

MINUTES OF THE PARISH COUNCIL MEETING OF KEMPSEY
PARISH COUNCIL HELD ON MONDAY 11th AUGUST 2014
AT 7.30 PM. AT KEMPSEY COMMUNITY CENTRE

PRESENT: - Cllr Michael (Chairman), Cllr Geens, Cllr Stevens (arrived 7.45pm), Cllr Gerrard, Cllr Campbell, Cllr Patrick, Cllr Bowley, Cllr Blackwell, Cllr Bannister, Cllr Bevan, Cllr Hay and Cllr Waller

IN ATTENDANCE: - County Councillor Sutton, District Councillors Harrison and Rea and 29 members of the public.

1. Apologies: Councillors Bevan and Bannister – (holiday) – accepted.
2. Declaration of Interests:
 1. Register of Interests: Councillors were reminded of the need to update their register of interests.
 2. Disclosable Pecuniary Interests (DPI): None.
 3. Other Disclosable Interests (ODI): Cllr Waller declared an ODI in respect of item 11. The Inn at Stonehall due to residing on the edge of Stonehall Common. Cllr Campbell declared an ODI in respect of item 8.6.1 being a Director of the current website.
3. To Consider Written Requests from Councillors' for the Council to Grant a Dispensation (S33 of The Localism Act 2011): None

The meeting was adjourned for Public Question Time, notes of which are appended to these minutes
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4. To consider the adoption of the minutes of The Parish Council Meeting of 14th July 2014. Having been previously circulated the minutes were amended and signed as a true and correct record.
5. Mrs. Ann Smith was formally appointed to The Environment and Commons & Hams Committees.
6. Correspondence for Information:
 1. WCC – Worcestershire Minerals Local Plan: Call for Sites – Response required by 22nd August
 2. PCC – Thank you letter for Church Fete – For Information
 3. Resignation Letter – Assistant Clerk (available to view in the Parish Office)
 4. Letter from East Kempsey Action Group (EKAG) Planning Application 14/00625/FUL (David Wilson Homes) in Post Office Lane and response from the Chairman.
 5. Copy letter sent to District Councillors from EKAG in respect of the above item.
7. Reports from representatives: To receive an update
 1. Neighbourhood Watch - Crime Alert Information.

Between 18:00 and 18:30 on Friday 18th July a black Citroen parked up briefly in Squires Close Kempsey was damaged by an unknown offender who used a sharp implement to scratch the vehicle extensively along the driver's side, boot area and the passenger side rear panel. Nothing seen or heard. 0642S 230714
Broomhall
At 21:50 on 31st July a silver Ford Transit reg. PN02UFO stopped at a petrol station in Bath Road, Broomhall and filled up with £200 of diesel. The male driver who was of large build, and wore a grey hooded top with his face covered up, left without offering payment. Checks revealed that the vehicle was using false plates. 0763S 310714
 2. County Councillor – The report was noted
 3. District Councillor – The report was noted
 4. Neighbourhood Development Plan Update- The report was noted.
8. Report Update including Proposals from Committees:
 1. Recreation Committee: Cllr Campbell – Nothing to report
 2. Commons & Hams Committee: Cllr Bowley
Update: Upon further inspection four posts actually require replacing/repairing on Kempsey Common. This will incur an additional cost of £40.00 by the contractor.
The grass has been cut on Stonehall Common/Normoor Common, baled and removed.

