If the Parish Council becomes the sole Trustee, what steps will be made to ensure that the liabilities do not now fall on the shoulders of ordinary residents of Effingham?*

The financial history of EVRT can be found on the Charity Commission website, and this does not indicate that EVRT 'often' runs at a loss. EVRT accounts showed a significant surplus in four out of the five most recent years, with just a small deficit in the covid-hit year 2020/2021.

The parish council did not object to the previous EVRT business plan to increase revenue, rather the council asked for more information about it, which was not forthcoming.

The parish council as sole trustee would need to have a business plan in place to ensure the financial viability of the charity, in the same way as any other EVRT trustee body.

1. *What happens if someone wants to be a member of the Parish Council but not a member of the EVRT Trust?*

Any member of the parish council would by definition also be a member of the council as trustee. However this is the situation for many parish councils that already act as sole trustee for KGV Fields, and it is not found to be a problem.

1. *How can you avoid people becoming members of the Parish Council who would then like to use the resources of the EVRT for their own personal gain? I am thinking of at least one prominent former member of the Parish Council who would have had a big interest in influencing the EVRT to their own advantage.*

Such a councillor would be guilty of corrupt behaviour if they attempted to use their council position for personal gain, and so potentially subject to normal criminal law. In addition, the proposed EVRT revised charity scheme sets out clearly in clause 11 the rules to be followed when a member of the trustee has a conflict of interest on any matter on the agenda of a trustee meeting.

A representative of Effingham & Leatherhead Rugby Club has asked a question regarding: the potential impacts to the rugby club in the event that EVRT is transferred to sole control of the local council.

This question should be directed to the EVRT Board of Trustees, who will implement the change in governance should EPC agree to become sole trustee.

Correspondence from Effingham Residents Association

I am writing on behalf of Effingham Residents Association to request that the Parish Council (EPC) postpones a discussion on item 102/22 The Future of Effingham Village Recreation Trust (EVRT) at the EPC Meeting on Tuesday 26th April.

EFFRA would like EPC to undertake a four week consultation period with local residents on the proposed change of governance of EVRT. We do not believe the various articles appearing on the EPC or EVRT websites fulfil the commitment to allow residents to make informed comments on the proposed structure and the time given is insufficient. Consultation should include those living outside Effingham but in the local area as covered by the Charity's objectives.

Whilst the Report on sole trustee governance proposal for EVRT published by the Parish Council on its website is helpful, EFFRA is aware that the former trustees of the Charity believed a different governance model was preferable after taking legal advice. We know that licence holders and KGV users would like to be consulted on the proposals, as would EFFRA, and understood this to be the original intention of EPC. This is an important matter for the village and residents need to be able to understand the different options, together with their advantages and disadvantages, to form their own opinions on this matter.

EFFRA therefore asks for full disclosure of legal and other advice on this issue including the full text of the legal advice of which extracts were given in the report referred to above. Please regard this as a Freedom of Information request. EFFRA will also be asking the EVRT trustees to disclose the advice EVRT has previously received on this matter.

We believe by following a full and open consultation procedure that a better and more accepted outcome will be reached on this matter.

Regards.

Vivien White
Chairman, EFFRA

Arnold Pindar (Acting Chairman)

26th April 2022