

Hoo St Werburgh and Chattenden Parish Council

The Minutes of the Meeting of Hoo Saint Werburgh and Chattenden Parish Council
Held in Hoo Village Hall on Thursday 1st June 2023 at 7.00pm.

Councillors present: Barton
Dunkley
Fray
Gissing
Hopson
Koroma
Pearce
Sands
Sparks
Tildesley
Williams
Wood

Also: Sherrie Babington - Parish Clerk, and members of the public.

The meeting was chaired by Councillor Sands.

1. Apologies.

Members who cannot attend a meeting shall tender their apologies to the Parish Clerk prior to the meetings, under Section 85(1) of the Local Government Act 1972, the members present must decide whether the reason(s) for a member's absence shall be accepted.

Apologies were received, and reasons for absence accepted from Cllr Cutting (holiday) and Cllr Styles (holiday).

To consider any Dispensation requests received by the Parish Clerk and not previously considered.

There were no dispensations is to consider.

2. Declaration of Interests.

To receive Declarations of Interest in respect of matters contained in this agenda, in accordance with the provisions of the Localism Act 2011 in respect of members and in accordance with the provisions of the Local Government Act 1972 in respect of officers.

No interests were declared.

To consider any Dispensation requests received by the Parish Clerk and not previously considered.

There were no dispensations to consider.

3. Minutes of the previous meeting.

The Minutes of the previous meeting were circulated to all present.

It was proposed by Cllr Williams to accept these as a true record, seconded by Cllr Dunkley and agreed by all present.

The approved Minutes were then signed and dated by the Chairman.

4. Matters arising from the Minutes.

a. Safe Crossing of Bells Lane.

An email from Medway Council regarding the Section 106 commitments which currently have funds in place in relation to Bells Lane, which might support a safe crossing was discussed by members

It was agreed that the Parish Council would request that a safe crossing was installed in Bells Lane at the crossing to Fourwents near to the Chicken Shop.

Action: Clerk to respond to Medway Council.

b. Water Leak Elm Ave.

The Chairman reported that this was an ongoing issue between Medway Council and Southern Water.

c. Additional Allotment Land Letter.

The Clerk confirmed that she was awaiting a date for a meeting with The Brice Charity representatives.

5. Parish Councillor Vacancies.

a. To consider any applications for Co-option.

The Clerk circulated a report detailing applicants to consider for co-option.

It was agreed that due to the number of applicants for the vacancy, this matter would be discussed as a confidential item.

b. Co-opted Councillors to sign their Declaration of Acceptance of Office.

This item was deferred.

6. Public Comments.

A resident raised concerns about the poor state of Hoo Square. He stated that this was not being maintained to a satisfactory standard, the grass had not been cut for four weeks, the vegetation was overgrown with broken glass under the weeds, and the litter was not being cleared. He asked if the Parish Council could assist with this issue.

The Chairman stated that he had raised this with Norse as a Ward Councillor, and he read out the response to the meeting.

He suggested that the Parish Council also raise this with Norse to establish the current situation with regards to the maintenance of the village centre. This was agreed.

Action: Clerk to action.

7. **Police Matters.**

No matters were reported.

8. **Urgent Matters.**

No matters were raised.

9. **Parish Council Administration.**

a. **Parish Councillor Training – KALC.**

To consider hosting a KALC Dynamic Councillor Training Course in Hoo.

If hosting the PC will be given up to 15 places at 50% cost - £30 a head, the course would then be opened for a further 15 places at full cost to other local parish councils.

The courses are held on a Saturday morning for 3 hours.

This course would benefit new and existing councillors.

This was discussed and unanimously approved by members.

Action: Clerk to progress and book bespoke training.

b. **2023 Policy Review.**

To review the PC Policies for 2023. These can be found on the PC website.

It was agreed that councillors should review the policies over the August recess, and they would be placed on the September agenda for formal consideration.

