

## **BIDDENDEN PARISH COUNCIL**

### **Minutes of the meeting held on Tuesday 8 March 2011 at 7.30 pm at the Village Hall Biddenden**

Present: Cllr T Lupton (Chair) Cllr V Evason  
Cllr A Barfoot Cllr C Friend  
Cllr D Boulding Cllr K Masters  
Cllr Mrs E Cansdale Cllr H Richards  
Cllr M Conway Cllr H Ruse  
Cllr C Daly

Also Present:

Borough Cllr N Bell  
Mrs A Swannick (Clerk)

#### **1. Apologies for Absence**

No apologies were received – all councillors present.

#### **2. Parishioners Questions**

Parishioner A raised concerns regarding the development in Sandeman Way. The parishioner believed that the Parish Council had agreed to object to the development and had not done so and felt that there was too much development around that area of the village. The Parishioner believed that the Chairman had told him that the Council were objecting. The Chairman said that the Parish Council had objected to 10 homes on the basis of access and the number of houses and had supported 8 homes. The Council had never undertaken to object to the entire development. This development is part of the Local Development Framework which was accepted by the Council, subject to their view that the Sandeman Way site was only suitable for eight houses. Other people were there at the time when the Chairman told the parishioner this who could verify it.

Cllr Bell stated that he would be attending the Planning Committee meeting to object. If the planning application is turned down then the application can keep coming back. It is an identified site within the LDF.

There were no further questions from parishioners.

3. **Any Declarations of Interest in items on the agenda**

Declarations were received as follows:

Cllr Mrs E Cansdale	Prejudicial interest in the doctors surgery as she is an employee.
Cllr D Boulding	Personal interest in a planning application tabled for a decision: The Dye House is his home.
Cllr M Conway	Doctors surgery due to the locality of his house.
Cllr V Evason	Planning: 175 Willow way is next door.

4. **Any changes to the Register of Members Interests**

No changes were received.

5. **Minutes of the meeting held on 8 February 2011**

The Clerk read out the changes made to the minutes. Cllr Barfoot asked why a name had been put to a “no” vote recorded on an agenda item. The Clerk replied that it was at the specific request of the councillor concerned.

There being no further amendments **it was agreed** that the minutes were a true and proper record of the meeting. Proposed by: Cllr H Ruse Seconded by: Cllr Mrs E Cansdale.

6. **Matters for information not on the agenda**

The Council elections will take place on 5 May 2011. The date of the Annual Parish meeting will need to be changed as it falls within the election period. This is to be an agenda item for the next meeting.

7. **Report by Cllr Bell, Ashford Borough Council**

**Sandeman Way Application**

Cllr Bell will be attending and once again speaking against this application on Weds. 9<sup>th</sup> March.

**BMX track in Biddenden**

Cllr Bell stated that the Ashford Housing Department ( for which his the Council Lead) is funding a BMX bike track in Cheeslands in the sum of £8,000. The scheme was

chosen as a result of a unanimous vote by Biddenden youth club. Previously goal posts to the football area have been relocated and improved.

### **Bungalows for locally connected elderly and disabled**

There will be a “ground-breaking” ceremony on site to mark the start of this scheme to provide 5 bungalows for the elderly and disabled of the village at 10am 9<sup>th</sup> March. Cllr Bell will be planting the spade into the earth.

### **Biddenden Surgery Event**

Cllr Bell reported that this was a great success with 200 people and many local dignitaries attending. The most frequently asked question was “What are we waiting for?” One important message was the news that the existing surgery is might have to close next year as a result of changes to NHS regulations, which makes building the new surgery even more important.

### **Recycling**

Cllr Bell would welcome attendance at a presentation on Recycling ahead of next month’s council meeting at 7pm – 7:30pm, Tuesday, 12<sup>th</sup> April. The Head of Environmental Services, the Green portfolio holder will be attending and will chair the meeting and will welcome questions from the floor.

