

1 Work at King George Field.

1.1 Replacing the uprights to the fence around the Play area..”

The work has been completed. The fence is secure and upright.

2 Responses from the users of KGV

I sent the first message on 4/2/10

Elaine et al

Please note there is a resolution to be voted on at the next parish Council meeting that the charge for 2010-11 season will go up to £10 per match day.

Darren's reply

Thanks for your note, I've just had an operation on my knee and will be unable to attend, however this proposal would seriously affect our clubs financial status and should this be passed, we would like to know what this increase would give to our club in return? Seeing as this has all been communicated by e-mail I wanted to ask this question for the record.

Best regards,

Darren,

It costs the PC over £1200 per annum to maintain the King George playing field and you currently pay £40 per annum.
With all the matches the ground is taking a hammering and we will have to spend more on maintenance.

Paul

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Darren

Hi Paul,
I have been advised that the proposal? was accepted last night at your meeting, with this mind may I respectfully request the full details of the new match-day costs per club or how this all works, i will need this rather quickly if possible, so I can present this to my committee and we can discuss the implications to our club.
Thanks in advance,

Darren.

Email from Paul Harris

Dear all,

Please allow me to make this quite clear and simple;

Clerks Report

We as Boxted Cricket Club are not prepared to accept this massive increase in ground rent, on the basis that we have not been consulted as to our thoughts and neither have we been advised as to why the need for the massive increase in payment.

Perhaps the Parish would like to explain why they are looking to destroy our club with this unrealistic financial burden, rather than looking to support an organisation that is actively providing organised sport for the children of the village, or from negotiating realistic financial terms that benefit both the Parish and the club.

Does the Parish realise that we play cricket on Saturday, Sunday, and occasionally Bank Holiday Monday's - with children's cricket playing mid-week and some weekends. This figure of £10 per match day will totally cripple our club to the point of extinction - is this what the Parish Council wants?

As Boxted Cricket Club we are more than prepared to work with and alongside the Parish Council and the village community, so as to ensure the survival of a club that has been in existence for almost 100 years - and to ensure that the future generations of the village are allowed the same opportunities and privileges.

Email from Stephen Dutton (Girls Football)

I think that BSSC need to be making representation on behalf of all user groups.

For their part the girls football club came along this season using information supplied about likely costs. The girls club has very fragile finances which are also going to find many-fold increases hard to afford.

I think we need a clear contract between our landlords (presumably because that is what Boxted Parish Council now appear to be) and ourselves.

What exactly do Boxted Parish want from us? And what do we expect in return?

Stephen Dutton

Secretary Colchester Town Girls FC

Paul Harris (25/2/10)

Paul, Mick et al,

Speaking on behalf of the Cricket Club then we are not prepared to put forward a business plan as to what funding can be provided / obtained for the building on the basis that the questions asked off the Parish have not been answered.

I refer to the Boxted Sports & Social Club meeting held on 02/02/10 where we asked Chris Tadman for clarification on the following;

"clarification as to ownership and responsibility for the building, and establishing security of tenure for the building and the playing field, as this was especially important for both the Sports & Social club and the respective participating member clubs if they were to provide business plans in relation to self funding".

In addition I would also like an explanation as to why the Parish Council feel that they have the right to impose a £10 per match day levy for the use of the playing field, without any consultation or negotiation with the Sports & Social Club and the respective Cricket and Football Clubs.

Regards,
Paul Harris -

Darren Grove 25/2/10

Good Evening,

Speaking on behalf of Boxted Lodgers FC, I / We agree with Paul and the Cricket Club, with reference our outstanding questions from the last BSSC meeting on 02/02/10 as quoted below.

Clerks Report

I have also under separate e-mail asked the Parish Council via yourself Paul Evans to confirm the increase and conditions / benefits back to the members clubs by return and advise why the increase as Paul says with No consultation with clubs?

I await your response Paul & Parish Council?
Regards,

Darren Grove

I had Asked Stephen Dutton (ladies Football) exactly what their use of the field was :

His reply was :

Dear Mr Evans,

CTLFC consists presently of teams at u 18, u16, u14, u13, u11 and u10. About 70 players. We play in the Essex County League which is a Sunday league. This involves travelling the length and breadth of Essex and even this year into Kent and Hertfordshire. Very costly.

