

WOODCHURCH PARISH COUNCIL

MINUTES 226

Minutes of the Annual Meeting of the Parish Council held on Thursday 30th May 2024

The meeting started at 7.00 pm.

In attendance:

Cllrs Lucy Quinn (Chair), Wade Nash, Rob Woods, Gina McKay and Neil McKay.

Also in attendance were Ian Philo Clerk, and 2 members of the public.

1. Election of The Chair.

The Clerk welcomed everyone and called for nominations for the role as Chair of the Council.

Councillor Lucy Quinn was nominated and accepted the role of Chair.

Nominated by Councillor Gina McKay and seconded by Councillor Rob Woods.

The council voted 5-0 in favour.

Councillor Lucy Quinn duly signed the Acceptance of The Office of Chair form. The Clerk signed as witness.

Re-elected as Chair, Councillor Lucy Quinn then led the meeting.

2. Election of Vice Chair.

Councillor Wade Nash was nominated and accepted the role of Vice Chair.

Nominated by Councillor Neil McKay and seconded by Councillor Lucy Quinn.

The council voted 5-0 in favour.

3. Apologies for Absence

County Councillor David Robey sent his apologies. Ashford Borough Councillors David Ledger and Aline Hicks also sent their apologies.

4. Declarations of Interest

4.1. Disclosable Pecuniary Interests

None.

4.2. Other Significant Interests

None

4.3. Other Interests

Councillors Lucy Quinn and Wade Nash declared their interest in item 7.1 and item 12 as trustees of the Woodchurch Village Green Charity.

Councillor Rob Woods declared an interest in item 19, land to the north of 14 and 15 Kirkwood Avenue.

4.4. Register of Interests.

Councillors confirmed that their current registration of interests is up to date and accurate.

5. Acceptance of Minutes.

The minutes of the Ordinary Meeting held on the 25th April 2024 were agreed as a true record.

The minutes of Extraordinary Meeting held on the 7th May 2024 were agreed pending an amendment to the wording to the “revised” Financial Regulations and Financial Risk Assessment in item 8.

Proposed by Councillor Lucy Quinn and seconded by Councillor Rob Woods. The council voted 5-0 in favour.

6. General Power of Competence.

The council noted that it continues to meet the criteria for General Power of Competence and that there was no expenditure under this power in the past year. The council voted 5-0 in favour.

Meeting adjourned for public participation 7.20 pm.

Councillor Lucy Quinn read out comments from District Councillor David Robey: Key activities during 2023/2024 have been:

- Working to ensure that KCC has sound finances and a Balanced Budget.
- Providing more ‘good’ and ‘outstanding’ schools, ‘outstanding’ Children’s Services and supporting vulnerable residents
- Making best use of the Highways Budget for road maintenance, against a background of years of underfunding.
- Running a project to try and find ways of reducing the negative impact of roadworks on road users in Kent.
- Supporting practical Climate Change measures, like working to get Modular Nuclear Reactors into Dungeness to provide plentiful green energy, not restrictive anti - car policies.
- Running the Kent & Medway Business Fund Loan Scheme, which has helped hundreds of businesses across Kent & Medway, and created thousands of jobs over the last ten years.
- Striving to find lasting solutions to a large variety of residents’ issues, by promoting more joined up and imaginative thinking by the County Council and other bodies.
- Working with Woodchurch Parish Council on numerous issues, especially Highways.

Meeting reconvened at 7:25 pm.

7. Planning applications

7.1. OTH/2024/0828

37 The Green, Woodchurch, TN26 3PF. Details submitted pursuant to condition 3 (Construction and transport management plan), condition 4 (EV point), condition 8 (Refuse), condition 10 (drainage), condition 11 (Sewage), condition 12 (Materials), condition 13 (Archaeology), condition 14 (Landscaping), condition 15 (Boundaries), condition 16 (Access), condition 18 (Ecological enhancement) for Planning Permission PA/2023/1048

The council voted 3-0 (Councillors Lucy Quinn and Wade Nash abstained) to submit the comment in Appendix 1 to Ashford Borough Council. Proposed by

Councillor Neil McKay and seconded by Councillor Rob Woods.

7.2. NOT/2024/0833

Annexe, Cruttenden Farm, Brook Street, Woodchurch, Ashford, TN26 3SR.
Prior Approval for change of use of a business premises and land within its curtilage to a dwelling house and associated operational development.

The council voted 5-0 to support this application. Proposed by Councillor Rob Woods and seconded by Lucy Quinn.

8. Review and Approve Standing Orders.

The Council approved the Standing Orders pending the amendment to 3 minutes in the public session.

The Council voted 5-0 in favour. Proposed by Councillor Rob Woods and seconded by Councillor Lucy Quinn.

