



THE MINUTES OF LYNG PARISH COUNCIL MEETING HELD ON WEDNESDAY 9th NOVEMBER 2022 STARTING AT 7.30PM IN THE VILLAGE HALL.

The meeting was held in accordance with current Government guidelines and a risk assessment was carried out. The Chairman notified members of the public that they were being recorded.

Present: Chair Cllr Steve Davies, Vice Chair Melanie Joyce, Cllr Robin Orton, Cllr Jason King and Cllr Suzan Jarvis
Parish Clerk - Jo Boxall and 11 members of the public

1. APOLOGIES FOR ABSENCE

Apologies for absence were received and noted from Cllr Meader.

Following the resignation of Cllr Sullivan, the Notice of Vacancy was displayed. The due date for receipt of requests to hold an election was confirmed as 09/11/2022. Breckland will notify the Council after that date as to whether any requests have been received for an election to fill the vacancy. If there is no requirement to hold an election the Council will be able to co-opt. Thanks were extended to Georgie Sullivan for all her hard work in the village.

2. DECLARATIONS OF INTEREST & REQUESTS FOR DISPENSATIONS

No requests for dispensation were received. Personal declarations of interest were received from Cllr King in matters relating to the allotments for which a dispensation had already been granted. Cllr Joyce declared a personal interest in planning application 3PL/2022/1216/HOU.

3. MINUTES

Minutes of the Lyng Parish Council Meeting held on 19th October 2022 were unanimously **AGREED** as a true record as proposed by Cllr Orton, seconded by Cllr King. Minutes were duly signed.

4. INFORMATION ON MATTERS ARISING -

Dog Show - A brief update was given on the dog show event. It was confirmed that as there had been a disappointing turn out for the car boot, a decision was made not to charge the stall holders. The Dog Show reported a good turn out and was pleased with the organisation, so it was hoped to become an annual event. It was confirmed that Ravenscroft were going to carry out a tree survey focusing on the trees in the churchyard which had been highlighted as a health and safety concern.

5. TO RECEIVE REPORTS FROM DISTRICT AND COUNTY COUNCILLORS AND POLICE

District Cllr G Bambridge – not in attendance

County Cllr B Borrett – not in attendance

Police – Was not in attendance. The Police report was circulated electronically.

6. TO ADJOURN THE MEETING TO ALLOW MEMBERS OF THE PUBLIC TO SPEAK ON AGENDA ITEMS

Concern was expressed about parking on the bend outside the pub causing a danger when events are held at the pub. It was suggested cones be put out to deter parking on the corner. Concern was raised about the Parish Council's land outside the pub becoming eroded due to car parking. There was a query regarding the policy for dogs on the playing field and how this would affect existing trusts. The need to install a sign at the other end of the cemetery asking owners to keep dogs on a lead was highlighted.

Residents raised queries about allotment matters, including confirmation of access point and water supply.

7. TO RATIFY COUNCILS APPROVAL TO ALLOW PUB TO USE COUNCIL LAND FOR MARKET STALLS

*'It was **AGREED** to allow the pub to use the land outside for market stalls, subject to receipt of their public liability insurance and risk assessment as proposed by Cllr Orton, seconded by Cllr Joyce with one abstention.'* Following discussion it was **AGREED** to ratify this approval subject to satisfactory parking provision as proposed by Cllr Joyce, seconded by Cllr King with one against.

8. SAM2 – TO RECEIVE DATA AND APPROVE FURTHER ACTION

Cllr Orton gave a brief update on the SAM2 data and confirmed that the highest speed recorded in the village was 55MPH. On average speeding was 3 / 4 miles per hours above required speed. It was agreed to put the data on the website and encourage villagers to keep their speed down. It was agreed to send a written report to the Police and NCC Highways to seek advice on further measures to reduce speeding in the village. Thanks were extended to Cllr Orton for compiling the data. Cllr Jarvis raised concern about data collected from the Heath Road unit as data was collected from vehicles not yet entering the 30MPH area.

