

Minutes of a Meeting of Stoke Hammond Parish Council held by video conference on Tuesday 17th November 2020 at 7.30pm

Present: Cllr Greg Noble (Chair), Cllr Karl Johnson, Cllr Geoff Lane, Cllr Stephen McNally, Cllr Malcolm Newing, Cllr Mike Robinson, Cllr David Venn, Joanna Simonds, Clerk and RFO, Cllr Ben Everitt MP and 17 members of the public.

1. Apologies for absence

No apologies received

2. Declarations of interest

The Chairman declared an interest in items 7 and 11 on this evening's agenda

Cllr Newing declared an interest in item 5 on the agenda

3. Public Participation Session

The Chairman opened the floor to members of the public to raise any items they may have, kindly requesting that any matters be raised now rather than interrupting the meeting later on.

- Patrick Mullins raised concerns over item 7 of using public money to provide a gift, adding that it also raised the issue of how it would be decided who gets a gift and who doesn't. The Chairman thanked Patrick for his comments and said this would be discussed under item 7.
- Michaela Gardner said she joined the meeting this evening at the request of a few residents who live on The Green. She referred back to 2014 when no parking was implemented on the access road to the Green and when the PC kindly donated a couple of no parking signs for the Green area. She explained that the parking seems to be reverting back to how it used to be and as such, she was here on behalf of residents to request whether further funds might be available to add two more signs at the top end at the back of the Green, where residents are seeing persistent parking which in turn blocks the path, resulting in accessibility and safety issues. The Chairman pointed out it was not within the PC's remit to be able to enforce no parking in this area, and that the two signs displayed are purely polite request signs. Michaela understood this and said residents feel a couple of extra signs would just reinforce the message to delivery drivers and residents alike that parking is still not permitted. The Chairman asked Michaela whether residents of the Green had been approached about this problem and she confirmed they had. The Chairman said that if residents are all in agreement on what they want to do here, and given the relatively small cost involved, he saw no reason why the PC could not look into replicating a few more signs, if the general consensus of residents is that this is what they would like to see happen. Jo Featonby echoed what Michaela had said adding that the majority of residents at that end of the Green support this way forward. The Chairman asked the Clerk to get some costs for purchasing and installing two new signs in time for this to be added to the next PC meeting agenda for Cllrs review. **Action Clerk** Michaela thanked the Chairman and requested that if Cllrs voted against purchasing additional signs, could residents then be given permission to put signs up at their own cost. The Chairman commented that residents did not need the permission of the PC. Phil Gomm interjected here saying that there was some funding available on the Community Hub for such highways improvements and that the scheme has been extended to the end of Dec. The Clerk will look into this. **Action Clerk**
- Brenda Mullins asked whether there was any update on the layby as rubbish appeared to be piling high again. Cllrs requested this be added as an item on the next agenda. **Action Clerk**

4. To approve the minutes of the Parish council meeting held on Tuesday 3rd November 2020. The draft minutes circulated were approved and signed as a true record by the Chairman.

Proposed: Cllr Robinson

Seconded: Cllr Johnson

Agreed unanimously

5. Mount Pleasant Land

The Chairman summarised the background here that two weeks ago residents of Mount Pleasant had raised concerns over the piece of green area that was without notice, suddenly fenced off with a padlocked gate. Residents plan to submit an application to have this land declared a village green, and they come to the PC this evening to ask for Cllrs support by way of a letter they could attach to their application. The Chairman asked Cllrs for their views.

Cllr Johnson said he had the following concerns in regards to supporting this application:

- (i) just because residents have used the land as a village green area for the past 20 years, if the landowner wants to fence it off without warning, that is their prerogative. This is a private piece of land, and the owner does not need to give warning.
- (ii) At the last meeting it was suggested residents reach out to the landowner to ask of their intentions. In the reading document sent over in advance of this meeting, there was no reference to that and Cllr Johnson asked whether the landowner had been approached or not. Alan Humphreys confirmed previous attempts had been made to speak with the landowner but no response had ever been received. No further attempt has therefore been made and, there is no requirement or need to approach the landowner about making a village green application.
- (iii) Residents are asking the PC to support this application but it is not clear what the strategy for obtaining that piece of land is and what due diligence has been carried out.

