



HERNHILL PARISH COUNCIL

Minutes of the Parish Council Meeting held in the Village Hall on Wednesday 26th February 2020 from 8:00pm to 9:35pm.

Present: Cllr J. Geliot (Chairman of meeting) Cllr B. Heller Cllr A. Rumble Cllr C. Page
Cllr S. Castle, S. Edgington Cllr P. Couzens R. Parr (Clerk)

Also Present: Cllr A. Bowles (KCC), and 3 members of the public

The Clerk advised all present, that the meeting was being recorded.

124 APOLOGIES

Cllr Alastair Gould (SBC)

125 DECLARATION OF INTERESTS

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Clerk has asked Members if they have any interests to declare in respect of items on this agenda, under the following headings:

- (a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.
- (b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.
- (c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

The Clerk has received from Cllr Page, Cllr Rumble and Cllr Heller. pecuniary interest in the proposed large development by English Rural of land at Staplestreet. This interest arises from the proximity of that property to the extensive development site. Cllr Page said that he felt he should also declare an interest in the applications for dispensation in that both Cllr Rumble and Cllr Heller were long-standing friends. The Chairman said that KALC had been consulted and advised that each of the three Councillors could vote on the applications for dispensation by the other two Councillors.

126 APPLICATIONS FOR DISPENSATION

The Clerk stated that all three councillors have applied for a dispensation to allow them to attend and participate at all meetings in relation to the proposed development for a period of one year. The grounds for the request on which this dispensation is sought are that nearly half the Parish Councillors live in Staplestreet and to prevent them all from participating in meetings to consider the development would not be in the best interest of parishioners generally.

The request has been provided in accordance with Section 13 of the Parish Council's standing orders and reason (ii) granting the dispensation is in the interests of persons living in the Council's area.

Therefore the remaining councillors are required to vote on whether to grant a dispensation to each individual councillor. The councillor concerned will leave the room. Following which there will be a discussion and then a vote. This will be done by a show of hands.

Cllr Heller

Cllr Page

Cllr Rumble

The Chairman then commented that Firstly "a parish council may grant a dispensation, if having regard to all relevant circumstance, it considers that

1. Without the dispensation the number of people prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
2. Granting the dispensation is in the interests of persons living in the council's area
3. It is otherwise appropriate to grant a dispensation".

The first circumstance should be dismissed as even if all three councillors cannot vote, We still have a quorum and the vote can take place as has happened in the recent past when 3 councillors declared a conflict of interest.

The other two should be considered.

Secondly we are aware that some of the councillors asking for a dispensation have had past links to the Hernhill Conservation Group which to my knowledge was set up primarily to oppose the Local Needs Housing development. This does not in itself mean they should not be given a dispensation and it would be expected that "they enter discussion with clean hands, not having made up their minds and remain open to persuasion"

Thirdly we should state which of the above circumstances we feel applies if we think a dispensation should be given. If quoting circumstance 3 we should state why we think it is appropriate to grant the dispensation. If we think a dispensation should not be given, it must be on the basis that we think none of the above 3 circumstances apply. No other reason is applicable.

Fourthly to avoid lengthy discussion I would like to go round the table with each Councillor stating " I think a dispensation should be given because-----, or I don't think a

dispensation should be given because none of the circumstances apply.” We will then take a vote on the matter. A Councillor may change his opinion because of a reason given by another Councillor which he/she thinks is valid. ”This reflects the common law position that a Councillor may be predisposed on a matter before it comes to committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting.” A Councillor should not change his opinion merely because he/she appears to be in the minority.

Cllr Page commented on why the need to raise links with the Hernhill Coversevation Group was required and Cllr Heller commented that she found the comments distressing and introducing conflict. The Chairman mentioned that following legal advice that she felt it necessary to emphasise that this does not preclude a dispensation and if the dispensation is given would entitle the Councillor to discuss and vote on the Local Needs Housing and assume that Councillors would come with a fair and open mind and it is right that all views should be aired.

Cllr Heller left the room for the dispensation vote. The chair went around each Councillor asking for their view. All six remaining Councillors were in favour of granting the dispensation in view of the size of the development and in the interests of the parish as it concerned the whole village. Therefore, the dispensation was granted to Cllr Heller.

Cllr Heller returned to the room and Cllr Page left the room. All six remaining councillors supported the dispensation for the same reasons previously given. Therefore, the dispensation was granted to Cllr Page.

Cllr Page returned to the room and Cllr Rumble left the room. Cllr Couzens and Cllr Edgington felt that the closeness of Cllr Rumble’s House to the development was problematic. Cllr Edgington abstained and Cllr Couzens voted against it as he felt that the relevant circumstances did not apply. The remaining four Councillors supported the request considering it in the interests of the parish. Therefore the dispensation was granted. Cllr Rumble returned to the room.