### **Open Democracy meeting**

There will be a chance to meet and question elected representatives at all levels from 9am – 1pm Saturday, 19<sup>th</sup> March. Damian Green, MP, Mike Hill, Kent County Councillor and Borough Cllr Bell will be there and available.

## **8. Election of Vice Chairman**

The Chairman reported that Cllr Richards had resigned from the position of Vice Chairman and thanked him for his support during his term as Vice Chairman. After discussion, **it was agreed** that the position remain vacant until after the elections on 5<sup>th</sup> May and a new vice chairman be elected from the newly elected councillors.

## **9. Parish Council Relevant Information; Conflict of Interest; Declaration of Interest**

Cllr Richards stated that he had held conversations with both the Clerk and the Monitoring Officer in very general terms and felt that there was a need to talk about these issues following the January meeting and the extensive debate on conflict of interest.

Cllr Richards outlined the importance of declaring any interests, conflicting or otherwise, being lobbied on an issue etc so that all councillors were aware of these

issues and they understood a councillor's reason for taking a position. He stated the importance of openness, honesty, clarity and the need to keep an open mind.

The Chairman thanked Cllr Richards.

10. **CCTV**

It was reported that quotations had been received. **It was agreed** that a written report should be prepared detailing the quotations, systems and data control and circulated to councillors prior to the next meeting.

11. **High Street Southside Pavement and Tenterden Road**

An email confirming the Council's agreement to using the grant provided by KCC and contributing £10,000 towards the project was sent by the Clerk as agreed at the meeting held on 8 February.

*Meeting held on Wednesday 2<sup>nd</sup> with Alun Jones (Kent Highway Services/Jacobs) and Mary Gillette (KCC Members Finance Officer) Tom Lupton, Chris Friend, Eileen Cansdale, and Colin Daly*

It was reported the following points were raised and discussed

1. Edging to Southside Pavement; This will be addressed under the maintenance and will probably be carried out using granite edging but will be subject to Conservation and Heritage approval.
2. Drainage to the Southside Pavement; A survey of the drains has been carried out and whilst the drains are clear the fall is fairly flat. A further survey will be carried out and additional gullies may be introduced if necessary.
3. The standard of pointing works will be determined by the conservation Officer and English heritage.
4. There is the possibility of using some of the existing Bethersden marble as edging to the new pavement works but this will be subject to the room available and costs.
5. Positioning of the crossing: Safety implications were discussed and the Council was informed that as well as KHS doing a full design and testing it meets safety regulations there will be a full independent safety audit of the design.

It was reported that KHS would write a note detailing their further actions.

Cllr Friend was thanked for his efforts as it had taken 5-7 years to get to this stage.

## 12. **Doctors Surgery**

Cllr Cansdale left the meeting.

The Clerk reported that:

Draft Heads of Terms provided by Invicta, chartered surveyors acting on behalf of the Headcorn Practice, had been sent to MHSB, the Council's appointed surveyor. MHSB have reviewed and re-written them, and the revised version have then been sent to the Council's solicitors Thomson Snell and Passmore for comment. TSP's comments had been sent to MHSB. The revised document had been circulated prior to the meeting. TSP and MHSB have both confirmed that they are happy to recommend the document is approved by Council.

The timetable for works and a plan have been circulated. However, these works cannot commence until a lease has been agreed.

Drainage plans have been received and a Klargest system is being used (plans circulated). A full Building Regulations application is to be applied for by Invicta Chartered Surveyors. They have also asked for a 125 year lease to satisfy their funders. The increase in the lease term from 99 to 125 years has no effect legal effect in terms of the Council's ownership of the land. A 999 year lease would be viewed as a freehold and Invicta have already been told that this length of lease would not be acceptable to the Council.

The explanation by the Council's solicitor of the proposed Heads of Terms had been circulated to councillors: Heads of Terms set out the main structure of an agreement between parties, and provide some detail as to what the main terms are. They should be agreed by the parties involved, before proceeding with the draft documents required for the transaction. They do not bind the parties as such, and can subsequently be varied by agreement.

