

Bradfield Combust with Stanningfield Parish Council

Nicola Glading, Parish clerk, 6, Albert Rolph Drive Lakenheath, Suffolk IP27 9DA Tel: 01842 337488

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MINUTES

**Of the BRADFIELD COMBUST with STANNINGFIELD PARISH COUNCIL MEETING held on
31st January 2022 at the STANNINGFIELD VILLAGE HALL**

Present:

Cllr D Staff (Chairman)

Cllr A Langan (Vice Chairman)

Cllr C Mears

Cllr B Austin

Cllr J Clark

Cllr C Walters

In attendance:

N Glading parish clerk

and 3 members of the public

| | | |
|---------|---|--|
| 2022/76 | RECORDING OF MEETING | |
| a. | None | |
| 2022/77 | APOLOGIES FOR ABSENCE | |
| | a) Council to receive Apologies for absence had been received from : Cllr V Jackson, C/Cllr K Soons, Cllr K Bell, D/Cllr Sara Mildmay-White, Cllr A Veal b) The Councillors consented to accept the apologies received | |
| 2022/78 | DECLARATIONS OF INTEREST | |
| a. | None | |
| 2022/79 | PUBLIC PARTICIPATION | |
| | None | |
| 2022/80 | UPDATES FROM COUNTY and DISTRICT COUNCILLORS | |
| a. | Update from County Councillor K. Soons: not present: had sent in a report which had been forwarded to Councillors | |
| b. | Update from District Councillor S Mildmay-White: not present, had sent in a report which had been forwarded to Councillors | |
| 2022/81 | MINUTES OF THE PARISH COUNCIL MEETINGS held on 22nd November 2021 | |
| a. | The Minutes of the Parish Council meeting held on the 22 nd November 2021 were unanimously AGREED and the Chair was authorised to sign the same. | |
| b. | Business remaining from the meeting not on this agenda (l) Public participation: notification of intent to comment should be made to the clerk prior to the meeting | |
| 2022/82 | MATTERS RELATING TO STANNINGFIELD VILLAGE HALL | |
| a. | Report on the installation of the environmentally friendly heating system at the Village Hall (joint project BC&S PC & SCA) and Greener Business Grant/ other grant Cllr D Staff reported that the new heating system is installed and working well Clerk had applied for a West Suffolk Council `Greener Business` grant and Cllrs Staff and Mears had met with an WSC officer, who had confirmed that this had been successful (£1,000) | |

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| | All agreed that the hall is much warmer Currently the heating must be manually switched off Lock box installed by front door (code to be changed periodically) | |
| 2022/83 | MATTERS RELATING TO THE ALLOTMENTS AND VILLAGE GREEN | |
| a. | To consider matters relating to the allotment access track: (i) Legal matters: report of ongoing progress Cllr Mears confirmed that we have filed a T1 with the Land Registry which puts a caution against anyone doing anything to the allotment track. Registration of land around the Village Hall will be registered by the Land registry. Cllr Mears found the original Deeds to the Green at the Bury Archives in the minutes from 1958. Solicitors (Ashtons) have it in hand to visit the Archives to view the archive. (ii) Reported incident on the allotment track (reversing vehicle near miss of pedestrian): councillors agreed that this action by a reversing motorist could have resulted in an injury. A third letter has been sent to (the vehicle owner). Legal advice: solicitor has given guidance and Cllrs Staff and Mears will be taking this forward. Noted: 12 year period- have to prove that you have used the access. 20 year period- if you can prove that ground was used, this carries forward to people who might buy the property. | Appx 1 |
| 2022/84 | COMMUNITY GOVERNANCE REVIEW | |
| a. | The Councillors had considered a BC& S PC reply to CGR consultation request, sent to councillors 22 nd December 2021. It was AGREED to offer no comment | |
| 2022/85 | MATTERS RELATING TO STREET FURNITURE, GRASS CUTTING & PUBLIC RIGHTS of WAY | |
| a. | Purchase of Speed Indicator Device: (i) Clerk had provided installation requirement and 3 quotations (ii) Mr T Clarke had provided a Report which had been emailed to councillors previously emailed 21.01.2022). The Chairman thanked Mr Clarke for his input. (iii) D/Cllr Sara Mildmay-White understands the need for a Vehicle Activated Speed device and will send a Locality Budget application form to the clerk (£1,000) (iv) It was agreed to ask C/Cllr K Soons if she would be able to assist with the purchase of the VAS. Clerk to contact C/Cllr K Soons (v) Mt T Clarke to confirm the quotation from Side by side quotes send | clerk |
| b. | Update on unauthorised access dealt with at 2022/83 (ii) | |
| 2022/86 | MATTERS RELATING TO THE PLAY AREA STANNINGFIELD | |
| a. | The latest Playground Inspection Report had been emailed to Cllrs 7.12.2021 It was NOTED : Swings are old, complete replacement to be made | |

