

**Meeting of the Parish Council to be held in the Village Hall, Northiam at 7.00pm, Thursday 13th October 2022**

**Members of the Public and Press are welcome and encouraged to attend.**

**Due to the adoption of new Standing Orders, there will be an opportunity for members of the public to give their opinion or view once in relation to an item on the agenda.**

**MINUTES**

**Nicola Ideson, Parish Clerk Date: 13th Oct 2022**

**Attendees Tony Wadie, Tony Biggs, Anthony Wontner- Smith, Penny Farmer, Jon Streatfeild, Ben Dallimore, Dean Johnson**

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1. **APOLOGIES FOR ABSENCE: Ganly**
2. **PUBLIC QUESTIONS (Maximum of 15 minutes)**

Before the meeting began the chairman asked all councillors to turn their phones off

A resident said he has been asked to ask a question by a large silent majority who are too intimidated to say so themselves at a full council meeting. They wanted to know how to stop people driving on the grass verges. The verges become churned up, mud spreads over the foot path and becomes dangerous to navigate. This affects people with mobility issues the elderly and those with poor sight. They asked if can something be done about it. The clerk said that she would be happy to look into this issue but the normal response is from ESCC highways, the clerk said she needed to find out who owned or was responsible for the verges as permission would need to be obtained before any posts went in. TW said that the council can’t put posts in land that isn’t owned by NPC. Cllr Paul Redstone said he would forward the clerk the name of the contact that she needed at ESCC. The resident asked if Beckley can do it why can’t’ Northiam. The clerk asked if she could be told exactly where these problem areas are and the resident replied ‘outside Jempsons, around the entrance to the village hall and Dixter road. The resident said that this is something he thought councillors should do, to walk the village and tell the clerk exactly where these places are.

Cllr Paul Redstone said that Beckley have done this but with permission from ESCC highways

Another resident asked about the lease for the stables, could residents know why this is an item on the agenda and why it is needing the legal advice from a solicitor. TW said that BD had proved that the lease wasn’t signed properly on the Council’s part, it wasn’t known at the time that the lease needed to be signed by 2 councillors and witnessed by the clerk. The previous lease was also not signed correctly. The council had been debating the issue and trying to find a way forward. Some councillors are trying to remove the tenant this is part of what is being discussed at the moment. The tenant has been informed that it is not the tenant’s fault or responsibility. Another resident asked if the legal advice being sought is to evict the tenant and if so, do you have another tenant to rent the stables.

Another resident said that the village was very fortunate to have her during the pandemic as the rent was bringing in a £1000p/m its very convenient now that the council wants to take over, they are trying to evict the tenant. The village are very grateful for the tenant as it is bringing in £12k a year. JS said that this item is an item on the agenda and should be discussed when we get to it. (After advice from the clerk the chairman continued to allow the item to be discussed in the public forum, as the public would not have been able to speak after this part of the meeting).

A resident asked are solicitors necessary as this is coming out of tax payers’ money. TW replied saying that there are very strong views amongst some councillors.

A resident asked were these views the views of these councillors at the time of the signing of the lease? And that these views would question the integrity of Northiam parish councillors and bring the council into disrepute. JS said the tenant wanted changes to the lease and the changes that were made, the full council didn’t know about. BD the lease was signed before it was agreed by full council and other councillor’s knowledge and deliberately not circulated. The clerk interrupted BD to say that the reason the lease was not circulated was due to an administration error. This occurred because of the short and rushed handover from the previous clerk. The clerk admitted that it was her fault that the documents were not circulated and should have been on the June agenda to be approved retrospectively. But that she had forgot as it was her first week.