Cllr McNally echoed Cllrs Johnson's comments in regards speaking to the landowner, adding this would in his view seem the most open and transparent approach as the landowner would doubtless be approached should an application be made. Cllr Lane also concurred with what had been said.

Andrew Robson stated that a village green application is an application generally made by a member of the public, supported by other members of the public, claiming rights over private property, and regarding the fence, if they win and the site is declared a village green, that fence would have to come down because it denies access on which the whole application is predicated.

Cllr Robinson's view was that whilst knowing little about the legalities here, parishioners were asking the PC to support their claim and he saw no reason why the PC would not do that.

Cllr Johnson continued that if an application is made to put houses on this piece of land, he personally would object, but with the knowledge he has on such matters, said that the PC have to be very careful where they are stepping and whilst residents may have written to the land owner a couple of years ago, his view was that this needs to happen again. By reacting to something that happened a couple of years ago, the PC could find itself on the wrong side of things.

Cllr McNally asked, just to flip the argument, if the application goes in and is successful, is the landowner expected to give up that piece of land. Adrian responded that that land was designated amenity land, and is on the deeds of the properties in Mount Pleasant so it was never intended to be built on. For nearly 30 years people have had free access to that land and that right is now being denied. Cllr Johnson added that what was confusing him was that it's been looked after and maintained all these years, so why didn't residents invoke the 12-year law? Andrew responded that you can't lay claim to a piece of land if it is registered; but you can request land be designated community land even if registered.

Sam Mahoney asked whether her understanding was correct that unless Mount Pleasant residents contact the landowner, the PC are not in support. This topic having been discussed at length, the Chairman asked if any Cllr intended to propose that we as a Parish Council, in the form of a letter, support the Mount Pleasant residents in their application. Cllr Venn said he would like to propose this.

Propose: Cllr Venn
Seconded Cllr Robinson

In favour – Cllrs Venn, Robinson and Noble
Cllrs Johnson, Lane and McNally abstained from voting
The Chairman declared this a split vote

Cllr Johnson suggested that residents should write to the landowner and if no response has been received within 14 days, the PC would support their proposal. Gill Wilson asked Cllr Johnson what he was so worried about would happen in the PC supporting this application. Cllr Johnson replied he was

trying to protect the PC from putting themselves in a situation where they could be setting a dangerous precedence should other parishioners come along with similar requests.

The Chairman proposed that residents send a letter to the landowner and if no response has been received within 14 days, the PC would then support their proposal and issue a letter accordingly.

Proposed: Cllr Noble

Seconded: Cllr Robinson

In favour Cllr Noble, Cllr Robinson, Cllr Venn and Cllr Lane

Cllrs Johnson and McNally abstained from voting

That motion passed, the Chairman concluded residents should go ahead with their application and let the Clerk know in days, what if any response has been received from the landowner. If no response is received, the PC will give their official support of the application by way of a letter. The Chairman asked that a copy of the letter that is sent to the landowner, be emailed to the Clerk for the PC's records. Then, after 14 days, the Clerk should be notified whether any response has been received from the landowner. At that point, the PC will issue their letter of support and no further meeting will be necessary as the process has now been agreed in this PC record.

- 6. Planning:** To discuss planning applications and make recommendations on any planning applications received after this agenda is published, if urgent.

20/03793/APP – Stoke Hammond

Barn 2, Hunters Lodge, Leighton Road, Stoke Hammond MK17 9DD

There were no comments or concerns raised in regards to this straightforward single-story rear extension, and so Cllrs voted in favour of NO OBJECTION.

Proposed: Cllr Lane

Seconded: Cllr McNally

Agreed unanimously

20/03874/APP – Stoke Hammond

20 The Green, Stoke Hammond, Bucks MK17 9BX

Cllrs had no comments on concerns regarding this conversion of an existing garage to an art studio with a new pitched roof, and voted in favour of NO OBJECTION.