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| | It was unanimously AGREED that a complete assessment of the playground to be carried out at the next meeting in March 2022 | |
| 2022/87 | MATTERS RELATING TO PLANNING/ EMERGENCY PLAN | |
| a. | NOTED: That the planning application decision by email consensus was "NO COMMENT" DC 21 2393: expired 12 th January 2022 (Applicant: Mr Darren Sturgeon, 26 Beechcroft Stanningfield IP29 4RT: Single storey rear extension) | |
| b. | Councillors considered the changes made to BC&S Emergency Plan (clerk & Cllr Walters) Cllrs Langan and Walters will amend and forward to the clerk for publication on the BC&S website | |
| 2021/88 | FINANCE/ AUTHORISATION OF PAYMENTS | |
| a. | The Accounts for Quarter 3 (Apr 2021 to Dec 2021) were RECEIVED and NOTED (i) Cash Book (ii) Income (iii) Bank reconciliation (iv) Budget/ expenditure The clerk reported that at the end of the current year, the council would not qualify for exempt status (income over £24,000) and both an internal audit and an external audit will be carried out. | |
| b. | The Accounts Payable for January 2022 were considered and unanimously AGREED. | Appx 2 |
| c. | The councillors considered the clerks report on the BC&S precept for April 2022 to March 2023. It was unanimously AGREED to authorise the clerk to apply for a 6% increase. | |
| 2022/89 | QUEENS PLATINUM JUBILEE 2022 | |
| a. | Report on planting and funding of Oak Tree and plaque at Bradfield Combust Cllr Langan reported the successful purchase and planting of an oak tree and installation of plaque at Bradfield Combust Green to commemorate the Platinum Jubilee. The Chairman thanked Cllr Langan for his generous donation of the entire cost of the tree and plaque. | |
| b. | Cllr Austin reported that interest in a party on Hoggards Green is gaining momentum: the format for day is to be discussed. The event will need to be well publicised. Cllr Austin is considering applying for specific funding. Cllrs Staff and Mears agreed to look at the purchase of young Mountain Ash tree to replace the one lost at Stanningfield Village Hall Cllr C Walters agreed to collect and plant the donated eucalyptus tree | Cllrs Staff and Mears Cllr C Walters |
| 2021/90 | GOVERNANCE: REVIEW OF BC&S POLICIES | |
| a. | The councillors reviewed the BC&S Standing Orders: It was AGREED to (i) Meetings limited to 2 hours duration (target only) (ii) Chairman`s tenure limited to 3 years period to be deleted | |