When lawyers or other professional advisers are instructed to prepare documents for a transaction, they use the Heads of Terms as a starting point from which they flesh out the wording in e.g. a contract or lease. There is usually some negotiation between lawyers as to the exact wording in the documents and occasionally they may need to refer back to the parties for clarification. However the Heads of Terms are always the main point of reference until the transaction is completed.

The Chairman went through the numbered sections of the Heads of Terms one at a time. Discussion took place.

It was proposed by Cllr Daly that the Heads of Terms be adopted as presented. There was no seconder to this motion.

All sections were agreed with the exception of the following, and the Clerk was requested to seek advice from MHSB on the following proposed changes:

**Point 8. Rent**

Add as follows:

**Rent/Capital sum or combination thereof**, to be agreed by independent valuation of suitably qualified chartered **surveyors/valuers** to be appointed. **Rent, if appropriate**, to be reviewed every five years.

MHSB were also to be asked to advise on whether it was appropriate for the Council to have its own valuation carried out,

**Point 9. Legal and Surveyors' fees.**

Amend as follows: The Tenant to bear both parties' reasonable costs **for the term of the lease**.

**Points 11 and 17:** Clarification required as to what is meant by "Landlord's surveyor"

**Point 12:** Remove Millennium Field and replace with Jubilee Meadow.

**Point 13:** Cllr Conway stated that the Deeds of his house showed that he owned part of the land on the access road to the Gordon Jones Playing Field. The Clerk was asked to clarify access issues relating to the surgery site with the Council's solicitors.

**Point 14:** Confirm what uses the proposed wording would permit.

After further discussion **it was agreed** that MHSB be asked to advise on these clarifications/amendments, and once the advice is received an Extraordinary Meeting be called to discuss the matter further.

Cllr Cansdale rejoined the meeting.

13. **Business Continuity Plan**

The draft Business Continuity Plan had been circulated. The Clerk read it out. Cllr Boulding undertook to provide some further information.

14. **Reports by Group Chairmen**

**Car Park, toilets and Post Office:** Damage to the men's toilets was reported by the Cleaner. The cubicle door had been smashed and the door was locked from the inside. Repairs have been done and the main door shaved.

**It was agreed** to look at the cost of metal doors/metal framed doors.

The height barrier has now also been fixed.

**Millennium Field and Jubilee Meadow:** Completion of the hedge laying has been delayed due to the contractor being involved in a car accident, but work will resume shortly.

***Traffic and Pedestrians:***

- i) Despite saying that there was no money for the bus stop works at Woodlands, funds have become available and works should start next week.
- ii) An inspection of the pavements to the Meadows has been carried out and whilst it is defective it is not deemed to be of a high enough priority for repairs at the present time.
- iii) A parishioner contacted Neil Bell to complain that the Green at the junction of Woolpack Corner and the Benenden Road was being used as a car park and could the area have some posts to prevent this happening. Highways has agreed to place a number of posts to one side (All they can afford) but if that doesn't stop the problem perhaps BPC could provide some funds to completely surround the green.

**Sand Bins:** A request has been placed for 2 sand bins to be placed at:

1. The junction of Cheeselands and Sissinghurst Road; and:
2. The public footpath that links Cheeselands and the village via the church.

With regard to whom is responsible for spreading the sand / salt mixture during bad weather, this is the responsibility of the local residents.

**Gordon Jones Playing Field:** Squash Court embankment: an update was given at the meeting. **It was agreed** that Cllr Ruse would assist the Clerk in putting together terms of reference for Structural engineers to give further advice.

Inquiries regarding the squash club water supply are being made.

**Police Liaison:** Nothing to report.

**KALC and Parish Forum:** Nothing to report.

**Youth:** Nothing to report.

**Housing:** Cllr Daly attended a meeting of the Ashford Rural Older Persons project. A site was visited in Margate, and Smarden are moving ahead with a similar project

**Recycling:** Applications have been received from village organisations. A meeting is to be held on 30<sup>th</sup> March.