TW said that the original solicitors the council were using were not the best qualified with dealing with this type of situation and that Wellers Hedleys solicitors are a specialist in parish council matters. Jacky Broad asked, has the council accepted rent for the tenant while out of contract as they remain on the site. JS said that the lease would revert back by default to the terms of the original lease. He started to refer to legal advice he had received form Mariam at Wellers Hedley solicitors. The clerk said that she hadn’t seen this advice, and that the previous lease had been signed in the same way. JB yes but can you answer my question ‘have the council accepted rent from the tenant?’ The Clerk yes.

Sue Schlesinger (former chair) I’m the person that signed the lease. The lease was approved at the April meeting. The tenant hadn’t signed lease before an incident occurred at the stables that resulted in their horse dying. I was advised to let the tenant have some space before asking the tenant to sign the lease then I went up the stables to talk to the tenant. After the incident the tenant asked for added security measures (CCTV & padlocks and a change to the fields) I was not coerced into agreeing to this. I just went to the stables with Judith O’Conner to talk to the tenant. I did not have time to call a meeting before the old lease ran out. It was all very rushed with the previous clerk leaving and Nicky (current clerk) taking over there were also travellers that had turned up on the playing field. I signed the lease in good faith. A Council lease has never been signed by 2 councillors for anything this includes the football lease and the bowls lease. TW As far as I am concerned councillors and the clerk were being guided by the Council’s solicitors at the time, they followed their advice. SS the council could have retrospectively approved the lease as there was a last-minute change to the lease. A member of the public said that the council seem much keener to spend money on the solicitor than the CCTV. TW I don’t disagree I think the easiest thing that can be done is to get the lease re -signed properly but I am one voice some disagree. Carol Biggs said that this is all very convenient that this lease has come up, it’s just to get them off the land so these councillors can do their own thing. The tenant has been paying rent for 2 years and we should be grateful, every month we have to go through this. PF said that a letter from RDC says the tenant cannot run a business on the site without planning permission change of use, the council do not have planning permission for someone to run a business on the SFF only for recreation, the council do have permission for horse grazing. Steve Pratt said that’s all very good but who’s going to run it and maintain it the councillors that are against the tenant staying? A member of the public said there are only a small amount of people that have horses in the village maybe 4 or 5. JOC said that no one can use that site commercially without the change of use planning permission. CB to JS before, you said the running of this land wouldn’t be anything to do with the PC you have been rude and abusive to me in the past.

Jason Foster from the Lost England Project said that all councillors have been in receipt of the proposal for the last 5 months, everyone is annoyed that you descend into this quagmire. DIY livery or not you’re only engaging a very small number of village residents. The Lost England Project involves a large percentage of the community and is something everyone can constructively get behind, instead of moaning at each other. Have you even read the proposal? TB I have and I thought it was very good. JF said that on 3 separate occasions the CIC have had to cancel meetings with him because they have had to spend time defending themselves from allegations concerning the lease. I have Historic England backing this project and are representing it. Everyone’s getting fobbed off and annoyed. May I have a forecasted meeting for the PC and CIC to get the project going? TW the council are fixated on one particular object and there are other more important things that are being missed. Other things need doing including the day to day running of the council, because they are fixated in one area.

AWT in May the village will be able to vote for who they want to stay and who they want to leave.

TB we should be moving forward, according to the yellow referendum letter the CIC should be running the SFF and ensuring the day-to-day business is carried out effectively. If the horse the hadn’t of died we would never have discovered the lease had not been signed properly. No one knew the lease had not been signed properly beforehand. JF Can we have a consideration for me to present the Lost England project meeting. TB said yes. The clerk to arrange.

1. **DECLARATIONS OF INTEREST AND INSTANCES OF LOBBYING**

To receive any declaration by members of personal interests in matters on the agenda, the nature of the interest and whether the member regards the interest as personal, pecuniary or prejudicial under the Code of Members Conduct.

An opportunity for Councillors to declare if they have been approached by a member of the public or another Councillor and asked to discuss any items on the agenda prior to the meeting.

An instance of lobbying was had been declared against PF BD & JS in relation to item 17 as they had been discussing the item via email prior to the meeting. These councillors said they had been asked to respond by the chair.