127 MINUTES

- A. The minutes of the Parish Council meeting held on the 29th January 2020 (112-123) having been circulated to all Members, were taken as read, confirmed and signed by the Chairman.

128 MATTERS ARISING

- A. Local Needs Housing. The Clerk had been advised that the planning application has been submitted. As of yet it is not yet validated and in the system. She is in contact with Andrew Spiers at Swale Planning with regards as to when we are likely to receive the official request. It seems likely towards the end of March. The Clerk is to set up an extraordinary meeting in due course. Potential dates could be the Tuesday 17th, 24th and 31st. The Clerk would receive a paper copy of the application and would advise all parties when this had been received and would be available to view as well as being online like any other planning application. The Clerk had received an email from the Hernhill Conversation Group stating a number of issues they are raising in respect of the plans. This would be passed to all councillors for consideration ahead of the extraordinary planning meeting when a discussion will take place on the full and final suite of plans as submitted to SBC. The Chair mentioned that strict rules would apply at the extraordinary meeting of 5 mins per person unless there is a spokesperson, who could speak for 20 mins total. The Clerk advised that the meeting will be recorded.

- B. Neighbourhood Watch. No news. There has been an increase in the number of spam calls.
- C. Neighbourhood Plan (NP). The Clerk advised that the consultation period continues until the middle of March. The Chairman asked the Councillors if they would like to be involved. Cllr Edgington, Cllr Page and Cllr Heller responded positively. The Chairman confirmed that she would be happy to take the matter forward as far as the public meeting, but would not take a leading part afterwards. There was no reason why the matter could not be a community led process. The date for the public presentation was set for the 23rd April at the Red Lion. The Chair had prepared a draft poster for the event, which Cllr Edgington would finalise. The Chair would arrange for Abbeyprint to produce flyers to go into the Hernhill News and posters for the village notice boards.
- D. Dale Farm Oast. No update had been received from the SBC Conservation Office.
- E. Village Speed Limits. Cllr Page had received a response from Sarah Ellcock from KCC Highways who is the Project Manager for Swale. She had remarked that there was no history of serious crashes in the village but if we wished to proceed, the first stage was for a traffic survey, which KCC would fund. Suitable places for the survey would need to be identified and ideally not in school holidays. The implementation of the speed reduction or any highway improvements would need to be funded by the Parish Council. It is estimated that the TRO would cost £4k with signage on top. Cllr Bowles commented that in his experience the cost estimates are optimistic. IT was decided we should continue for the time being.
- F. 7.5t HGV Boughton, Dunkirk & Staplestreet - Cllr Bowles provided an update confirming that the first consultation process finishes early March, which would then be evaluated. Following which it would go before the JTB meeting in June for which there would be a second consultation and it was unlikely for the process to be completed until the end of the year.
- G. Monkshill Road Hedgerow. The Clerk confirmed that 2 days following the previous Parish Meeting that the hedge was in the process of being cut and therefore no letter was required..
- H. Allotment Vacancies - The Clerk confirmed that a half sized plot was still available.
- I. Stocks on the Village green - The Chair confirmed that she has spoken to the Red Lion who would pass on the message to the Landlord. A response is awaited and we would wait for another couple of weeks. The Chair raised whether to place signs on the village green that people use it at their own risk. Cllr Page commented that the use of signs 'at your own risk' is legally complex. The Clerk is to contact the insurance company to query over liability and use of the green.
- J. You Decide Grant - The Chair confirmed that she attended the event and had successfully received a grant for £600. Cllr Bowles congratulated her on being the most successful receiving votes on the day. The Clerk commented that she had also obtained from Councillor Gould, a grant for £400. Monies were still in the process of being received for both grants. The Clerk is to write to Shepherd Neame to request official permission for placement of the defibrillator at The Dove in dargate. The Clerk confirmed that a quote was received 29th January for £1824.00 but includes £304.00 VAT which can be claimed back, (cost £1495 + £25.00) delivery. The Clerk also advised that the cost of installation, for the previous one was for £122 in January 2018. The matter of training sessions was mentioned. Two training sessions had already taken place and more could be arranged if necessary.
- K. Website Accessibility - The Clerk has obtained a free review from KITC for a digital health check in relation to website accessibility. They are part of the University of Kent Digital Consultancy. They will be in contact to book the appointment anytime now onwards.
- L. GDPR -The Clerk commented that there had been no progress