9. BOWL CLUB - TO RECEIVE CORRESPONDENCE FROM NPLAW AND APPROVE FURTHER ACTION

An email was received from NPLAW regarding the Bowls Club lease which was circulated to Council. The Clerk read out parts of the email as follows;

a) Under the terms of clause 3. a) of this agreement therefore, the Lyng Parish Council must allow "allow access via the playing field" however, there is no requirement that the access allowed is with vehicles. Indeed, even if some level of vehicular access is permitted in order to satisfy this part of the agreement, there is no set route across the field and no set categories of vehicular access required by the terms of the agreement.

*b) There is a requirement on the Bowls Club set out in clause 3. g) to "park motor vehicles in approved parking areas where so provided" however, again, there is no definition of where these parking areas are or restrictions on the Parish Council setting out new 'approved parking areas' which match the public parking already set out and signposted. Similarly, there is no requirement that there is any provision of "approved parking areas" as this is a requirement on the Bowls Club to park in an approved area if one is provided and **not** a requirement to provide an approved parking area. This would be sufficient grounds for the "approved parking areas" to be removed or reconsidered on the basis of the behaviour of those using any "approved parking areas"*

c) The right in clause 3. g) is, however, further limited in that there is a requirement "to operate motor vehicles at an appropriate speed to ensure safety and tranquillity of the playing field for users of all ages". Lyng Parish Council has received complaints showing that this appears not to be followed in practice. Excessive speed, unsafe driving and disturbing the 'tranquillity' of the playing field to such an extent that the use of facilities by children is being reconsidered on safety grounds would amount to a clear breach of the terms of the agreement by the Bowls club.

And confirmed the advice from the solicitor to:

a) Invite stakeholders to make representations and present relevant information in a managed and straightforward way.

b) Consider the position in the light of the evidence provided and the actual legal situation as set out above

c) Take further legal advice if necessary, including detailed advice out of the scope of this email in relation to the threats to seek an injunction, and the claim that the council, or named members of the council, are seeking to engage in unlawful behaviour.

d) Consider the question of whether the Bowling Green Agreement is valid.

Following discussion it was unanimously **AGREED** to send a copy of the correspondence received from NPLAW to the Chairman of the Bowls Club for consideration with all details of the supporting documentation sent to the solicitor as proposed by Cllr Davies, seconded by Cllr King.

As it was confirmed that the Bowls Club were able to contact the Chair in the event of requiring access for maintenance, It was **AGREED** with two against to update the gate code to restrict access for all vehicles except those who had obtained the prior permission of the Parish Council as proposed by Cllr Joyce, seconded by Cllr King.

It was confirmed that there needed to be a policy for anyone wishing to use the field including those requiring vehicular access.

10. TO RECEIVE ITEMS FOR PARISH PARTNERSHIP FUNDING AND APPROVE FURTHER ACTION

The deadline for Parish Partnership scheme applications was confirmed as 9th December 2022. As it was confirmed that the scheme will be repeated in 2023/24, Cllr Orton proposed that the Council do not make an application for Parish Partnership funding this year, seconded Cllr Joyce and unanimously **AGREED**. It was agreed that Cllr Orton would continue to research projects for future considerations.

11. PLAY AREA / PLAYING FIELD

To receive update regarding play area repairs

The Clerk confirmed that the order for repairs had been placed and an email received from Play Dale who confirmed that the installation department is now working with the contractors with an estimated installation date W/C 5th December.

To consider / approve the need for a formal council policy allowing the use of the playing field for exercising dogs

It was understood that the Council would need to have a public spaces protection order (PSPO) in place to ban dogs from a public space or to require them to be on leads and that Parish Councils cannot apply for a PSPO. Whilst the Council could draft a policy requesting that dog owners keep dogs on a lead or don't use the field at all, it couldn't be enforced. In light of this, it was **AGREED** with one against that there was no need for a formal policy as proposed by Cllr King, seconded by Cllr Joyce.