The club affiliates to Essex FA and pays both FA and League fees. We use mostly official Essex referees who cost up to £26 per game.

I won't bore you with too many details but will tell you that currently every girl is expected to find club fees of £100 per annum and match fees of £3 per game. That they don't all pay is regrettable and we chase debt.

We just about scrape by.

We came to Boxted as a first ever home and seem to be meeting ever increasing costs which were not expected: membership fees per head to BSSC (which we have capped at 50 girls and 15 adults), fees for marking pitches, contributions to goal posts etc. The ground rent was advised to us at £40.

Now this seems to be increasing exponentially at a time when money is tight.

Colchester are the only all girls football club in the whole county and perhaps one of very few in the UK. We are an asset to cherish perhaps. But we are a very fragile asset and by no means embedded into BSSC culture yet.

Stephen Dutton

My email of 3/3/10

In these tight times, the use of the KGV is already heavily subsidized by the Parish Council

After sorting out the water leak (which the Parish Council paid) the Cricket Club have used a large amount of water on the square. We have NOT charged you for this water.

You also want us to spend a considerable amount of money on reseeded the outfield.

Hi Paul,

I'm sure you don't mean this message to come across the way it has, but BLFC and I'm sure all the other BSSC members merely seek clarification on costs, and why we were not involved in this process as previously requested, to say we can come to the meetings as they are open is news to me, as I have always been told we need to advise our discussion points and then write to the parish council to request a slot to discuss, otherwise I have been informed that all comments will not be discussed?

Please could you confirm this procedure for me / us Paul?

Clerks Report

Mick has written to you requesting that we attend next Wednesday's, I believe this would be best rather than our current communication routes. On behalf of the Men's football club, we do not water the pitch, BLFC have also not asked for re-seeding....however it is needed as an upkeep of the field, which I believe all can use within the Parish, as well as the member clubs.

Ownership, control and responsibilities all need to be discussed, so it is clear to all, thus allowing us to work together to resolve these issues, rather than continually go around in circles, as it seems we are. I'm sure the Brewery payment was a while back, and I personally would like to look forward rather than in the back if possible, please can we discuss these issues next week?

Best Regards,

Darren Grove
BLFC Chairman.

I believe that there has been other emails going around the village on this topic.

2.1 Cricket Club request.

Angela

Here is the quotation from Mr Liverton. It looks like a lot of money to me. I have been trying to find cheaper alternatives and have spoken to someone who looks after Wormingford playing field and he says they spread the seed themselves then pull a 'drag mat' over the surface which tends to cover the seed over. We have a drag mat at the cricket club, it is made of heavy metal mesh and pulls the surface about and has a slight leveling effect also.

We also have a 'sorrel roller' which is a drum with hundreds of little spikes attached and makes holes in the ground that the seed falls onto. Both these items are hard work to use by hand but I think that it may be possible to pull them behind the tractor.

Have spoken to Roy who thinks it could be done this way and would be willing to have a go if asked. Roy also mentioned the possibility of running 'harrows' over the ground first to loosen the surface. He owns some harrows that may do the job and I know that David Isted has a new set of harrows but of course he would charge for labour although he is not too expensive normally.

You mentioned that it would be beneficial to get a good amount of grass seed down and perhaps it would make sense to spend a bit more on extra seed rather than pay expensive labour charges.

The training area is the first priority and needs doing in March, the football pitch could be done later when most of the matches are out of the way.

Perhaps you can let me know your thoughts on all this as if it is to go ahead we need to get some grass seed ordered.

Regards
Graham

Clerks Report**QUOTATION**

Girls Pitch - to be completed ASAP

4 X bags of Bar 9 seed £299.96 (no VAT applicable)

Labour and machinery £235.00 (including VAT)

Total £534.96 including VAT

Reply from Cllr Mclauchlan

Hello Graham

I don't know what size bags the grass seed is or what mix.

David Isted tried a harrow before and it just bounced across the top of the ground making no impact at all.

Roy also tried a hand machine to sort of scuff up the area but gave up on it because it was such hard work.

Any idea what size the area of the cricket outfield is? We could then work out how much seed you want to spread.

I get my seed from Cotswolds Seeds, (they have a website) it is next day delivery. I have used the football/rugby pitch seed before, it is mainly ryegrass and it is what we use in the raspberries. Roy still has quite a sizeable bag of the parish council's seed in stock.