9. Council Asset Register.

The Council noted that the asset register was current as at the 7th May 2024 Extraordinary Meeting.

10. Insurance Renewal.

The Council reviewed the three insurance quotes and decided that Zurich was the better option overall, at £1240.33 for 2024-2025 under a 3-year long-term agreement. The Council voted 5-0 in favour of the proposal.

Proposed by Councillor Rob Woods and seconded by Councillor Wade Nash.

11. Village Green Extension Wildflower Cut.

Two quotes were provided for cutting the wildflower meadow on the Village Green Extension. The Council agreed to continue with ARW Kirk at £460 plus VAT.

The Council voted 5-0 in favour. Proposed by Councillor Neil McKay and seconded by Councillor Wade Nash.

12. Grant to The Woodchurch Village Green Charity.

The Council agreed to grant to the Woodchurch Village Green Charity to cover the insurance premium and replace the village sign as agreed in the 2024-2025 budget.

The Council voted 3-0 in favour (Councillors Lucy Quinn and Wade Nash abstained). Proposed by Councillor Rob Woods and seconded by Councillor Neil McKay.

13. Schedule of Meetings to May 2025.

The Council agreed to the calendar of Parish Council Ordinary Meetings to be held on the fourth Thursday each month through to May 2025 with the exception of December which will be on the 19th.

The Council voted 5-0 in favour of the proposal. Proposed by Councillor Lucy Quinn and seconded by Councillor Wade Nash

14. Confirmation of Councillors to Committees and Outside Bodies.

14.1. Committees/Working Groups.

It was decided that it was very difficult to have committees with just 5 councillors, but made sense to work towards creating for example Policy and Finance Committee, Planning and Highways Committee., and something that should be considered when there are more Councillors.

Staffing Committee. Councillors Lucy Quinn, Rob Woods and Neil McKay.
Appeals Committee. Councillors Wade Nash and Gina McKay plus councillor from Shadoxhurst Parish Council should the need arise.

14.2. Councillor Responsibilities with Outside Bodies.

Councillors responsible for planning: Rob Woods and Neil McKay.

Councillors responsible for Highways and Public Rights of Way: Lucy Quinn and Wade Nash.

Councillors responsible for finance and policy: Rob Woods and Lucy Quinn.

Councillors responsible for Defibrillators, 4 in total to be checked monthly: Gina McKay.

Councillors responsible for communication with the community: All Councillors.

Clerk to be responsible for communication with the Police and Neighbourhood Watch,

Other Committees, Working Groups, and Councillor Responsibilities to be deferred to a future agenda in order to be more aligned with the Woodchurch Village Plan.

Councillor Rob Woods to draft a report with recommendations.

The Council voted 5-0 in favour of these proposals. Proposed by Councillor Lucy Quinn and seconded by Councillor Wade Nash.

15. Council and Staff Subscriptions.

The Council agreed to continue to subscribe to:

15.1 KALC/NALC

15.2 SLCC

15.3 Satswana (Data protection)

15.4 I.C.O (Data handler)

15.5 Woodchurch Memorial Hall (Hall hire)

The Council voted 5-0 in favour. Proposed by Councillor Lucy Quinn and seconded by Councillor Wade Nash.

16. Representatives to KALC.

16.1 It was agreed to appoint Councillor Lucy Quinn as Woodchurch Parish Council representative to the Ashford branch of KALC which meets quarterly.

16.2 It was agreed to appoint Councillors Rob Woods and Lucy Quinn as representatives to attend the annual meeting of the Kent Association of Local Councils. (Subscription includes membership of NALC).

The Council voted 5-0 in favour. Proposed Councillor Lucy Quinn and seconded by Councillor Wade Nash.

17. Review of Arrangements With Not For Profit Bodies.

The council noted the following:

17.1 Hub Lease. The council has just received a draft lease from the solicitors but needs reviewing.

17.2 Management Agreement with Woodchurch Village Green Charity. The Parish Council is now awaiting a draft agreement from the solicitors.

18. Grant for Hub Power Upgrade and WC Refurbishment to Meet DocM Standards.

The Council agreed to apply to Ashford Borough Council for a capital grant to part fund the upgrade of the power supply to the Hub (£13,000), including getting power back out to the Village Green (£6,700) and refurbishing the public toilet (£11,500).

19. Land North of 14 and 15 Kirkwood Avenue.

There was no need for the council to consider a response as the landowner has since contacted the Parish Council stating he will not be seeking planning permission as it is not to the benefit of the community.

The Kirkwood Avenue Residents Association (KARA) may wish to contact the landowner directly regarding possible Local Green Space.

20. Finances.

It was noted that the Clerk's petrol allowance of £97.20 includes March and April payment (£64.40) that was agreed but not paid.