1. **MINUTES** **OF THE PREVIOUS MEETING**

To approve and sign the minutes and confidential report of the Full Council meeting held on 11th August and the minutes of the extraordinary meeting held on the 1st September 2022

At this point it was found that Ben Dallimore had been recording the meeting on his phone. Members of the public felt they should have been given the curtesy of knowing this at the beginning of the meeting. BD responded by saying that he didn’t need to inform anyone that he was recording because he didn’t have to.

 BD said that the confidential report was illegal. The Clerk read from BD’s previous statement from the Meeting held on 1st September.

 ‘It is in law, specifically section 228 of the 1972 Local Government Act, that any elector can view and take copies of the full, signed minutes of any meeting (including any decisions taken in a session closed to the public). Obstruction of seeing these documents is an offence carrying a fine of up to £200. These documents must be available at any reasonable time of the day. Due to the Parish Office not regularly being open, they should be on our website for any of you to inspect. There is no disputing these facts; they are YOUR rights as well as mine.’

 BD said that the report was illegal and shouldn’t exist.

 The minutes were approved as a true record of the meeting held on 11th August and the extraordinary meeting held on the 1st September and these were signed by the Chairman

 There were no objections raised to the content of the confidential report and was signed by the Chairman

1. **MATTERS ARISING FROM THE MINUTES**
2. **INDEPENDENT INSPECTION OF NEW SLIDE**

The Clerk has sourced another playground equipment supplier that is willing to give a free expert opinion,

It was felt by some councillors that the framework underneath the slide has sharp edges and could possibly cause an injury to a child. DJ has spoken to the supplier; he has been round and reseeded the surrounding ground but said the strut does look a bit sharp. DS asked the contractor if the council can put a rubber covering over the strut, and the contractor advised that in doing so the responsibility would then lie with NPC if it came off. The contractor from KOMPAN then said that the slide had been installed right across the country and there had never been an issue. AWS said that as this is Parish Council land in accordance with The Occupiers Liability Act 1957 the council are liable for any dangers or safety issues resulting in injury or harm. DJ said that this has been passed by an independent safety inspector. The clerk has found a supplier that is willing to give a free expert opinion via photographs MW Supplies LTD. DJ didn’t think this could done by photograph. PF don’t you think if this had caused a problem the design would have been changed, TW why don’t we take some close up photos and see what response we get from the other inspector. DJ yes ok we can try that. The Council have also had a quote for the zip wire and this will be discussed at the next meeting.

It was agreed to send some photographs of the slide to MW Supplies Ltd to see if they could evaluate the safety concerns councillors had with the slide

1. **FINANCES**
2. To receive & approve the payment report for September 2022
3. To receive the most recent bank reconciliation and financial report – to be circulated
4. To approve the time-sheet of the Clerk for the period 02/09/22-07/10/22
5. To approve the time-sheet of the supporting Clerk for the period 02/09/22 – 07/10/22 not submitted.

The payments in accordance with the budget were approved

1. **COUNCILLOR VACANCY – FOLLOWING THE RESIGNATION OF SUE SCHLESINGER**

TW Are you all still happy to stand as councillor candidates, Michelle Fairbrass (MF) yes Carolyn Pierce (CP) yes Robert Russell (RR) yes even more so.

TW Any questions from councillors: BD lacking someone who has any knowledge of the environment have any of you have any experience in this area- all not really

TW are you all familiar with the internet, computer literate and able to communicate electronically – everybody said that they were.