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| b. | The councillors reviewed the BC&S Asset Register 2022: it was proposed by Cllr Langan to add the following with associated values: This was AGREED (i) Add 2 red phone boxes @ £275 each (ii) Add milestone at Bradfield Combust £400 | |
| c. | The councillors reviewed the BC&S Financial Regulations 2022: AGREED | |
| d. | The councillors reviewed the BC&S Complaints Procedure 2022: AGREED | |
| e. | The councillors reviewed the BC&S Data Protection Policy 2022. Two typographical errors corrected AGREED | |
| f. | The councillors reviewed the BC&S Media Policy 2022 AGREED | |
| g. | The councillors reviewed the BC&S Risk Assessment 2022 AGREED | |
| h. | The councillors: (i) Appointed Cllr J Clark as the councillor responsible for signing off the 2021-2022 Internal Control Statement (non-signatory) (ii) Agreed to consider a Three Year Plan at the next meeting. next agenda 3 year plan | |
| i. | The clerks report on child protection was RECEIVED | Appx 3 |
| 2022/91 | APPOINTMENT OF INTERNAL AUDITOR 2022-2023 | |
| a. | The councillors unanimously AGREED to appoint Suffolk Association of Voluntary Organisations as Internal Auditor for 2022 to 2023 | |
| 2021/92 | CHAIRMANS ITINERARY and REPORTS | |
| a. | <u>Chairman`s report</u> (i) The Chairman has spoken with Cllr Veal and ascertained, sadly that Cllr Veal is unwell | |
| b. | Councillor`s reports (on the night) (i) Cllr Walters will put up signs “slow down” (ii) Cllr Mears reported that the Stanningfield Village sign could do with some work and some of the other signs need replacing or repainting. Cllr Clark will ask Mr Ron Black who has the necessary skills if he would be willing to re-paint the signs, commencing with ask Rokewood and Smithy Close | Cllr Walters Cllr Clark |
| 2021/93 | EXCHANGE OF INFORMATION | |
| | To exchange any relevant information at the discretion of the Chairman: None Dates of next meetings: March 14 th 2022, May 9 th 2022, July 11 th 2022, September 12 th 2022, November 14 th 2022 | |

Meeting closed at 9.28 pm

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Appendix 1

Dear Sir,

Re: The Track from Hoggards Green to the Allotments.

We refer to our letter to you dated 29th September 2021 regarding your continued use of the track from Hoggards Green to the allotments as a vehicular access to your land east of West View.

We have still not received any communication from you regarding this matter and note that you continue to ignore our request to desist from doing so.

The Parish Council has received a complaint and registered that on the 24th of December 2021 at approximately 11.00 am, someone driving a dark coloured Mercedes reversed off your land east of West View, almost hitting an elderly resident as he walked to the allotments. No attempt had been made to clear the windows and screens of the car of mist to give clear visibility and make it safe to drive. Had this elderly gentleman not been able to jump clear of the moving vehicle a very nasty accident would have ensued. It is unclear if the person driving was even aware of the presence of the pedestrian, certainly no attempt was made to check if he was unhurt.

As you are aware, the track is used by a few allotment holders to park their cars whilst working on their allotments, but during the winter months they tend to use the track around the green for parking. and indeed, we have requested that they do so. Your continued use is damaging the track causing very slippery areas and muddy tyre marks, with different vehicles constantly being moved in and out, causing more traffic than this track has ever seen.

We have now on multiple occasions, endeavoured to communicate and engage with you regarding the above issues and as yet we have received no response from you.

In the early stages of this situation, you claimed to have documents giving you the right to use this track as a means of vehicular access to your land. We, the Parish Council, have spent considerable time and parish money to fully clarify the position and now believe these rights do not exist.

We once again request that you stop using the allotment track as means of vehicular access to your land and would highlight that there is no easement attached to Land Registry Title Plan SK336694.

Yours faithfully

Cllr D Staff (Chairman BC&S Parish Council)

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Appendix 2

BC & S ACCOUNTS PAYABLE JANUARY 2022

| | | | |
|---------------|---|---------|----------------|
| N Glading | Salary December 2021 | £264.80 | |
| N Glading | Salary January 2022 | £264.80 | |
| N Glading | Office expenses Oct, Nov, Dec 2021 | £78.00 | |
| N Glading | Re-imburse VH insurance increase (heating) see adjustment schedule | | £5.60 |
| | | | RE-IMBURSEMENT |
| S Bradnum | Work on damaged tree at Village Hall | | £1,500.00 |
| Suffolk Cloud | Website hosting | | £100.00 |
| Barsham Trees | Oak tree for Platinum Jubilee | | £573.60 |
| N Glading | HMRC Payment of tax (due to cancelled meeting to avoid late payment fees) | | £198.60 |
| | | | RE-IMBURSEMENT |
| TOP Service | Grass cuts Nov 4th 2021 | | £90.00 |

Appendix 3

The Child Protection Act

At our November meeting you asked me to look into this subject, please see below, and attached is a template for a policy and an article on the subject.

The [Child Protection Act of 1978](#) is an Act:

to prevent the exploitation of children by making indecent photographs of them; and to penalize the distribution, showing and advertisement of such indecent photographs.