Action: Clerk to place item on September agenda.

c. **Power of Competence.**

The following report was considered by members:

The General Power of Competence

BACKGROUND:

1.1 Parish (and latterly town) councils are corporate bodies that have accumulated powers through legislation since 1894. Their powers were constrained to specific and appropriate legislation. This means that before undertaking anything, members must be satisfied that a town council has the power (under a specified statute) to undertake that activity.

1.2 Town councils have many specific powers (e.g., the provision of open spaces and recreational facilities) in addition to section 137 of the Local Government Act 1972, permitting the expenditure up to certain limits for “purposes not otherwise authorised”. Typically, the expenditure on grants and sponsorship is covered by section 137 of the Local Government Act, 1972.

1.3 Despite the wide range of powers, town councils are always at risk of being challenged, especially if they undertake an unusual activity. For example, a recent court ruling pronounced that pre-meeting prayers by a town council was unlawful.

- 1.4 In consequence, the Government included a “general power of competence” in the Localism Act 2011 (Part 1, Chapter 1, ss 1-8). It was brought into force by SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 in April 2012.

LEGISLATIVE BACKGROUND:

- 2.1 The intention of the legislation is that eligible local authorities will no longer have to identify specific powers to undertake an activity. As a result, the risk of legal challenge will be reduced. It is stated in the above Statutory Instrument that

“The Government’s intention in providing eligible parish councils with the general power of competency is to better enable them to take on their enhanced role and allow them to do things they have previously been unable to do under existing powers”.

- 2.2 Under the new legislation, eligible town councils have “the power to do anything that individuals generally may do” as long as they do not break other laws. It is intended to be the power of first, not last, resort. The eligible council has to ask itself if an individual is allowed to do it. If the answer is “yes”, then a town council is normally permitted to act in the same way.

TYPES OF ACTIVITIES:

- 3.1 Although the Government has given scant guidance on operation of the new power, some new activities covered by the legislation include:

Running a community shop or post office

Lend or invest money

Establish a company or co-operative society to trade and engage in commercial activity

Establishing a company to provide services such as local transport

Providing grants to individuals.

- 3.2 The power is not restricted to use within the township — an eligible town council can use it anywhere.

RESTRICTIONS AND RISKS:

- 4.1 The only real limitation is that the general power of competence cannot be used to circumvent an existing restriction in an existing specific power. The general power of competence is a power; it cannot be used to raise the precept.
- 4.2 Existing duties remain in place, such as having regard to the likely effect on crime/disorder and biodiversity. There are also many existing procedural and financial duties that remain in place for the regulation of governance (e.g., no delegation to a single councillor). Furthermore, councils must comply with relevant existing legislation (e.g., employment law, health and safety, equality legislation and duties relating to data protection and freedom of information).

4.3 If another council has a statutory duty to provide a service (e.g., education, social service, highways, footpaths, rights of way), it remains their duty to provide it. Nonetheless, eligible town councils may assist. The eligible town council would need to ask itself whether an individual, private company or community trust could help. If the answer is “yes”, the town council can assist.

4.4 Whist councils are encouraged to be innovative; they should be aware of the risks of:

Being challenged

Their trading activities damaging other local enterprises

Damage to the council's reputation and public money if a project or investment goes wrong.

LOCAL GOVERNMENT ACT 1972 (s137):

5.1 Expenditure under the Local Government Act (s137) is limited and has to be budgeted for separately. Expenditure is restricted in that it cannot be used to give money to individuals and the amounts must be commensurate with the benefit. Section 137 is a power of last resort.

5.2 A council that is eligible to use the general power of competence can no longer use Section 137 as a power for taking action for the benefit of the area. However, Section 137 (3) which permits the council to contribute to UK charities, public sector funds and public appeals remains in place.