TW What skills and experience can you bring to the table – RR I have experience working for a national company in the managing and over-seeing of local governors. I have been a Borough Councillor specialising in planning and transport. MF I have years of sales experience and customer service management. I am able to keep level, can communicate at all levels and negotiate. I grew up in the village and have returned after spending some time away. CP I was born in the village and have worked in the village all my life. I have dealt with very difficult situations and upset people. TW read from CP’s resume. It says here that you think the CIC should be able to take more control. CP Yes, I think they should, I’m not saying they should do nothing or all of it but I think the site can be run better. The preservation of the land needs to be given more attention. I have worked with horses on that site and cats and dogs but this site was mainly developed for horses. TW Some councillors would disagree with your comment CP the CIC need to take over more of it.

TW you will need to do councillor training this will be via Zoom and you need to be happy and confident with that.

Councillors voted by ballot; Carolyn Pierce was voted to be co-opted as councillor

1. **COUNCILLOR VACANCY – FOLLOWING THE RESIGNATION OF ROBERT MALTBY**

Councillors voted by ballot; Robert Russell was voted to be co-opted as councillor

JB offered her commiserations to MF and asked her if she would stand in May. MF I will

1. **VENTILATION SYSTEM FOR BUNGALOW NUMBER 2**

A report was completed by a condensation specialist and had been circulated, TW the council has a duty of care to its tenants and I think we need to do something about it as a matter of urgency. PF would it not be pertinent to see if a bathroom ventilator would help. TB how would that help the bedrooms? BD the condensation comes from the bathroom. TB this won’t help if you read the report the contractor said that this would not solve the problem. Resident of bungalow No1 circulated photos of condensation in bungalow No 2, PF is it an idea to try the vents to see if they work. Don’t you think it might worth while trying something that doesn’t use electricity due to the cost-of-living crisis. TB I met with the original contractor who installed the first vent to the bedroom of bungalow No2 to discuss the issue of condensation, he advised that there were no damp problems and the council need to contact a condensation specialist. The SFF was bought without a survey the council went ahead and bought it. Now we are finding out what we need to do. The Council have already paid out for a claim for damages that was £1100 caused by condensation.

It was agreed to install the ventilation at a cost of £2063.50 from TJR Ventilation Solutions

1. **PROPOSAL FOR A NEW PC SFF LIASON COMMITTEE MEMBER**

The Chairman nominated Cllr Wontner – Smith. JS asked if this could be postponed until the new councillors able to stand. TW The next SFF Liaison committee meeting is due on the 27th October, before the next full council meeting scheduled for the 10th November. In order to have a voting PC member for the next SFF Liaison committee meeting it was necessary to agree the member at this full council meeting. Seconded by TB it was agreed to adopt Cllr Wontner-Smith as the next SFF Liaison committee member.

1. **CONFIRMATION OF STAFFING COMMITTEE MEMBERS**

It was proposed for the Chair, Vice Chair and Cllr Farmer to become members of the Staffing committee, proposed by Cllr Wadie, Seconded by Cllr Wontner-Smith

The members of the Staffing committee were agreed

1. **ADOPTION OF STAFFING COMMITTEE TERMS OF REFERENCE**

It was agreed to adopt the proposed Staffing Committee Terms of Reference.

1. **ADOPTION OF LONE WORKER POLICY**

TW As the clerk works on their own this policy will give her reassurance she needs as we have a duty of care to the employee.

It was agreed to adopt the proposed Lone Worker policy.

1. **TO AGREE EXPENDITURE FOR LEGAL FEES IN RELATION TO THE STABLES LEASE**

Quotes have been obtained from a specialist solicitor to resolve the ongoing issue of the stables lease.

Wellers Hedley solicitors have provided 2 quotes.TW I have only sent snippets of the lease to the solicitors TB suggested that we send the full lease to find out what the options are.

TB From the approval of the lease in April we should send all subsequent documents and give the full scenario from that day on.