Proposed: Cllr Robinson

Seconded: Cllr Lane

Agreed unanimously

7. Community Centre Event

Due to an earlier declared conflict of interest, the Chairman handed over to Cllr Robinson who summarised that each year the PC has contributed £100 towards the Senior Citizens Christmas lunch. This year, due to Covid restrictions, the Community Association are unable to hold the lunch and instead are planning a small gift, along the lines of a bottle of prosecco and a box of chocolates to those parishioners that attended last year's lunch. The Community Association are asking the PC if they are prepared to make the usual £100 donation towards the cost of doing this.

There was a lengthy discussion around (i) the use of public money for gifts as, previously the PC's donation has gone towards a service, and (ii) the fact that this proposed gift would only be going to those that attended last year's lunch, therefore raising issues around equal opportunities and excluding people who have perhaps attended previously and even any new residents to the parish.

Cllrs agreed that whilst they want to continue to support this event and these are most definitely unusual times, they were uncomfortable with the gift idea. Cllr Johnson suggested the possibility of moving the lunch to sometime next year, once we are out of lockdown. Cllr Lane echoed these comments suggesting this to be a good approach, adding that in future years, we also need to consider Newton Leys residents to make sure they are recognised in the same way.

Cllr Johnson said that although the Chairman declared an interest in this item, it would be interesting to know his thoughts. The Chairman said that having listened in and heard what's been said, he didn't

disagree with some of the points made but as Cllr Robinson said, the Community Association were simply trying to find a way to recognise the senior citizens as they've done in the past. Acknowledging these are very difficult times though, the Chairman said he understood the points raised.

Cllr Robinson summarised what he understood to be the preferred route forward in that once we are free of lockdown and able to live more or less normally, if the Community Association are able then to put on a lunch, the PC would be very happy to support that in the way they have previously supported the Christmas lunch. The difference is the PC would be as they usually do, contributing to a service, rather than making a gift which could be misinterpreted.

The Clerk to write to the Community Associate to explain that the PC feel unable to support giving a gift but would be very happy to support some future event. **Action Clerk**

Proposed: Cllr Robinson

Seconded: Cllr Johnson

All in favour

8. Buttons Preschool

The Parish Council has received a request from Buttons Preschool to hold a Carol Service on The Green on Tuesday 15th December at 11am. Assuming no change in Government regulations, as a school group, they are currently allowed to hold such organised events. They have a full risk assessment and are simply seeking the PC's permission to hold a controlled service on The Green.

Cllrs agreed that in principle they are content for Buttons to hold this preschool controlled service, with the caveat that the event going ahead is dependent on Government lockdown restrictions at the time.

The Clerk to write to Buttons **Action Clerk**

Proposed: Cllr Robinson

Seconded: Cllr McNally

Agreed unanimously

9. Highways

The Chairman brought to Cllrs attention that just before the roundabout where Tommy's car wash is, the number of cars parking on the verge is dramatically increasing and not just during the day time, vehicles are parked there overnight. The vehicles have made a mess of the grass verges and it looks very unsightly. With Tommy's currently closed, the vehicles may possibly be associated with the car dealership using it as a sort of overspill car parking area. That land being Highways, the Chairman asked Cllrs whether we should be doing something about it. Phil Gomm advised there is a Planning Act that stops people parking on the verge in that area and suggested in the first instance a "nice" letter be sent to the businesses referring to the mess the vehicles are causing and that Highways land is being used here in the wrong manner. If they continue to park on the verges, Highways can be notified and they in turn will start charging the perpetrators for damage to the verge. Phil said he has seen such bills run in to thousands of pounds. Cllr Johnson also referenced a potential Health and Safety issue as if you've been in to Tommy's, trying to turn out of that road can be quite treacherous as you simply can't see what is coming up the road. Cllr Lane commented that in all his time on the Council, he does not recall ever having seen a planning application for the car dealership and suggested the PC look into this. Cllrs agreed in the first instance, the Clerk should write to the businesses in that area to bring their attention to this matter and site the fact that ultimately if they continue to park on the verges, they may suddenly start getting bills from the County Council. **Action Clerk**