If you think about it Graham, the football studs make plenty of holes for the seed to drop into. It just needs rolling then and a bit of warmth and water.

The footballers have created the situation yet here we all are trying to sort it out. Why shouldn't the footballers be charged for the work? If they feel it is an unjust / over-expensive charge they could choose to go and train elsewhere. How much do you reckon the cricket club spends on the square each year?

Angela

3 Pre- School - Little Owls.

The roof is still giving trouble.

Clerks Report

Paul,

I thought when I arrived back from lunch one day last week that the roof was being repaired, but it is in fact still leaking in several places around that light fitting in the corner. I know the roofer told Mandy when he came to look at it that he thought it was not the section he had repaired before (ie over that light) but was leaking from water running along from the other corner, so perhaps he repaired that other corner - if so, it has not solved the problem, unless you think perhaps we have the remains of water that was already trapped. Could you just let me know what has been done please and any thoughts you have on the situation?

Thanks,

Gill

My reply :

Gill

The roofer said that he would come back and look at it when the weather improved. He hasn't come back to me yet.

Paul

3.1 Lease

Points raised by our Solicitor.

1. In respect of the Parish Council's legal costs for dealing with the grant of a lease to the Pre-School these will be paid by the Pre-School but subject to a contribution by the Parish Council of £1,000.00. You advised that the Parish Council can recover VAT and therefore the Pre-School will only have to pay the net figure on my invoice. The invoice will be addressed to the Parish Council but payable by the Pre-School which will allow the Parish Council to recover the VAT on the full sum. You confirmed that the £1,000.00 would be paid to Birketts direct rather than going through the Pre-School.

On this basis, as I advised, I will now need to obtain an undertaking (solicitors' promise) from the Pre-School's solicitor to cover the balance of my costs.

2. We discussed the rent that will be payable by the Pre-School under the lease. You explained that the Pre-School currently pay the rent monthly in arrears which is calculated based on a formula of a price per head per session and therefore changes from month to month. I will need to ask the tenant's solicitor to provide me with a formula that can be inserted into the lease for the calculation of the rent.

We discussed this rent being formalised should the lease be transferred to Essex County Council. At that point the rent is to be reviewed on an open market basis and reviewed thereafter at 5 yearly intervals.

I will raise the point whether Essex County Council will stand as guarantor under this lease as ultimately if the Pre-School fails then the lease is to be assigned to them.

3. I queried whether the Pre-School would have the ability to underlet the premises to a third party. In this scenario the Council would still have the Pre-School as the tenant but the Pre-School would not be in occupation the property would be occupied by a third party with a lease being granted to them by the Pre-School. I would imagine that bearing in mind the nature of this transaction, being for the provision of Pre-School education to local children, that you would wish to prohibit or strictly regulate any underletting.

We also discussed the further transfer / assignment of the lease and you confirmed that the Council would only be prepared for the lease to be transferred to Essex County Council for the purposes of Pre-School education. I confirmed that the permitted use of the premises under the lease is for use as a Pre-

Clerks Report

School only. Therefore whoever the lease was vested in would only be able to use the premises as a Pre-School.

Please can you confirm whether the Parish Council would be prepared to permit the Pre-School to underlet the premises and whether they will be permitted to consent to the transfer of the lease to any other third party other than Essex County Council.

4. I have carried out a further review of your title to the land and there are two points of concern. When the land was transferred to the Council in 1995 by Alfred William John James, Mr James imposed two restrictive covenants on the land. The first being having to obtain Mr James' or his heirs and assigns consent to the construction of any building on the land or to allow the land to be used for any other purpose than the ground for public recreation, without obtaining his consent. He has absolute discretion as to whether consent is given.

The second covenant imposed relates having to make a payment to Mr James to reflect the value of the land free from the restrictive covenant and with planning permission less the amount the Parish Council originally paid for the land (£9,000) and any other monies that you have previously paid Mr James in respect of this covenant.

I am going to ask my property litigation colleague to review this covenant to see whether there is any way that we can get round it as, depending on the value placed on the land, this could be a substantial payment. (see last page of the report).

I attach a copy of the Transfer of 6 February 1995 which sets out these covenants in clauses 2.1 and 2.2. It might be advisable to hold off speaking to Mr James or any of his associates about these covenants until I have established whether they are enforceable. However, it would be useful to find out if Mr James is still alive.

