

# Sutton Parish Council

## Minutes of Sutton Parish Council Meeting held at 7.00pm on Tuesday 10 January 2023 at Sutton Village Hall

**Present** Cllr I Baker, Cllr R Cator, Cllr D Curtis, Cllr J Daulby(chairman), Cllr R Frearson(vice chairman), Cllr J Hunt, & Cllr C Makepeace

L Nash(clerk), and 3 members of the public

**1.Apologies** were received and approved for Cllr L Daulby

**2.Declarations of Interest** Cllr R Frearson-Boatyard & Cllr C Makepeace Sutton Building Supplies

**3.The minutes of the December 2022 meeting of the council-** were agreed and approved as a true and accurate and signed by the Chairman.

### **4.Reports**

Cllr N Dixon & Cllr P Grove-Jones sent apologies and will report at the February 2023 meeting.

4.1 Cllr M Taylor reported 1. Yarmouth Road planning application. This application has during 2022 been the subject of much public interest. The application was approved by the NCC Development Committee, however because of the challenge made by Natural England this application was unable to proceed. Cllr Taylor has been advised that developers have been advised that mitigation plans will need to be submitted and the application will have to go back to the NCC Development Committee. This it is hoped will ensure the safety review relevant to Sutton and agreed by NCC can now be considered before reapproval. 2. Refuse collection issues were still being reported Cllr Taylor advised issues were now being resolved quickly.

5. Public Participation Session – no issues were raised.

6. Speeding through the Village of Sutton no items for decision.

7. Road Safety Community Fund Bids no items for decision.

8. Planning Matters-no new applications received at time of meeting.

9. Water Management Alliance and a piece of Land at Sutton Staithe and the IDB Lease- item remains awaiting response.

**10. Persistent Flooding Problem Staithe Road Sutton** no items for decision. The work has been completed however councillors and residents reported that the problems had not been fully resolved. Clerk to write to Justin Le May to advise.

11. Footpaths Verges and open spaces no items for decision.

### **12. Sutton Staithe West Dyke Moorings Licences- fees/ amendments/alterations/ increases effective from 1.4 2023.**

12.1 Council was asked to consider, recommend, and approve amendments/alterations and fee increases to the licence currently issued. Council discussed the new licence cost. The increase reflected the rising costs to the Parish to support the maintenance required to be able to provide the moorings. The current fee of £22 per foot to rise to £25 per foot for residents and £27.50 per foot to non-residents. Dingy fees will increase from £115 to £130 for residents and £143 for non-residents. The new fees will be effective from 1.4.2023 In addition to the increased fees the 1.4.2023 licence will have the following amendments. 1. Fees must be paid by the end of April for the year they are due. 2.To add an additional term and conditions – Boat owners are not able to use or agree the use of their boat and mooring for residential purposes. Overnight use will be allowed for reasons of maintenance but no more than two nights in any fourteen-day period. 3. Any breach of the terms and condition can result in the licence being revoked with no refund of the annual licence fee. Cllr J Daulby proposed the motion, and it was seconded by Cllr Baker the motion was **unanimously agreed.**

**13. Sutton Staithe Slipway Licence- Cllr Frearson was asked as the Licence holder to temporarily leave the meeting for this item.**

13.1 Council was asked to consider and agree the revised annual fee for April 2023. Council was provided with details of the Licence and background information on the increase applied at its last anniversary 1.4.22. Much discussion arose and opinions shared on the value of the license to both parties. No items raised were disputed or evidenced. It did however clarify that the content and detail of the License did not meet the expectations or needs for the council. This discussion was generally pertinent to the next item when the Licensee would be present. All Cllrs were invited to comment and make a proposal. The clerk took notes to minute the discussion that centred on setting the 23/24 fee.. The discussion on setting the revised fee centred on two approaches each shared by three of six councillors present. 1. It should reflect a perceived value based on income and business opportunities to the Licensee and three figures presented between £5000 and £7000 or 2. A calculation was applied and presented as £5800 based on the background information A motion equal to that presented by approach (2) £5800 was proposed by Cllr Daulby and seconded by Cllr Baker and unanimously agreed. Cllr J Daulby invited Cllr Frearson back to the meeting and advised him of the outcome.

**Note from the clerk** -*This decision will be re- submitted to councils February meeting. Resubmission is not a challenge to the council's decision and will not be informed by any additional information. Resubmission is the opportunity to clarify and make safe the decision made by council from any scrutiny. No risks can be applied to the delay of this decision.*

**14.Sutton Staithe Slipway.**

14.1 At the Councils last meeting the clerk was asked to gather information relating to the Slipway and the Licence agreement. The clerk advised the council that she had made a thorough inspection of the records passed to her, and searches of Broads Authority and District Council records. The outcome provided no history or clear information relating to the slipway as an asset, or the formation of the current license (dated 1 November 2009). No pattern to the annual fee charged from that date could be ascertained.

14.2 The council(grantor) and the Licensee agreed continuing the current license is not economically viable for the Parish Council or/and the Licensee. Concerns on the overall condition of the slipway have been raised formally and informally in previous years but no decisions on any action had been made. Councillors asserted that the condition of the slipway had deteriorated and was mainly as a direct result of the Licensees business use. The Licensee asserted that he had at his own expense made significant repairs and improvements on and around the slipway and advised the council formally of costs relating to specifically the quay heading. It could only be concluded that assumptions had been made about "wear and tear" and maintenance responsibilities that were not measurable or included in or as an expectation of the licence agreement. No maintenance schedule has ever been agreed/reported or monitored with or by either party. As a result, both parties have remained for some time aggrieved.