Proposed: Cllr Newing

Seconded: Cllr Johnson

Agreed unanimously

10. St Luke's Christmas Tree

The PC has been approached by St Luke's Church in regard to the Christmas Tree they display each year in the church. Sadly, as things stand, it looks unlikely people will be able to enter the church over the festive period so St Luke's would like permission this year to place their solar/battery decorated tree on what we call "the old pond site" at the top of Church Road. Cllrs agreed no objection to this so long as two caveats were met; (i) no electrical power be connected to the tree and (ii) the tree is securely anchored. **Action Clerk**

Proposed: Cllr Johnson

Seconded: Cllr Lane

Unanimously agreed

11. Parish Land

Having previously declared an interest, the Chairman handed over to Cllr Robinson to chair this item. Cllr Robinson shared his initial concern that our 3 new Cllrs are not familiar with anything related to this project and for that reason, he suggested that to bring the new Cllrs up to speed, a document be drawn up, via the Clerk, but with input from the original 4 Cllrs, setting out the processes of what has happened to date and how we've reached the stage we're at now. This would have the benefit of all Cllrs starting from the same page in order to proceed with developing this project. Cllr Newing agreed that a briefing of some sort would be very helpful here.

Cllr Johnson expressed timing concerns if we were to do this saying that he and Cllr Lane have spent hours working behind the scenes on this project and to delay the project any further would not be helpful. He said that the 4 original Cllrs made the decision to go down this route of getting a feasibility study and his view was that we should proceed with this. Cllr Robinson reiterated his view that it was important to get the new Cllrs up to speed and that producing such a document didn't need to delay proceedings by much and would result in all Cllrs being on a level playing field.

Cllr Johnson suggested that if this was the proposed route, that it be the working party that put the document together.

Cllr McNally commented that whilst it was important to get up to speed, he was conscious that prior to new Cllrs coming on board, the PC had clearly put a lot of work into this and so his view was to move forward with the feasibility quotation rather than delay proceedings any further.

Cllr Johnson confirmed his intention was that between now and January that piece of work gets completed so that he and Cllr Lane could share figures and a proposal at the January PC meeting.

Cllr Lane agreed with Cllr Robinson that it was important that all Cllrs should be on a level playing field but didn't feel that could be easily done with a document. Instead, he suggested a Zoom where the project could be explained to the new Cllrs. He also reiterated that Cllr Johnson was right in that they have both spent two months trying to get feasibility quotes, and to delay now, having spent many hours reaching out to different companies, could result in potentially losing this contractor and the need to start again from scratch. Cllr Robinson accepted a Zoom meeting could work but suggested that a physical document would also still be very helpful.

Cllr Newing suggested that in order to get this project moving, he had no issues with proceeding with this quotation and then getting fully briefed further down the line. Cllr McNally agreed. Cllr Venn expressed concern at Cllrs being asked to sign off the money this evening without any prior knowledge of the project or its background. Cllr Newing suggested that the new Cllrs could potentially abstain from voting. Cllr Robinson reiterated it was far better if everybody was up to speed and that delaying by another few weeks would not make much difference. Cllr Johnson disagreed saying that to delay now could have big implications.

Cllr McNally asked whether the money for this project was coming from PC funds. Cllr Lane referred to previous discussions with Bucks Council and how this quotation should be covered within the S106 monies. So, although there would be initial outlay from PC funds, we can list the fee as part of the building project to be recouped later on as the project progresses. Cllr Robinson remarked he didn't think that was quite accurate and, as he understood the correspondence between the PC and the S106 Monitoring Officer, it was suggesting there was some doubt on whether what we were talking about doing, i.e. an extension to the Community Centre, would actually qualify for S106 money, but he was unable to confirm either way until a proposal is submitted.