Action

Cllr
Bowley

<p>1. Resolved to accept and submit a response to the non-freedom of information aspects of Mr. Halfords letter dated 7/7/14 With regard to your other questions we would advise as follows:-</p>	Clerk
<p>We do not monitor the turnout of stock on any of the Commons and are not obliged to do so. In reality the numbers of various stock covered by Commoners Rights far exceeds the numbers at any time turned out on Kempsey Common.</p> <p>The Parish Council is under no obligation to take action, civil or criminal, in respect of any contraventions of Commons Byelaws</p> <p>The Parish Council has no right to initiate any legal action in respect of criminal activity on any of its Commons. This right is vested in MHDC and such matters would need to be taken up directly with them.</p> <p>2. It was suggested to replace the trees removed by Western Power on Kempsey Common with a crab apple variety.</p> <p>3. Approved the felling and removal of fallen oak tree on Normoor Common at cost of approx. £250.00 with the brush chipped and removed and the logs stacked for the use of parishioners. Quotations are to be obtained.</p> <p>Notification will be placed on the noticeboards and website for parishioners to express an interest in acquiring the logs to allow fair distribution.</p> <p><i>Cllr Stevens declared an ODI due to his son attending the nursery. Cllr Hay also declared an ODI due to his grandson attending the nursery. Both Councillors left the room and did not participate in a vote.</i></p>	<p>Action</p> <p>Cllr Bowley</p> <p>Cllr Bowley</p>
<p>3. Community Centre: Cllr Geens</p> <p>1. Resolved to accept quotation for the supply and fitting of an extractor fan with humidity switch in the nursery staff toilet/laundry at a cost of £265.06. Work to be carried out by A.J.Taylor.</p> <p>2. Resolved to accept quotation to install an emergency call system in the disabled WC as a requirement of BS8300. 2001 at a cost of £294.55. The contractor appointed was A.J.Taylor.</p>	<p>Cllr Geens</p> <p>Cllr Geens</p>
<p>4.Environment Committee: Cllr Stevens</p> <p>1. Measures are in place to resolve the problems with overgrown hedges along the A38.</p> <p>2. An update on The Rocky was provided to include the damaged footpath, planned tree works, fencing around the fish pass and signage. It was agreed no action should be taken until after the scheduled meeting with Anthony Perry from the Environment Agency had taken place. The tree survey report has been issued to all members. A further meeting is planned for the end of August.</p> <p>3. Discussions about employing the services of a second Lengthsman / Caretaker. Enquiries have been made with David Hunter WCC who manages the Lengthsman Scheme to establish flexibility and training requirements.</p> <p>4. Use of new Logo on Parish Council noticeboards- To discuss at the next Committee meeting.</p> <p>5. Resolved to purchase and install a bench for £800 in memory of Bob Bullock to include an inscription stating ‘In memory of County Councillor Bob Bullock’s contribution to our Community’. To consult with Mr Bullock’s relatives and to invite them to an unveiling ceremony.</p> <p>6. Resolved to write to Worcestershire County Council supporting the efforts by Kempsey Primary School to have improvements made to the footpath along Post Office Lane to encourage parents and pupils to walk to school. Cllr Stevens to liaise with the Clerk to suggest suitable wording. Also to address at the next PACT meeting and for the Chairman to highlight in his monthly report. (Copy County Cllr Sutton in all correspondence).</p> <p>QUESTIONS</p> <p>Cllr Geens suggested mentioning item 8.2.6 to East Kempsey Action Group (EKAG) He also sought clarification concerning the logo signage in that the signage above the Community Centre would not feature this logo however The Parish Office signage would. Consent had been granted in respect of the tree works to The Rocky Woods.</p>	<p>Cllr Stevens</p> <p>Cllr Stevens</p> <p>Clerk & Cllr Stevens</p>