- M. Oak Tree Board - Mr Cooper who remembers that the board was screwed on the back of one of the benches. Cllr Rumble brought along the renovated board. It was discussed that it would be better for the board to be on a separate post and bracket. Cllr Rumble offered to contact Mr Barnes who had previously created a couple of the village notice boards to see if he could assist.
- N. Annual Parish Meeting -The Clerk confirmed that that hall had been booked from 7pm on the 29th April. The Clerk is to send out invites to the usual parties including Cllr Gould, who it was hoped could provide an update on the Swale Plan. The Chair confirmed that the recipients of the KALC award had been informed.
- O. Kemsdale Cottages -A parishioner had raised concerns of the waste at the site of Kemsdale Cottages. The Clerk has contacted the Environment Agency and had received the following response for them. “The Environment Agency have been aware of waste activity at Kemsdale Cottages for several months and we have carried out regular inspections to identify what activity is occurring and who is responsible. The site benefits from a U1 waste exemption, which allows for the importation and use of certain types and amounts of waste in construction. More information about U1 exemptions can be found at <https://www.gov.uk/guidance/u1-waste-exemption-use-of-waste-in-construction>. We are currently conducting investigations into whether the exemption has been complied with and whether the waste activity at this site has been legal, albeit we understand that importation to the site has now stopped. Most commonly breaches of U1 exemptions occur when the amount of material imported is exceeded, or the type of material is not compliant with the terms of the exemption. We are unable to divulge specific details of ongoing live investigations. However, we would encourage anyone who witnesses any further waste activity at this site or any new sites to report it to the Environment Agency’s 24 hour incident number 0800 80 70 60 and any fires to Kent Fire & Rescue Service on 999.”

129 COUNCILLORS REPORTS

- A. Cllr Rumble commented that a litter pick had been arranged for the 29th February at 2pm to meet at the Village Hall. The Clerk is to provide the participant forms to Cllr Rumble along with the litter pickers and hoops. Cllr Edgington would also pass the traffic warning signs to Cllr Rumble.
- B. Cllr Couzens commented that the western end of Staple Street was still flooded across the entire road and did not appear to subsiding despite having less rain in the past few days. The Clerk is to contact Highways to report the situation.

130 PLANNING

- A. Planning Application - None Received
- B. Planning Decisions: None received.

131 FINANCE

- A. The bank reconciliation report dated 19th February 2020 was approved and signed by the Chairman.
- B. The following payments were approved by those present:
 - Chq-1472 Countrywide Grounds Maintenance (Mowing February) £133.16
 - Chq-S/O R Parr (Advice Only - Clerks Salary and expenses) £240.13
 - Chq-1473 Hernhill Booking (Village Hall January) £15.00
 - Chq-1474 Hughes and Son Gardening Services (Church Mowing-February) £130.00
 - Chq-1475 Swale Borough Council (Election Costs) £95.53
 - Chq-1476 A Chapman (Photocopier Paper) £26.95

Chq-1477 R Parr (Copier Cartridges) £60.98

Chq-1478 CPRE (Donation) £36.00

- C. The Clerk confirmed that the cheque for the Royal British Legion had not been cashed and that despite writing to the lady who had organised the wreath and received the cheque, no response had been received. The Clerk proposed that she would place a stop on that cheque and issue a new one and send direct to the Royal British Legion, which was agreed.
- D. The Clerk confirmed it was time to appoint an Auditor and suggested Mr Robbins. Although he had been used for the previous 3 years, there is a shortage of alternatives. It was agreed for the Clerk to Contact Mr Robbins
- E. The Clerk confirmed that at the end of February she would be submitting the annual VAT claim.

132 ADMINISTRATION

- A. The Clerk confirmed that she had re-submitted the declaration to the Pensions Regulator.

133 CORRESPONDENCE

- A. The Clerk confirmed ongoing various road closures at Brenley Corner.
- B. The Clerk had received a request as to whether the Borough Councillors report could be added to the Parish Council website, which was agreed.
- C. The Chair commented that she had received a request for the placement of a cross on the village green for Holy Week, which was agreed.

134 PUBLIC PARTICIPATION

- A. Mr Rawlins, representing the Parochial Church Council spoke regarding the 900 anniversary of the Church and requested the use of the village green for a community event on the 21st/22nd June. There is to be a re-enactment and stalls of local produce. There was discussion regarding liability and insurance on the use of the Village Green. The Clerk is to contact the insurance company to confirm the position.

135 CHAIRMAN & CLERK'S SUNDRY REPORTS

- A. The Chair reported that Cllr Castle had re-positioned the post for the Waterham noticeboard deeper following reports that it had blown over in the recent gales for which he was thanked.

136 ITEMS TO BE PLACED ON FEBRUARY'S AGENDA

- A. Local Needs Housing
- B. Neighbourhood Watch
- C. Neighbourhood Plan
- D. Village Speed Limits
- E. 7.5t HGV limits Boughton, Dunkirk & Staplestreet
- F. Dale Farm Oast
- G. Allotment Vacancies
- H. Stock on the village Green
- I. Website Accessibility
- J. GDPR
- K. Oak Tree Board
- L. Staple Street Flooding
- M. Village Green Insurance

The next scheduled meeting of the Parish Council is to be on Wednesday 25th March 2020. There being no further business, the Chairman declared the Meeting closed at 9.35pm.

CHAIRMAN