Organisations prohibiting photography often cite [section 97\(2\) of the Children Act 1989](#) .

This makes it an offence to publish any material which is intended or likely to identify any child involved in any proceedings in which any power may be exercised regarding that child under the Children Act 1989 or the Adoption and Children Act 2002.

Why are people so nervous about photographs? The concerns appear to fall within the following domains.

- Fear that a vulnerable child might be identified

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- A wish to protect commercial profit making if a school/organization wishes to sell its own photographs of an event.
- A wish to prevent an event being disrupted by intrusive efforts to take photographs/film videos.
- An expectation of privacy
- Fear of paedophilia

An expectation of privacy under Article 8 ECHR

The case law around this, unsurprisingly, usually involves celebrities or others in the public eye who find themselves being photographed when they go about their day to day business. The case of [Weller v Associated Newspapers](#) [2015] concerned the musician Paul Weller's objections to photographs taken of his children on a street on their way to a cafe in the USA; these photographs were later published by the Mail Online without any attempts to obscure the children's faces and despite Mr Weller's objections at the time. Mr Weller succeeded at his first court hearing where the Judge found that his children did have a reasonable expectation of privacy and that the Mail On line could not argue that it was justified in breaching their privacy by claiming freedom of speech or expression. The Mail Online appealed.

The Court of Appeal considered the concept of 'a reasonable expectation of privacy' and the various strands of case law. At para 29 the Master of the Rolls commented:

First, a child does not have a separate right to privacy merely by virtue of being a child. Secondly, however, although the broad approach that must be adopted to answering the question whether there is a reasonable expectation of privacy is the same for children and adults, there are several considerations which are relevant to children (but not to adults) which may mean that in a particular case a child has a reasonable expectation of privacy where an adult does not.

And further at para 61 he explained why he agreed with the first court:

*61. The starting point is the place where the activity happened and the nature of the activity. As the judge said, this was a private family outing. It could have been a family visit to a local park or to a public swimming pool. It happened to be an outing to the shops and to a café which was visible from the street. The essential point is that it was a family activity which belongs to that part of life which is protected by the broader right of personal autonomy recognised in the case law of the Strasbourg court: see *R (Catt) v Association of Chief Police Officers* [2015] UKSC 9, [2015] AC 1065 per Lord Sumption at para 4. The family element of the activity distinguishes it from *Naomi Campbell's* popping out to the shops for a bottle of milk and *Sir Elton John* standing with his driver in a London street, outside the gate to his home wearing a baseball cap and tracksuit (see *John v Associated Newspapers Ltd* [2006] EMLR 27).*

62. It is also relevant that the claimants' parents did not consent to the taking or publishing of the Photographs.

*63. But the critical factor which militates in favour of the claimants having a reasonable expectation of privacy in relation to the Photographs is that they are children and that they were identified by their surname. The twins were less than one year old at the time of publication. They did not "knowingly or accidentally lay [themselves] open to the possibility of having [their] photograph taken in the context of an activity that was likely to be recorded or reported in a public manner" (see *Reklos* para 37). Nor did their parents court publicity for them.*

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Provided that other child is not identified by name and you are not intruding upon a private family event, it seems improbable that anyone could argue that any publication of the photograph would be an actionable breach of Article 8 in respect of that child.

NSPCC Guidance for photographing and filming

It's important that children and young people feel happy with their achievements and have photographs and films of their special moments. Family and friends also want to be able to share the successes of their children when they have been part of a special event or activity.

However, some children, parents or carers may not be comfortable with images of themselves or their children being shared. For example:

- if a child and/or their family have experienced abuse they may worry about the perpetrator tracing them online
- children who choose not to have contact with some members of their family may decide to minimise their online presence
- families may have religious or cultural reasons for choosing not to be photographed.

It's important to be aware of child protection and safeguarding issues when taking photos of or filming children and young people. The potential for misuse of images can be reduced if organisations are aware of the potential dangers and put appropriate measures in place.

You should also consider the data protection implications of making, using and storing images of children and young people for your organisation's use.

The NSPCC has produced guidance to help you think about and mitigate the risks involved with making and sharing images of children.

[> Find out more about child protection and safeguarding](#)

<photography-filming-policy-statement-example.pdf>

<ukphotographersrights-v2.pdf>