<p>5. Planning Committee: Cllr Patrick To address a planning response to application no. 14/00941/FUL Yew Tree Cottage, Kerswell Green, WR5 3PF in confidential session.</p>	
<p>6. F & GP Committee: Cllr Michael</p> <ol style="list-style-type: none"> 1. A discussion took place to tidy up the website to be used for Parish Council business only and to have an additional website for Community business/activities. It was agreed the Church website was not suitable to display community events. An article will be placed in the Parish magazine for any interested parties willing to participate in operating a community website. 2. Resolved to trial the provision of paper and ink cartridges for a six month period to councillors' on completion of a stationery request form. 3. Resolved to agree the same basis and rate for claiming Councillors mileage allowance currently 30p per mile plus 2p per mile extra for additional passengers to be claimed for parish council business only (not visits to Parish Office or PACT- unless nominated to attend). 4. Resolved not to pursue electronic banking as a payment method but to pay utility bills by direct debit and to amend Financial Regulations to reflect this. 5. Councillors to advise the Clerk of any changes/amendments/updates required to any Council policies or procedures by the end of August 2014. A Working Party will then address the changes. 6. Re-evaluation of Asset Register values - Resolved to revalue The Community Centre, Sports Pavilion and Playing Field for insurance purposes (using Halls) and for each committee to look at the value of the remaining assets on the schedule of fixed assets to identify if values are correct or require amending. Clerk to include as an agenda item on each committee agenda. 7. Resolved to amend Financial Regulations to permit non-emergency expenditure up to the value of £100 to be pre-authorized by The Clerk who will maintain a record of requests. To be reviewed in 6 months. Clerk to report this expenditure on a monthly basis. 8. Resolved to approve the draft letter from the Parish Council to Chief Executive of Worcestershire County Council, Clare Marchant, supporting the continuation of WCC annual Grant to CALC. 	<p>Chair</p> <p>Clerk</p> <p>Action</p> <p>Clerk</p> <p>Clerk/ Working Party</p> <p>All Committees</p> <p>Clerk/ Working Party</p>
<p>7. Staffing Committee: Cllr Michael One item concerning the resignation of the Assistant Clerk to be discussed as per item 15. Cllr Bowley made reference to his long outstanding matters.</p>	
<p>9. Chairman's Report : Cllr Michael reported that the External Audit from Grant Thornton for 2013/14 had been approved. Cllr Bowley highlighted that the Council needed to approve The Emergency Plan currently in draft format .Cllr Michael confirmed he would address this issue.</p>	<p>Cllr Michael</p>
<p>10. Finance:</p> <ol style="list-style-type: none"> 1. Payments as per schedule of payments list distributed were authorized. 2. Bank Reconciliation Statement Balance – For Information 3. Further Parish Office Expenditure in respect of NDP Work – For Information Only to deduct from the £5K milestone payment 	
<p>11. Update/discussion at the Inn at Stonehall (<i>Cllr Waller</i>) Cllr Waller confirmed it was self-evident the depth of feeling amongst the residents on Stonehall Common. Cllr Patrick (Chairman of The Planning Committee) confirmed a response had been submitted to MHDC based on the documents to hand at the time. The Council resolved to replace the comments previously submitted with an amended statement of ' Kempsey Parish Council based its original decision on the information provided by MHDC and assumed that it was all accurate and correct. Following investigation by the local residents we now believe that this is not the case and are very disappointed that both Kempsey Parish Council and Malvern Hills District Council have been misled by the applicant and her agent. We would like to see the application either refused or withdrawn so that the property can be correctly marketed in an attempt to find a buyer.' Cllr Patrick thanked residents on Stonehall Common for all their efforts and hard work.</p>	<p>Clerk</p>

12. Youth Centre Update: Cllr Michael An update was circulated explaining the situation with funds. Cllr Michael is waiting answers from the solicitors. An Extra Ordinary Meeting will be convened to address all queries once all the relevant information is available. This is likely to take place after the 6th October 2014.(Post Youth Centre Meeting).

Cllr
Michael

13. Resolved to seek volunteers to help service the Parish noticeboards with effect from 01.09.14 due to Cllr Blackwell no longer wishing to carry out these duties. An updated distribution list is available to view in The Parish Office. Cllr Blackwell advised he would tidy up the noticeboards and clean the glass prior to hand over. He would also get keys cut to aid volunteers. Cllr Blackwell was thanked for his efforts.

Cllr
Blackwell

14. Resolved to instruct Yan Gittens (Fisher German) to initiate allotment rent review.

Clerk

Under The Public Bodies (Admission to Meeting(s)) Act 1960 The Council resolved to exclude the public and press from agenda item 15. as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

15. To determine the actions required in respect of the Assistant Clerk's resignation letter
The Council resolved to accept Mrs Cutler's resignation and appoint an Assistant to The Clerk.