ELIGIBILITY:

6.1 The three conditions for eligibility are set out in the Statutory Instrument (paragraph 1.4 above) as follows:

- **Resolution:** the council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk.
- **Electoral mandate:** at the time the resolution is passed, at least two thirds of the council must hold office as a result of being declared elected (i.e., not co-opted).
- **Qualified clerk:** At the time that the resolution is passed, the clerk must hold a recognised professional qualification (e.g., Certificate in Local Council Administration, Certificate of Higher Education in Local Policy) AND pass the 2012 CiLCA module relating to the general power of competence.

6.2 Having decided at a full meeting of the council that it meets the criteria for eligibility at that particular time, a resolution to this effect must be clearly written in the minutes. The council is then required to revisit that decision and make a new resolution at every ‘relevant’ annual meeting of the council to confirm that it still meets the criteria (if it does). A ‘relevant’ annual meeting is the annual meeting of the council after the next ordinary election has taken place.

6.3 In consequence, eligibility remains in place until the 'relevant' annual meeting even if the conditions of the eligibility criteria have changed. If the council loses its qualified clerk or has insufficient elected councillors, it must also record its ineligibility at the next 'relevant' meeting.

6.4 There is no requirement for members to be trained in the general power of competence.

6.5 Hoo St Werburgh and Chattenden Parish Council satisfies all the conditions as:

- It has 14 out of 17 councillors elected.
- The Clerk of the Council holds the Certificate in Local Council Administration (CILCA).
- The Clerk of the Council has passed the CILCA module on the general power of competence.

RECOMMENDATIONS:

1. *To receive and note the Report.*
2. *To note the criteria in respect of elected councillors and confirm compliance.*
3. *To note the requirement for the Clerk to be qualified and confirm compliance.*
4. *The Parish Council confirms that it meets the criteria set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) order 2012.*

This report was discussed and accepted by members.

The criteria in respect of elected Councillors was discussed and members confirmed the Hoo St Werburgh and Chattenden Parish Council had more than two thirds elected Councillors.

Members confirmed that the criteria regarding the Clerks qualifications had been met, as she holds the CILCA qualification with the General Power of Competence module.

It was therefore proposed by Cllr Williams that as the Parish Council met all criteria for the General Power of Competence, that this was adopted by Hoo St Werburgh and Chattenden Parish Council, this was seconded by Cllr Sands and agreed by all present.

It was further agreed that this would be reviewed at the Statutory Annual Parish Council Meeting each year.

d. *Civility and Respect Pledge.*

Parish Council to consider signing up to the national Civility and Respect Pledge.

Details were circulated to all members by email and with the meeting papers.

All members were asked to consider the circulated papers as this item would be on the July agenda for formal consideration.

e. *Parish Council Committees Review of membership.*

The Governance Review and the increased number of councillors for Hoo and Chattenden Parish Council from 15 to 17 members has highlighted a need for the membership of the Parish Council

Committees to be reviewed, this is to ensure that all members have an opportunity to put their names forward for the committees of their choice.

Although the was on the agenda last month and memberships were considered, the outcome has meant that there will not be any vacancies on the committees for the newly co-opted councillors, whilst some councillors are on three or more committees.

Members are asked to consider the following:

- To review Parish Council Committees.
- To allow the Clerk to email all councillors to seek their first choice for two committees, and their choice for a possible third committee if numbers allow, with their experience and reasons for selecting the committees.
- To give authority for the Clerk, Chairman and Vice Chairman to allocate the committees based on the expertise and experience of each councillor.

This was agreed, proposed by Cllr Williams, seconded by Cllr Sands, and agreed by all present.

Action: Clerk to progress with review as agreed.

10. Financial Matters.

a. Financial Statement.

Members considered the circulated Financial Statement.

The bank balances and payments were considered by members, these were proposed by Cllr Williams, seconded by Cllr Sands and agreed by all present.

b. 2022/2023 Accounts and AGAR.

The Clerk circulated the internally audited accounts and AGAR to the members for their consideration.

Members noted that these had been through the internal audit process, the AGAR had been signed off by the Auditor, Martin Thomas, with no queries.