**Note from the clerk** *Council minutes are intended to be formal records of official acts and decisions. Minutes should therefore be as short and as is consistent with clarity and accuracy. They are not intended to be a verbatim report, or a record of discussion or argument made by councillors. Councillors' agreement or disagreement with official acts or decisions can be noted by their act of voting. Councillors if they so wish can demand that the way each member voted on any question be recorded in the minutes either before or after the vote. Amendments to the previous meeting are invited at each council meeting most importantly to correct an obvious error or the record of a resolution is incorrect.*

14.3 Council **agreed** unanimously that a new License should be negotiated with the current Licensee and be put in place by the next anniversary 1.4.2024 and the agreement will be made with the consideration of the appropriate professional advice.

Council **agreed** that the preferred negotiations will consider the following issues.

1. an agreement longer than the current annual agreement,
2. the past and present maintenance obligations of the Parish Council,
3. preserves the benefits currently afforded to residents of the Parish of Sutton,
- 4 preserves and protects this asset of the Parish,
5. provides a financial benefit to the Parish that is at least equal to but should exceed (as far as it may be predicted) any commitments that may be included in the new arrangement.

A process of negotiation discussed and agreed.

Stage 1 The clerk and the Licensee to agree possible ways forward within the remit above. When outline proposal/s can be mutually agreed (this may require some limited legal consultation) this/these will formally be presented to council for consideration and approval.

Stage 2 Engage appropriate professional services for documentation and advice that adequately protects both the Parish and the Parish Council.

Stage 3 Completion of Stage 2 will be presented to council for final approval.

To note costs of legal/professional advice will be paid by the Parish Council for the predominant interests of the Parish.

**The above (14.2 )(14.3) was formulated by council and proposed as a motion by Cllr J Daulby and seconded by Cllr Baker. The motion was unanimously agreed and approved.**

15. Correspondence sent via email to Councilors- Noted	Date Sent
NNDC Ref: PF/22/2890 comments required by 30 December 2022	19.12.22

**16. Chairmans report**-no advisories

**17. Clerks report**

-Policing in Sutton PC Pritty to be invited to attend February meeting.

-Schedule of meetings for 2023 – council agreed to current schedule- 2<sup>nd</sup> Tuesday of each month January -December

-The clerk advised on the continuing issues/difficulties with Barclays Bank. NALC were now involved.

-May elections, the clerk advised council the costs could range from approximately £250-£1700. These will need to be added to the previously agreed budget. The maximum amount would impact the budget, but the risk is considered low.

**18. Finance- payments approved agreed and noted**

18.1 Payments for Approval	Amount
L Nash Additional 20 Hours	£398.00

Original

18.2 Regular Payment Out	Date
Clerk Salary December	30.12.22

18.3 Receipts	Date
Slipway License	15.12.22

18.4 Bank reconciliations – item deferred because of time restraints.

**19. Any Other Business – any items to be noted and included on the next agenda**

19.1 The shingled area at the edge of the Staithe, to the right of the Boatyard and behind the Hotel car park. This area is currently referred to as the “car park” and used without invite and without any restrictions.

The discussions arose from item 14 on this agenda. Cllr Frearson disclosed as owner of the boatyard he and Mr Withers another stakeholder had previously shared the cost equally and provided the labour to re surface the said area. Item 14 further Identified several stakeholders in this land and the easements that are or maybe currently in place for use and/or access of, or, through this area. Cllr C Makepeace committed with the agreement of all to discuss with stakeholders and the Hotel as the agent of users their formal and informal rights. Cllr Makepeace will share the outcome with council at the earliest opportunity.

19.2 Dredging the West Dyke

Cllr J Daulby advised that boat owners had approached him concerning the need for dredging in the West Dyke. The Broads Authority had committed to dredging 1/3rd of the Dyke however the proposed July 2022 has been postponed on several occasions and no new date provided at the time of this meeting.

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*\*Please note information was received by Cllr Daulby after this meeting from the Broads authority that they intend to dredge on 20 February 2023. He has informed boat owners.*

Cllr Daulby has spent a lot of time trying to locate an appropriate engineering service provider willing to provide a quotation and able to commit to availability in the foreseeable future. Cllr Daulby gave sight of the one quotation he had been able to get. The indicated cost would be around £1700 and if fencing repairs were required this would be in the region of an additional £200.

Cllr Cator highlighted the constraints of our financial regulations. It was agreed council could overcome this by providing evidence of no other suitable/available providers and background information of the contractor. Cllr Daulby informed the council for comparison the Dyke was last dredged in 2014 at a cost of £1300 excluding VAT.

Disposal/re-siting of the dredged material is subject to environmental legislation and directives. The contractor prior to commission will need to assume and arrange these responsibilities and indemnify the council.

When commissioned boat owners will need to confirm they will relocate their boats as required. Any boats left in the Dyke at the start of dredging are at risk of damage that cannot be compensated for by the council. Boat owners may also be subject to all, or part of the cost incurred by the council for work not able to be carried out.

19.3. Cllr Hunt reported that there was damage to the road at the crossroads of Rectory Road Hall Road and the Church. The clerk advised she would report using the signposting on the web page.

The meeting closed at 9.10pm

**20. Date of Next meeting** - scheduled for 14 February 2023 at 7.00pm

Original