TW if we continue predominantly with the existing lease and have it signed correctly the cost to the council would be £650. To include additional advice the cost would be £950 any councillors can ask the council to consider requests on what the advice should be, this will be submitted when agreed by the council. JS said that no one can run a commercial business on this site and read from a document received from RDC ‘it would be OK if she is just grazing and using the stables over the time she is waiting to return to her property, but if she is planning to continue with the more commercial equestrian enterprise indicated in your email then she is likely to require planning permission’ The clerk asked when this email was received and whether it was before or after the tenant had moved onto the land JS it was received on the 20th May 2020.

TW if you are saying to me now that this is not something we could offer in the lease to the tenant anyway. Why did you ask me to get the solicitor’s quote. TB what do we do in regard to the tenant. PF why don’t we ask for legal advice to see if we can issue a lease subject planning permission.

BD what questions are you going to ask how can the solicitors give a us a set quote, what if it costs £1500. TW if we ask the right questions, we will get the right answers if we ask the wrong questions, we will get the wrong answers.

It was agreed to authorise £950 expenditure for legal advice and the production of a lease.

1. **ANNUAL VILLAGE HALL DONATION**

The Parish Council usually make an annual contribution of £1500 towards the running costs of the village hall.

TB said that he the disposable funds that are currently available to the council are very low. Bernie Bone the village hall secretary said that there are 2 separate issues, the annual donation and whether or not the PC wish to make a donation towards the refurbishment of the village hall. This contribution from the PC is necessary to unlock the grant available to them from RDC, there is no definition of that amount should be. It was suggested to combine the two requests and if the PC were minded to make a modest donation that would be acceptable. TB said that the proposal from the village hall is that if we could put the payment upfront the village hall have agreed that this could be for pre-payment for the hall hire for the next 6 months, until the end of the financial year. It was proposed to donate a sum of £300 this would be the cost of the hall hire for the next 6 month plus extra £200.

It was agreed to donate an amount of £500, Towards the refurbishment of the village hall.

1. **TO AGREE THE INCREASED SALARY AND QUALIFICATION REQUIREMENTS FOR A NEW CLERK**

Deferred to the November meeting to allow the Staffing Committee time to compile a recommendation.

1. **PROPOSAL IN RESPECT OF THE CHANGE OF USE APPLICATION AT THE STABLES, HUB AND NATURAL BURIAL GROUND**

JOC explained what the item on the agenda was about to members of the public. JS Said that the terms of the change of use were not acceptable and is deeply concerned that items have not been researched. I think that the relationship between the PC and CIC should be looked at by a legal representative. JB said that you (JS) have been told not to have any further dealing with the CIC. JS disputed this. PF said that the income from burial plots needs to go into the PC village bank account as it is a statutory duty to be provided by the council and should not go to the CIC. TB said next month the village will vote on the directors and they will be elected by the resident members of the CIC and the council will not be able to dispute this. The money from burials will go in to the PC SFF bank account so the money could go back into the development of the SFF. This is why we split the precept into 2 different pots. The village voted that the SFF would not be run by the PC. AWS said I agree with everything that JOC and vice chair (TB) have said. PF if we can maximise the stables income, we could put that extra income into the SFF bank account. TB where is the plan? BD I think the tenant should pay for the planning permission, it is down to them so they can run their business. I have looked at the document and it doesnt feel me with confidence. We need professional consultants. I don’t think that the CIC have the expertise to do this and neither do the PC I think we should use an outside contractor to put together the planning application that will be paid for by NPC.

Three options were voted on should the planning permission application …..

Be continued by the CIC – 3 votes TW, TB, AWS

Be taken over by NPC – 0 votes

Be outsourced to independent contractors - 3 votes BD,JS,DJ

PF- abstained

As there was an equality of votes, the chairman used his casting vote which was the same as his first vote.

It was agreed by resolution that the CIC will be allowed to continue with the processing of the change of use planning application for SFF.

In accordance with Standing Order 3x due to the length of the meeting the chairman called the meeting to an end.

The meeting ended at 9.40

***All appeals, enforcements and decision notices have been previously circulated to Councillors.***

Chairmans signature……………………………………………………………………………