12. CEMETERY

To receive update & ratify Council's approval to remove mole scarers from cemetery

*'A letter was sent to the family regarding the mole scaring devices on the grave. As it is understood they are still in situ it was **AGREED** that they would be removed and kept for collection. A letter is to be sent to the family confirming the action taken.'*

Cllr Orton confirmed that the mole scarers had been removed from the grave but not removed from the cemetery. As the letter had been sent to the family confirming the mole scarers would be removed from the cemetery, Cllr Orton confirmed this would now be done.

13. ALLOTMENTS

To receive information regarding stream on boundary to allotments and consider / approve further action

It was confirmed that it was necessary to locate the deeds in the first instance before any further action can be taken. Cllr Davies confirmed he would be going to the records office in an attempt to locate the deeds and that he would work with the Clerk to gather all the information required to take matters further and seek advice from NPLAW to ensure that the Council are acting legally should they wish to approve the extraction of water from the stream.

To receive update regarding creation of access onto the allotments / allotment inspections

Cllr Davies confirmed that as the tree work had not yet been carried out, no further action was taken on the access. As it was confirmed that Plot 10 remained uncultivated, it was unanimously **AGREED** that the Clerk write to the plot holder following the procedure for breach of tenancy as laid out in the allotment agreement as proposed by Cllr Joyce, seconded by Cllr King.

To consider impact of Avian Flu on allotments and consider / approve inspection.

Cllr Davies confirmed he would check that those plot holders with birds were following government advice in light of concerns regarding Avian Flu.

14. POLICIES - to review and approve the following policies-

To approve grant award policy application form

Following amendment it was unanimously **AGREED** to approve the grant award policy application form as proposed by Cllr Joyce, seconded by Cllr Orton.

15. TO RECORD PLANNING ISSUES

a) To consider planning applications received

No planning applications were received

b) To consider late planning applications

3PL/2022/1216/HOU – Proposed extension and conversion of existing detached garage to a granny annexe at 3 Duffield Crescent, Lyng

The Council agreed that they had no comments or objections. Cllr Joyce abstained

c) To receive decisions from Breckland District Council

No decisions were received.

16. FINANCE

a) To receive financial update & income / expenditure

The balance of accounts as at 6th November 2022 were confirmed as follows; Community account £18409.12, Business Premium accounts £8722.54 and £0.12. Bank reconciliations / budget comparisons were carried out by the Clerk and circulated. The balance of the Community Car Scheme as at 6th November was £426.20. Cllr Orton had carried out the quarterly internal audit.

b) To approve payments made and to be made & record receipts

All payments made since the last meeting to date in accordance with the attached schedules were unanimously **AGREED**, and receipts noted as proposed by Cllr Davies, seconded by Cllr Joyce.

c) To approve purchase of hedging for playing field

Cllr Orton proposed to purchase plants and spirals at a maximum cost of £30, seconded Cllr Davies and **AGREED** unanimously.

17. TO NOTE CORRESPONDENCE, RECEIVE ITEMS FOR INFORMATION & FUTURE AGENDA

Use of the playing field – Active Education – It was unanimously **AGREED** to allow the use of the playing field for Active Education subject to receipt of a risk assessment and proof of public liability insurance as proposed by Cllr Davies, seconded by Cllr Joyce.

It was agreed there needed to be further discussion about how the Council could start generating income from the playing field.

Public transport in Lyng – it was confirmed that an email was received from a resident concerned about lack of transport – Cllr Orton gave a brief update on enquiries made to date into options and agreed to draft a response to be forwarded by the Clerk.

It was confirmed that the January meeting would be the precept meeting.

18. TO ADJOURN THE MEETING TO ALLOW MEMBERS OF THE PUBLIC TO MAKE AGENDA REQUESTS

Concern was expressed from the Bowls club regarding the decision to restrict access and a request was received for this to be a future agenda item. It was confirmed that anyone requiring access for maintenance should contact the Chairman and access would be arranged.

Concern was expressed about Himalayan balsam on the river bank by the bridge. As this is on private land it was felt this wouldn't be a matter for the agenda.

19. DATE OF NEXT MEETING

The date of the next meeting was confirmed as the 18th January 2023.

20. TO CLOSE THE MEETING

There being no further business the meeting was closed at 21.05pm