Following discussions, members were asked to consider the 2022/2023 Accounts and AGAR as follows:

To approve the Annual Governance Statement for 2022/23, Section 1 of the Annual Return for the year ending 31 March 2023. The Chair of the meeting and the Clerk to sign.

To approve the Statement of Internal Control in support of the Annual Governance Statement and Accounting Statements for 2022/23, Section 2 of the Annual Return for the year ending 31 March 2023 and the supporting Bank Reconciliation as of 31 March 2023 and the explanation of the significant variations from last year (2021/22) to this year (2022/23) and the explanation of any difference between Box 7 and Box 8 on Section 2 to be sent to the External Auditor. The Chair of the meeting to sign.

It was proposed by Cllr Williams to accept and approve the annual Governance Statement for 2022/23, and to approve the Statement of Internal Control in support of the Annual Governance Statement and Accounting Statements for 2022/23, Section 2 of the Annual Return for the year ending 31 March 2023 and the supporting Bank Reconciliation as of 31 March 2023 and the explanation of the significant variations from last year (2021/22) to this year (2022/23) and the explanation of any difference between Box 7 and Box 8 on Section 2 to be sent to the External Auditor. This was seconded by Cllr Dunkley and agreed by all present.

11. Clerks Report.

The Clerk's Report was and noted.

1. Allotments.

The Clerk reported that an allotment inspection was undertaken with a long-term allotment holder on 22nd May.

Several issues were identified as follows:

- *7 unworked plots breaching Tenancy Agreement – First letters to be sent.*
- *2 vacant Plots – to be let to next on waiting list.*
- *Rubbish to rear of allotment plots – letter to allotment holders.*

2. Football for All – Hire of Kingshill Recreation Ground

Members were asked to consider the hire of Kingshill Recreation Ground for the following dates:

Course 1 : Tue 2/3/4th August

Course 2 : Tue 9/10/11th August

Course 3 : Tue 16/17/18th August

Course 4 : Tue 23/24/25th August

12 days @ £20 per day - £240 rent in total.

Members approved this hire.

3. Parish Tour

Members were asked to consider having a parish tour on Thursday 6th July (the evening of the next PC meeting) The tour will be the same as last year's. It will start at 6pm and end at 8.30pm, a shorter meeting will then take place in the village hall.

It is anticipated that the cost will be approximately £250-£300 for the coach and driver.

Members approved the Parish Tour.

Action: Clerk to make arrangements for Parish Tour.

12. Chairman's Report.

The Chairman reported that he was due to meet with the new Cabinet Member and Bob Diamond regarding the future of Deangate.

13. Parish Council Committees.

To receive the reports and recommendations from PC Committees.

a. Events Committee.

To receive an update from the Events Committee.

Cllr Pearce reported on the Coronation event and thanked the Events Team for their work in arranging the celebrations.

b. Environment Committee.

Due to the need to ensure the security of the recreation ground, the new gated height barrier has been ordered under Delegated Authority. This will be installed as soon as it has been fabricated. This was a bespoke item and made to order the cost is £6373 and will be finance from the S106 funds.

Members are asked to formally approve this expenditure.

The decision made under delegated authority was formally ratified, proposed by Cllr Williams, seconded by Cllr Koroma and agreed by all present.

Items for next Environment Agenda

- Recreation Grounds.
- S106 Improvements.
- Recreation Ground Security.
- Tree Management.
- Allotments.
- Land for Memorial Garden – Vicarage Lane.
- Parish Beacon.
- Parish Council Publicity.
- Parish Noticeboards.
- Christmas Lighting.
- Community Facilities.
- Living Christmas Tree – Village Centre.

c. Finance, Audit and General Purposes Committee.

No matters to report.

14. Planning Matters.

a. Planning Applications Received.

APPLICATIONS RECEIVED SINCE THE LAST MEETING

MC/23/0935 Hoo Library, Church Street, Hoo St Werburgh, Rochester

Proposed installation of four air source heat pumps (ASHP Units) to the side.