Action

The Council agreed to address a planning response for application no. 14/00941/FUL, Erection of replacement dwelling, Yew Tree Cottage, Kerswell Green, WR5 3PF for submission to MHDC:-
Comments: No objections, but we do have concerns as follows:

- Access – no information given. The current access is via an unpaved track which is only about 8ft wide
- The boundaries are undefined
- There are no garages and/or out buildings shown on the plans
- No satisfactory access arrangements for construction traffic
- No approach has been made to the Parish Council for access over our Common land

Clerk

We would like this application to be deferred until these matters have been resolved

Meeting Closed at 10.07pm

Clerk

Signed Chairman Date

Standing Orders were adjourned for Public Question Time

PUBLIC QUESTION TIME

Mr Ray Ellis – Stonehall Common (Representing all the residents on Stonehall Common)

In that they object to Planning Application No: 14/00873/FUL – The Inn at Stonehall for the following reasons as outlined:-

Ray Ellis of Stonehall Common Speaking for 20 residents, of which all are present tonight

We object to this application for the following reasons

- 1 For the 35 years that we have lived on Stonehall Common, this Public House has been an asset to the community, which is still required. When the current owner arrived and removed the majority of the seating from the Bar, removed the bar staff and let it be known that from then on only Fine dinners would be welcome, we lost that Community Asset which was the heart of our community and we would like it back.
- 2 We have not seen any attempt to market and sell the Pub and we understand that Nick Hannah (address available) has been trying to contact the current owner to make an offer. To clarify this situation we contacted Sidney Phillips, co, uk. The acting agent, identified in the planning statement and we were told that in the last 2 years the pub has NOT been marketed through Sidney Phillips.
- 3 Site Drainage: The Klargest tank and soak away continuously overflow onto the common at the East side of the site, with only one building and would not cope with a further two buildings with showers, baths, washing machines etc.
- 4 Site Context 1.3 is incorrect: This site is NOT “*access direct from the country lane*”. Access is over common land via an Easement from the Parish Council.
- 5 Site plan DNS-04 Habitat Map is incorrect as it has not shown the area between the pub entrance and the highway, as Stonehall common land.
- 6 The Planning statement is misleading, 4.5.4 “*The inn doses not rely on the local community for trade*” and 5.1.2 “*The inn doses not meet a local community need*” was shown in Objection 1 above, to be due to the unwelcomed actions of the owner Also in 4.5.4 it refers to the small size of Stonehall common as the community. The community within walking distance includes Littleworth, Pirton, Hatfield, Norton, Green Street as well as Stonehall Common, all within a mile. Do not blame the locals for a flawed Business Plan. A country Pub needs the colour and warmth, which locals bring.
- 7 This site is outside the Kempsey Parish settlement boundary and with over 3,000 new homes planned for the parish of Kempsey this is a back door development that is not required

- 8 The National Planning Framework, referred to as the “Framework” Policy CN17 has not been met, as no evidence has been produced to suggest a viable use of the existing pub could not be found. Also there is no alternative local provision which is accessible to the local community by walking or cycling
- 9 No justification has been given for the erection of two new dwellings which are unsustainable development
- 10 There is no acknowledgement that considerable amounts of house building are due to take place in the next decade in the Worcester and Kempsey area, and no assessment as to the potential business implications for this pub.
- 11 Policy DS1- The site is clearly not in a sustainable location. Policy- DS1(d) says that development within the open countryside will be strictly controlled. Part (E) of that policy states that the re-use of previously developer land in rural locations, where development would be unsustainable or intrusive in the countryside will not be permitted. The scheme clearly fails both of these tests.

As access for this site is over common land, why do we not see any attempt to contact the registered commoners with grazing rights, as Consultees.

Whilst the original building has an easement, there will have to be an easement for any and each new buildings. The scale of fees shown in section 68 of the Countryside and Rights of way Act 2000 are for current buildings. New buildings would be charged at the market place value and could be approximately 20% of selling price of each new property. If this value was not charged, I for one would request the Council to prove that they had not mishandled council assets

There is, therefore, no reason why the Council should not adhere to its adopted and emerging policies regarding the protection of existing public houses and development in the open countryside, and these policies are consistent with the relevant policies of the Framework (See also paragraph 28 of the Framework which refers to retention of local services such as public houses).

