

BARLING MAGNA PARISH COUNCIL

Minutes of the extraordinary meeting of the Barling Magna Parish Council held on Friday 18 March 2016 held in All Saints Parish Church, Barling, Essex commencing at 7.30 p.m.

Present: - Councillors M Cohen (Vice Chair of Council), S Bond, R Gardiner, I Knight, M Pearmain, J Edmunds, M Steptoe (Chair of Council), L Street, A Ashdown.
V Marzouki (Clerk to the Council)

MINUTES

- 1. The Chair to declare the meeting open.**
 - a. The Chair declared the meeting open and advised parishioners and councillors that the meeting was being recorded.

- 2. To receive apologies for absence**
 - a. None

- 3. To receive Declarations of Interest in accordance with the Council's Code of Conduct and with section 106 of the Local Government Finance Act 1992.**
 - a. All Councillors declared an interest in the Wildlife Reserve

- 4. The meeting will stand adjourned to permit Parishioners of Barling Magna to address the Meeting.**
 - a. Mr Bines addressed the meeting with regards to the changing of the locks at the Wildlife Reserve. He explained that last October whilst trying to reduce ASB at the site, volunteers had agreed to open and close the gates each day. He was advised that the locks had been changed from combination to key operated locks which were, as it transpired, far less secure (the keys could be freely purchased online for a few pounds). The clerk of the time had advised through correspondence that the new locks were what had to be adhered to according to MS. Questions that Mr Bines required answers to at the meeting were as follows:
 - Did you obtain advice from RDC or the emergency services?
 - Who changed the locks and on whose authority?
 - The issue was discussed following a Wildlife Reserve meeting, there were no minutes presented from the WLR meeting to advise this was being discussed?
 - The lock – emergency services approved. The emergency services had advised Mr Bines that they did not use the type of lock that had been installed and did not have the keys?
 - There is a large amount of drug taking remains, condoms etc. that we have been stopped from picking up, can you explain why?
 - b. The rota was drawn up and the volunteers were unhappy with the controls that had been put in place including objections about the controlling of the volunteers and the insurance issues relating to volunteers locking up. It was highlighted that there appears to be some members of the Parish Council working against the parishioners in the volunteer group who were working for the protection of the green

space within the parish. Why has the issue taken so long to resolve when emergency services were contacted at Christmas?

- c. Cllr Steptoe addressed the questions as follows:
 - Took advice from RDC officers that their parks use FB1 locks. For the police information received from Commander Luke Collison that they have keys available. Other emergency services were not contacted directly but indirectly through RDC.
- d. All questions asked were answered

5. Special Motion received to discuss the locks in use at Barling Magna Wildlife Reserve

- a. Cllr Gardiner read the special motion that had been received by the Clerk regarding the locks in use at Barling Magna Wildlife Reserve. The motion was proposed by Cllr Gardiner and seconded by Cllr Pearmain
- b. Cllr Pearmain commented that there is a combination lock in use at neighbouring Wakering Common.
- c. Cllr Cohen advised that the insurance company didn't actually specifically advise us to change the locks. They **did** advise that the Parish Council should ask the volunteers to stop locking and unlocking the gate until their action had been formally approved by the Council - so as to ensure that the volunteers were acting under the control of the Parish Council and thus covered by the insurance policy. In fact the insurers "strongly recommended" that the volunteers be asked to refrain from so doing until the matter had been discussed by the Parish Council. This is why the volunteers were asked to stop locking and unlocking the gate until a decision had been made by the Council.
- d. Cllr Cohen also explained that the insurance company recommended that we keep a list of the volunteers, complete a risk assessment and provide the volunteers with a basic "do's and don'ts list". The Parish Council wanted to ensure that those steps were in place before sanctioning the actions of the volunteers - so as to be sure that the Parish Council could be seen to be acting upon the recommendations of the insurers and additionally to avoid any question of potential personal liability in the event of a claim should the PC be seen to be lacking in their duty of care to the volunteers, etc. in failing to heed the advice of the insurers, etc.
- e. Cllr Cohen advised the council that the insurers pointed out that there were no requirements stipulating the type of locks that should be used but that if the Parish Council felt that installing locks which the emergency services can open would be a sensible precaution there would be no issue with this from an insurance perspective. In the light of this comment the Parish Council actioned the FB1 locks.
- f. Cllr Street advised that he is not against the gate being locked. He was asked by the previous clerk on the advice of Rochford District Council to source prices for the locks and purchase them. The police advised Cllr Street that they do not carry the keys with them but they are available.
- g. Cllr Gardiner wished to clarify the role of the Chair & Vice Chair of the Wildlife Committee as in their positions, they were not consulted on the decision and are required an apology.
- h. Why were the car park locks changed and not all the locks? Cllr Cohen explained that this was on the advice of the insurance company.
- i. Cllr Knight explained that the new locks are very difficult to open and you need 2 hands.

- j. Cllr Steptoe clarified that he was given advice by the then clerk on advice of RDC and the insurance company and that he had no objections to the clerks' suggestion. He said that he took advice from the clerk.
- k. Cllr Steptoe issued an apology to Cllr Knight and Cllr Gardiner (Chair & Vice Chair of Wildlife Committee) for bypassing them in the decision making and the removal of the original combination lock and for the clerk mis informing them and the apology was accepted by both.
- l. The insurance company advised the then clerk that we would be personally liable for the volunteers locking the gate. Then then clerk gave advice to Cllr Steptoe and he had no reason to reject the advice but in hindsight more discussion was required.
- m. Cllr Gardiner put forward the proposal to remove the FB1 locks and replace with the combination locks.
Proposed Cllr Gardiner Seconded Cllr Pearmain
7 for, 1 against, 1 abstention. Proposal carried
- n. Cllr Gardiner was asked to forward a list of the volunteers to the new clerk
- o. Cllr Gardiner then apologised to the members of the volunteer force that were present at the meeting for the way they had been treated by the BMPC and thanked them for their help, adding that the Parish Council could not operate the Wildlife Reserve as effectively if it wasn't for the volunteers that helped regularly at the Reserve.

6. At the Chairman's discretion to exchange information on matters relating to the Parish Council

- a. Cllr Street advised that RDC are organising cleaning for the Queens Birthday and agreed to get information was Lesley Athey at RDC

Meeting closed 8.40 pm

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