

WEST MERSEA TOWN COUNCIL

MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON MONDAY 9 SEPTEMBER 2024

In attendance:

Cllr S Weaver, Mayor	Cllr D Baker	Cllr D Boylan
Cllr M Greenleaf	Cllr N Hinderwell	Cllr R Jenkins
Cllr C Powling	Cllr T Webster	Petra Palfreyman, Locum Clerk
12 members of the public		

24/181 RECORDING OF MEETING

Chairman requested anyone present to identify their intention to record the meeting.

Cllr Hinderwell, Cllr Webster and the Locum Town Clerk confirmed they would be recording the meeting.

24/182 APOLOGIES FOR ABSENCE

Cllr Hart. Councillors voted to accept the apology and the reason given. All in favour.

24/183 DECLARATIONS OF INTEREST

Cllr Powling declared he is a Colchester City Councillor.

24/184 PUBLIC PARTICIPATION

A period of up to 15 minutes (maximum of 3 minutes per person) for members of the public to ask questions or submit comments about items on the agenda.

MOP 1 – noted concerns regarding a discussion held by the Council which altered the size of the community land (CL1 & 2), increasing one site and reducing the other and affecting the land available for the new medical centre and had not had an explanation about why the land was swapped, but agreed this land should be accepted by the Council as set out in the S106 agreement and laid out as grass area with fencing around and a car park in front of the Mersea Homes sales office. The land of 4.4 hectares has very detailed specifications for maintenance including SuDS, all for public open space and should be handed over to a management company.

MOP 2 – requested clarification as to who would be responsible for the maintenance of the land at Dawes Lane, would it be the developer or the council taxpayers of the island.

MOP 3 – re VG241 south. ECC are the registration authority and the Town Council are the statutory authority. The Colchester City Council policy is that the village green is not a material planning issue. The Ward councillors have paid for the signage out of their funding and have erected the north sign and would now like to see the south sign be put up.

MOP 4 – stated the Dawes Lane development land was contrary to Standing Orders, without a public consultation and no explanation of benefits to the residents of West Mersea. Requested that the Council reflect on the current liabilities, including VAT liabilities.

MOP 5 – signage for VG241 south. Residents can use and access the village green as a right and do not need permission to do so. The status boundary and ownership of VG241 are not in dispute. WMTC is responsible for the protection of the rights of access to use the village green. ECC are only registrars and hold the definitive plan and have no role in protection rights.

Colchester City Council own part of the land but have no role in the protection of the village green status and rights is provided under the Commons Act. Obstruction of access and use of a village green is a criminal offence. The rest of the land around that area has important commercial use. The Council agreed in 2020 that a sign would be put up but deferred due to the pandemic but now requests the sign is erected.

MOP 6 – original plans showed that the Dawes Lane site would be playing fields which is now laid out as SuDS and saves the developers around 3 plots. The maintenance document is an onerous plan for high maintenance, and it was questioned why this area would no longer be a much needed playing field.

It was resolved to move item 24/185 to after 24/188.

24/186 To review the decisions made previously in May 2024 relating to 24/107 and in June 2024 24/124 relating to Land purchase from Mersea Homes for £1.00, 4.5ha at Dawes Lane.

24/187 To review the business case presented and all other requirements, as per Financial Regulation 14. Assets, Properties and Estates point 14.4, in relation to the land mentioned above in 24/186

24/188 To resolve that the proposal to purchase from Mersea homes for £1.00, 4.5ha at Dawes Lane is reconsidered at a future meeting, to conform with West Mersea Town Council's Financial Regulations.

24/186, 187 & 188 The following points were raised and considered by all.

- Concerns that the Financial Regulations have been ignored
- Governance issues
- The Council need to be open and transparent about this and act according to internal controls and the law
- The original decision should have been made in a public council meeting and not a closed session
- The maintenance schedule is detailed and costly
- There has not been a public consultation
- There is not a business case
- If the land is not purchased the Council will not have any control over it for future uses such a swimming pool, community building or car park
- Contractors can be used to carry out the maintenance plan
- Covenants will prevent future use
- If a management company takes this on, what difference will it make to the community as it's still open for all the public to use and will be paid for by the residents that live there and not all the residents of Mersea
- Must carry out due diligence
- Maintenance costs are manageable, and some costs will be in house
- What are the benefits to our residents if the Council buy it
- To discuss this further with the City Council planners
- What happens if the area isn't maintained correctly by the management company – it would be passed to CCC to enforce
- Would the owners/management company feel annoyed the general public are using land they are paying for

Following discussion it was proposed to look again at the Financial Regulations, all of the documents and a consultation that is required to make an informed decision.

Proposed: Cllr Webster, Seconded: Cllr Hinderwell. Cllr Baker voted in favour.

Abstained: Cllrs Boylan, Cllr Greenleaf, Cllr Jenkins, Cllr Powling and Cllr Weaver.

The clerk advised that the motion was not carried as there was not a majority decision.

The clerk sought advice from the EALC the next day and was advised that the motion should have been carried as 3 councillors in favour of a motion and 5 councillors abstaining from a motion, gives a majority vote in favour.

Following further discussion it was proposed to seek further advice from CCC planners, obtain further information from Mersea Homes and fully understand the implications of the scheme and obtain more facts and information to look at the matter again, consult with the public and review in line with the Financial Regulations 14.4.

Proposed: Cllr Jenkins, Seconded: Cllr Greenleaf. **It was resolved** unanimously.

Although following advice the first motion was found to be valid, councillors agreed that the motions were both very similar and the end result will be the same

24/185 To temporarily suspend Standing Order paragraph 7, Previous Resolutions, points a and b for the purpose of the following agenda items.

It was resolved to disregard this item. All in favour.

24/189 To review the signage for Village Green 241 South

In 2020 it was agreed to erect a sign on VG241 south (opposite the Yacht Club) but we did not get planning permission to put the sign up and the item was deferred due to the pandemic.

The proposal is to acknowledge there is a village green and erect the sign on the ground that borders the village green (Town Hard) and accept the boundaries that are detailed.

Proposed: Cllr Webster, Seconded: Cllr Boylan. Agreed: Cllr Weaver, Cllr Baker, Cllr Greenleaf.

Against: Cllr Jenkins. Abstained: Cllr Powling.

It was resolved by a majority vote to accept the proposal.

Meeting closed at 8.36pm.