The applicant has not proven that the running of a public house at The Inn would be unviable. It is clear that the applicant has confused property prices with business viability. It is apparent that the property has not been marketed so that other potential occupiers who could occupy the pub have been denied the opportunity to come forward and try to run a business from it. It should be noted that a fall in property value does not constitute an inability to run a viable business.

In this context the financial circumstances of an individual should not be regarded as a reason for allowing unsustainable or inappropriate development in the open countryside.

We recommend that this Application **for Change of use** be turned down. Also the Application to **build two new dwellings** also is turned down

Ray Ellis,
Gorse Cottage,
Stonehall Common,
Kempsey WR5 3QG.

The Chairman confirmed when the Council made its decision/response this was based on the information available at the time. Now we have been apprised of all the facts an amended statement would be submitted to MHDC.

Parishioners would be kept updated of when this application will be discussed at a Northern Area Committee Meeting hearing.

Standing Orders were reimposed

County Councillor – R Sutton

- Progress Superfast Broadband providing a summary of the coverage anticipated and an indication of the predicted timeframes.
- Changes to The Parish Bus Service and new time tables available.
- A survey is being conducted by Highways to ascertain the parking problems at the village store.
- He will pursue a letter issued by Ringway detailing incorrect/no information brought to his attention by a parishioner.

Questions

Q. Cllr Blackwell questioned why the footpath alongside the shop stopped in the middle of nowhere?

A. Seeking an explanation from Countryside Services who claim budget of £2K only covered 70 yards of stone.

Q. Cllr Stevens asked should there be any grant monies available would it be possible to pre allocate these to continue the footpath alongside the shop.

A. Cllr Sutton confirmed he was in negotiations with Country side Services to resolve this problem under contract.

Cllr Patrick reiterated monies obtained from housing developments should help towards costs to improve the bus service provision.

District Councillor – D Harrison.

- An enforcement appeal takes place on Tuesday 2nd September 2014 in respect of Use of the Land as HGV garage and hire and hire business Land at Bestman's Lane, Kempsey

Questions

Cllr Campbell had liaised with Cheryl Leyser at SME solicitors to try to ascertain the position regarding the transfer of the land at the Limes to KPC. She advises we are waiting for MHDC to find out whether they can go ahead with the transfer of the land or whether they need to apply to the Secretary of State for approval.

Could you please to find out whether they have done this and how far along with the process they have got?

District Councillor – A Rea.

- A special meeting is to be held on 2nd September 2014 concerning the shared Chief Executive
- A By-Election was held for all political parties and The Conservative Party was successful

Chairman of Neighbourhood Development Plan (NDP) Mr M Biddle.

Neighbourhood development plan report

I attended the St Mary's church development project on 21 July last. 150 people, mainly local residents, took the opportunity to take part in the community survey in respect of the church and expressed opinions about new uses for the church.

To summarise briefly – dissatisfaction was expressed on lack of services in Kempsey. ie No post office, limited bus service, etc. A wish was expressed for a range of activities locally. The steering group would be grateful for a copy of the ND plan results as soon as it is available.

I also attended the Kempsey Sports Association meeting held on 23 July. The Sports Association did submit their wish list as part of the PC survey in respect of the ND plan. In an ideal world the sports association would love to see a new level sports area/playing field to include cricket, football, and indoor sports facilities and a new community centre. They have approached various landowners who would require high market value for any land required. They would be happy to have a representative on any task group to be set up as part of the ND plan process.

You will be aware that the PC have arranged for interviews of three potential consultants in respect of the ND plan.

Once the results of the ND plan survey are available I will convene a meeting of the working party in order to submit to the PC realistic suggestions in respect of any implementation thereto.

MB 11 August 2014

For Information

Cllrs indicated their availability to attend the NDP consultations to be held on Wednesday 13th and Thursday 14th August 2014