5. The planning permission that the Pre-School have obtained for the construction of the new Pre-School contains a condition that the Pre-School must remove the building that they currently occupy within one month of the occupation of the new building. I understand that this building is not owned by the Pre-School, and the Parish Council must pass a resolution confirming that this building can be removed, but any removal costs or work will be done at the expense of the Pre-School.

6. I will ask the Pre-School's solicitor for a copy of the grant papers and understand that you are going to ask your contact at the Pre-School so hopefully between us we should be able to get a copy of this application.

7. In respect of services being connected to the new building you have advised Anglian Water will be installing a new water supply and that you have requested that a second pipe be put in with this new supply and capped off for future use.

In respect of the electricity meter box this is to be moved from its current position within the area to be demised to the Pre-School by this new lease.

8. I understand that you are going to try and make contact with Rocky Sharrock from FiT regarding the dedication of the land. As explained I also need to speak to my colleague here about dedicated land and I will let you know what needs to be done in respect of the construction of this new building and the grant of the lease so far as the dedication is concerned.

As explained I have received a draft lease for review from the tenant's solicitors. I am going to amend this lease to state that the tenants are under an obligation to construct the new Pre-School in accordance with the planning application. This is commonly called a build lease and will contain an obligation on the tenant to construct the building after the grant of the lease of the land.

As this is a new building, although it will be in modular form, does the Parish Council want the benefit of any guarantees or warranties that may be available for the construction of the School or will they just place an obligation on the tenant in the lease to transfer the benefit of any guarantees or warranties in certain circumstances, for example if the building was ever vested in the Parish Council (which should be unlikely if Essex County Council is to take the building if anything happened to the Pre-School)? I understand that your next Parish Council meeting is on the 10 March when these items will be discussed.

Clerks Report**4 Road Closures.**

Cllr Large asked me to put the item on the Agenda as he had been approached by several businesses on Straight Road.

I wonder if we can discuss the closing of Boxted Road when the football is on (usually a Saturday) which tends to be the most important times for Boxted Straight Road businesses like Fillpots.

Reply on this topic from Nigel Chapman

. I've just discovered I'll not be able to get to next week's Parish council meeting. (Liz -I'll ring you again instead!). My apologies.

I would appreciate it if you could hold this particular item until the next meeting, please, as I have been very involved in discussions about it.

It should only be closed at 4.45 pm for ten minutes –is there information that it is closed earlier in the afternoon?

I have left it on the Agenda even if discussion is postponed to April when Nigel is with us.

5 North Colchester Developments

Cllr Doolin has sent me the following comment:

After recently viewing the new plans for the Chesterwell site I wondered how the Borough would supply sufficient schooling for all the new families that will live on the new development.

I understand from Myland Parish council that there will be 2,200 new homes built on the new development and a further 1,500 on the Severalls development the Borough map shows that there is only one

proposal for a primary school on the site and this is to cover Severalls and Chesterwell.

There is no proposal for Secondary Education and being a parent with a child starting secondary school this year I know how over subscribed our local schools are at the moment. Will provision for secondary

education be built into the developments?

Clerks Report

For Completeness, I have include our response to the
North Colchester Supplementary Planning Document

Figure 9 Land Use Opportunities**Potential Borough Wide Sports Facility****Boxted Parish Council's comments.**

The Local Development Framework site allocations submissions document section 5 states that the landscape North of the A12 is important for maintaining separation between Colchester and villages to the North.

In accordance with the Local Development Framework submissions document Policy DP1 we would seek to respect and enhance this landscape which has visual amenity value.

The proposal to add a potential borough wide sports facility or sports park will further detract from the current open landscape character and result in the loss of an area important for it's amenity contribution to the character of the area in general.

We feel that sports facilities are best sited in various areas around the borough in order to make them easily accessible to and fully utilised by their neighbouring communities. This would include keeping the present Myland playing field.

North Colchester Supplementary Planning Document**Boxted Parish Council's General Comment on the SPD proposals**

Great emphasis is being put on provision of public transport and other alternative means to the use of private transport.

We have no reason to believe that the general public will give up their own vehicles and we envisage that development on the scale proposed will place an intolerable burden on the already gridlocked transport system around the North Station bottleneck.

Paul Evans
Clerk to the Council
Boxted Parish Council
64 Feering Hill Feering
Colchester
4/3/2010