To give a little background here Cllr Johnson referred to the two options on the table; Option A was to build a new Community Centre/Multipurpose building on the new land. However, S106 money we thought was available did not materialise so we are unable to proceed with that option. This leaves Option B, to extend the existing Community Centre to be big enough to accommodate what we would have accommodated elsewhere. One of the issues we have is that there are no utilities in the land and no access in, as it stands today. What we were told by Bucks was that anything on the new land to do with amenity and sports, we could claim S106 money but if we were looking at building an extension on to the existing CC, the likelihood is that would not qualify for S106 money. Cllr Johnson asked the Chairman whether that was a correct portrayal. The Chairman confirmed that there was certainly no question in regards to any sports amenities, but Joe Houston was non-committal in regards to the building extension itself at this stage.

Cllr Johnson asked whether Cllrs had any questions regarding the quotation itself. Cllr Robinson said one of the issues we've never been able to resolve is that of access onto the new land and there is no reference to this on the quotation. Cllr Johnson confirmed he had discussed access and a car parking area with Broadbase and that would be incorporated in their findings. He added that this is the first step along the way and we need to get a cost estimate of what is entailed here so we have a clearer understanding of what can and cannot be done. Then we can look back at the S106 money to see which of the ideas we have might be possible.

Cllrs voted in favour of proceeding with the Broadbase quotation of £3,350.

Proposed Cllr Lane

Seconded Cllr Johnson

All those in favour: Cllrs Robinson, Cllr McNally, Cllr Newing

Cllr Venn abstained

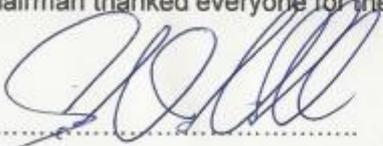
12. Re-confirm date of the next meeting - Tuesday 5th January 2021 at 7.30pm

Before closing the meeting, Cllr Newing asked the Chairman if he could make a point that although the Chairman had declared an interest in an earlier item on the agenda, he was at the end asked for his view. Cllr Newing was not given the same opportunity following the Mount Pleasant discussion and felt he needed to express his view that the PC had upset an awful lot of residents this evening by the decision they made, and he didn't think they received a proper explanation as to why the PC didn't offer their support in this regard. Cllr Newing's interpretation here was that the PC were in support in principle with what residents are trying to do, but were going to follow due process for two weeks whilst residents contacted the owner of the land. The PC were specifically asked what that due process was as there was absolutely no need to be approaching the owner of the land. This question was not answered. Cllr Johnson also asked, what happens if you actually put the application in and its successful, you can't take the fencing down. Cllr Newing confirmed that if they put the application in and it is successful, they have won, and they absolutely will be able to take the fence down because it will be common land and residents will be able to use that land as they've used it for the last 25 years. In conclusion, Cllr Newing said that statements were made this evening that were fundamentally wrong and he reiterated it was simply not clear to him and it certainly wasn't clear to residents, why the PC wanted a two-week stay of execution while they contact somebody who will probably not respond anyway.

The Chairman stated that the reason proceedings took the turn they did was because as a Council they were unable to initially agree in favour of supporting the application and this seemed to be the compromise to move this forward and satisfy those members of the PC that had not previously voted in favour. Cllr Newing said he understood what had happened but reiterated that he didn't understand what benefit there was for the PC in waiting 14 days. It was so important for the residents to get their first hit in before the landowner potentially comes in with a planning application, and by making contact with him now it was potentially giving the landowner an unnecessary heads up. Cllr McNally commented that whilst he appreciated this is clearly very high profile for a lot of residents that live there, he did personally feel that to make contact with the land owner in the first instance was the sensible approach.

- Cllr McNally asked Ben Everitt MP whether he had any update on the Expressway as it seems to be rearing its head again. Cllr Everitt confirmed as far as he was aware, and in light of the savings Government are looking to make right now, this project would not be going ahead, however, they were just waiting on final confirmation from The Rt Hon Grant Shapps MP office at the Department for Transport. He was hopeful however, that money would be spent on upgrading the A421 and J13 of the M1.

The Chairman thanked everyone for their contribution and declared the meeting closed at 21.41.

Chair:  Date: 05/12/21