**Webmaster:** Up to date.

**Village Hall Management Committee:** The tennis club is struggling. New windows are required at a cost of £2,500 – 7,000. There have been problems with the cleanliness of the Village Hall. With regard to water bills it would appear that the Parish Council are paying for all the water as VHMC only pay for drainage, so a meeting needs to be held to resolve this issue.

**Allotments:** All Agreements have been returned by tenants and all rental monies have been received for 2011/12. The Clerk is in the process of signing all the Agreements on behalf of the Parish Council and returning one copy to each tenant.

**Play Area:** Cllr Lupton attended a Community Play work shop. Papers have been handed over to Cllr Conway. Applications have been made to several funds. Cllr Conway will be attending a funding workshop in Folkestone.

**Jubilee Celebrations:** A meeting was held on 17 February. 9 people attended the meeting. A number of activities were discussed including the Village Olympics. However, they wanted to know if BPC would be funding activities such as a street party. It was stated that this was a village committee and not a Parish Council Committee.

15. **Finance**

The list of cheques for payment was presented. It was agreed not to renew subscriptions with Kent Men of Trees and CPRE. Proposed by: Cllr K Masters Seconded by: Cllr A Barfoot.

The remainder of the list was **agreed as presented**. Proposed by: Cllr A Barfoot Seconded by: Cllr C Friend.

16. **Planning**

Cllr Boulding left the meeting while planning Application 11/00174 was discussed.

Case No	Parish	Location and Description	Decision
<a href="#">11/00085/AS</a>	Biddenden	<b>Oast House, Stede Quarter Farm, High Halden Road, Biddenden, Ashford, Kent, TN27 8JG</b> Conversion of the piggery building to ancillary domestic use to serve the oast	Support
<a href="#">1/00080/AS</a>	Biddenden	<b>Oast House, Stede Quarter Farm, High Halden Road, Biddenden, Ashford, Kent, TN27 8JG</b>	Support



		Retrospective application for the change of use and conversion of the piggery building to ancillary domestic use to serve the oast	
<a href="#">11/00206/AS</a>	Biddenden	<b>Low Poles Farm, Fosten Lane, Biddenden, Ashford, Kent, TN27 8ER</b> Erection of single storey agricultural storage building	Site visit carried out - Support
<a href="#">11/00204/AS</a>	Biddenden	<b>Low Poles Farm, Fosten Lane, Biddenden, Ashford, Kent, TN27 8ER</b> Alterations to and change of use of redundant barn to additional living accommodation in association with existing dwelling	Site visit carried out - Support
<a href="#">11/00174/AS</a>	Biddenden	<b>The Dye House, North Street, Biddenden, Ashford, Kent, TN27 8AG</b> Replacement of glass block infill to ground floor, south elevation window opening with timber, double-glazed casement window. Replacement of timber casement to dormer to south roof slope with leaded light casements. Replacement of casement window to east elevation at ground floor level.	Support
<a href="#">11/00198/AS</a>	Biddenden	<b>18 The Weavers, Biddenden, Ashford, Kent, TN27 8AP</b> Erection of a porch	Support
<a href="#">11/00255/AS</a>	Biddenden	<b>Beacon Farm Oast, Benenden Road, Biddenden, Ashford, Kent, TN27 8BX</b> Erection of a conservatory	Support

## 17. Correspondence

The Correspondence list had been circulated to all councillors – no issues were raised.

It was noted that a letter had been received from a parishioner regarding their question at the previous Council meeting. This had been replied to and circulated to councillors.

A formal complaint had been received from a parishioner and this had been sent to the Internal Review Committee. A proposed resolution had been sent to the complainant for consideration.

## 18. Items for future consideration

There were no items for future consideration.

The Chairman closed the meeting to consider the next item in closed session.

19. **Session**

The Clerk's salary annual review was discussed and agreed in line with Contract of Employment.

20 **Date of Next Meeting:** Parish Council meeting 12 April 2011  
7.30 pm in the Village Hall

Please note that the Parish meeting scheduled for 26 April is during the election period and will be rescheduled after the election – date to be advised.

The meeting closed at 10.30 pm

Alison Swannick  
Parish Clerk

01580 890750