Members considered this application and discussed heat pumps, and the noise associated with these. Concerns were raised that they were out of keeping with the older building and regarding their efficiency.

Cllr Fray stated that she felt that the library was a community asset and should be kept open, and she would not object to the application if it's future depended on the installation of the heat pumps.

This was discussed further, and a vote was cast by members, it was agreed by 6 votes to 2 to object to this application, with 1 abstention.

Action: Clerk to submit objections

APPLICATIONS DETERMINED BY MEDWAY COUNCIL

MC/23/0669

57 Bells Lane Hoo St Werburgh Rochester Medway ME3 9HU

Application for a Lawful Development Certificate (proposed) for a loft conversion with installation of a dormer to rear and roof light to front.

Approval

MC/23/0732

Land At Upchat Road (adjacent To Riverslea Farmhouse) Rochester Medway

Installation of security fencing and access gate

Approval with Conditions

MC/23/0439

1 Fourwents Road Hoo St Werburgh Rochester Medway ME3 9JX

Retrospective application for use of site as a hot food takeaway (sui generis).

Approval with Conditions

MC/22/2533

69 Bells Lane Hoo St Werburgh Rochester Medway ME3 9HU

Construction of a two-storey extension to the side and rear together with an additional vehicular crossover, increase in hardstanding area and alterations to wall to the front

Approval with Conditions

TPA/22/2129

Rear Of 27 - 30 Flack Gardens Hoo St Werburgh Rochester Medway ME3 9AX

T370 - Oak - Reduce height by 2m from 15m to 13m, reduce lateral branches by 2.5m from 7m to 4.5 from the centre of the main stem at suitable growth points and Remove deadwood 25mm and greater in diameter

Approval with Conditions

TPA/22/1598

Land To Rear Of 2 Aveling Close Hoo St Werburgh Rochester Medway ME3 9BZ

T1 - Oak- Cut back 3 lower overhanging secondary branches to the east side cut back to trunk finishing no less than 300mm in length, cut back 7 overhanging branches from the east side cut back 4m's to a finished length of 1m for 2 highest branches and 2-2.5m for 5 middle branches, cut vines back from lower trunk and remove any that can be safely done from the tree - see photos T1 Oak Upper Branch Identifier, T1 Oak Branch 2- Lower Branch Identifier, T1 -Oak - 1 and 2 Lower Branch Identifier and T1 Oak 1,2 and 3 Lower Branch Identifier

*T2-Oak - Cut back 2 lower overhanging secondary branches to the east side cut back to trunk finishing no less than 300mm in length, cut back 5 overhanging secondary branches from the east side cut back from 4m's to a finished length of 2-2.5m, cut vines back from lower trunk and remove any that can be safely done from the tree - see photo T2 Oak
Approval with Conditions*

b. Other Planning Matters.

To consider other planning matters.

15. New Community Centre.

Cllr Williams reported that this project was being progressed and architect quotations had been sought and a meeting would be arranged to update members and consider the quotations when the Committee memberships had been reviewed and agreed.

16. Neighbourhood Plan Report.

Cllr Fray reported that the NHP had now reached the Regulation 14 Consultation, and this would run from 19th June 2023 for six weeks, until 31st July 2023.

She stated that Medway Council were due to have 50 copies of the Plan printed for the consultation, an advert had been placed in the Village Voices, and posters would be displayed to advertise the Consultation.

She briefed members on the arrangements for the consultation and gave a report on the NHP work to date.

She paid tribute to Ted Smith who was a member of the NHP Team and had sadly passed away last year.

17. Ward Councillor Report.

Ward Councillor Pearce gave his report to the meeting.

18. Date of next meeting.

Date of next meeting – Thursday 6th July 2023.

There being no further business to discuss, the Chairman closed the meeting to the press and public at 8.45pm.

Signed: _____

Dated: _____