The HMRC payment in April was £82.52 and not £79.20 as stated in the items for payment. This was due to a £3.32 contribution required by HMRC for one of the employees.

The Items for Payment would need to include the insurance renewal agreed at this meeting (Zurich Insurance £1240.33).

Bank Reconciliation and April Items for Payment.

Bank Reconciliation	April 2024
Opening Balance	£6364.52
Salaries & HMRC	1182.00
Running Costs	974.97
Pavilion Utilities	66.00
Total	2222.97
Income (Precept)	22503.00
Transfer to Deposit Account	-15,000.00
<u>Expenditure</u>	<u>0.00</u>
<u>Cashbook Closing Balance</u>	<u>11644.55</u>
Bank Statement Balance	£ 6364.52
Income	22503.00
Expenditure	17222.97
<u>Bank Closing Balance</u>	<u>11644.55</u>
Difference	0.00

Reserve Account

Opening Balance	65634.93
Transfer to/from Current A/C	15000.00
Interest	70.64
Balance	£80705.57

Items for Payment**MAY 2024**

Salaries & HMRC (TBC)	1576.63
Mower Petrol	14.59
EDF Pavilion Electricity	66.00
S J Gray (Making safe tree on village green)	1140.00
Mulberry (Internal Audit)	283.26
Satswana (Data Protection)	180.00
Ian Philo (Petrol reimbursement)	97.20
Zurich Insurance	1240.33

Total	£4598.01
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21. Correspondence and Information.**Correspondence.**

Further correspondence regarding overgrown hedges along footpaths and pavements. KCC has directed people to report any those hedges or trees on their website. An article to this effect has been published in the June Community Newsletter.

East Kent Highways have communicated that traffic monitoring will commence on 17th June 2024 along Redbrook Street.

Correspondence regarding Kirkwood Avenue on the land North of numbers 14 and 15. See above Item 19.

22. Items for information and items to be included on the next agenda.**Information:**

Clerk to confirm that the defibrillators are registered with the correct bodies.

Items for the next meeting agenda.

To agree on working groups/committees to be more aligned to the Woodchurch Village Plan.

To review the request from Ashford Borough Council Monitoring Officer, seeking parish council's views on possible measures to reduce the incidence and cost of complaints, including suggestions for the most helpful training topics for a future programme.

23. Date and venue of next meeting.

Thursday 27th June 2024 starting at 7.00 pm in the Memorial Hall Annexe

There being no further business the Chair closed the meeting at 8:30pm.

Signed _____
Chair

Dated _____

Appendix 1

It is of concern to Woodchurch Parish Council that the applicant feels he has permission to complete the development when the legal ownership of the access strip is uncertain.

In the interests of both the landowner (Woodchurch Village Green Charity) and the applicant, WPC would ask you to defer a decision on the discharge of conditions until this crucial legal issue is resolved.

The request to defer is based on 2 pieces of guidance.

First, Government guidance (Gov.uk) says that where access is required for neighbouring land over a town or village green (as in this case) vehicular access by easement or prescription doesn't apply to the new property. (Source Guidance - Common land and town or village greens: access your property by vehicle)
It is unclear if this guidance was considered by Planning Officers or contained in the legal advice offered to members in the Update Report for the 4th October 2023 Planning Committee meeting.

Secondly, Defra guidance is more circumspect. On the one hand, it says that occasional driving of private vehicles over a green in exercise of a private right of way is unlikely to be viewed by a court as giving rise to an offence under S12 Inclosure Act 1857 and S29 Commons Act 1876 Acts, if the interference with recreational enjoyment is very brief.

However, it also says a court is more likely to find that vehicular use contravenes section 12 (1857 Act) or section 29 (1876 Act)

- if the use is very frequent - which it will be
- if the use is by very large or slow moving vehicles - possibly if delivery vehicles - but uncertain
- if vehicle(s) are parked on the green - which could happen if vehicles consistently park on the pebbled access which is part of the Green.
- if damage is caused to the green by the vehicular use - which it could be depending on the issues above and how the access' foundations were constructed.

It is the Parish Council's view that the landowner could have a strong case that more frequent use will cause damage to the Green

It is also the Parish Council's view that if a Court finds in favour of the landowner it would be a criminal offence to drive over the Village Green (under the 2 Acts referred to above)

An easement is not achievable when a criminal offence occurs.

Given the Parish Council can find no reference to a formal easement being lodged with the Land Registry, it feels it is a major risk for the applicant to continue the development whilst the ownership of a crucial section of the application site remains uncertain and his claim of right by easement is challengeable in Court.

If the applicant is convinced he has sufficient evidence of access rights by prescription or easement, one solution may be for him to submit it to the Land Registry as soon as possible. The Parish Council is surprised this has not happened in the 8 months period since the application was approved.