

The Minutes of the Meeting of Hoo Saint Werburgh Parish Council
Held in the Village Hall, Pottery Road, Hoo on Thursday 4th July 2019 at 7.30pm.

Councillors present: Chambers
Counsell
Cutting
Fray
Freshwater
Gissing
Pearce
Pratt
Rees
Williams
Winstanley

Also: Parish Clerk and members of the public.

The meeting was chaired by Councillor Williams.

1. Apologies.

Apologies were received from Cllrs Tildesley, Sands, Savage and Perfect.

2. Declaration of Interests.

No interests were declared.

3. Minutes of the previous meeting.

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

It was proposed by Cllr Chambers to accept these as a true record.

This was seconded by Cllr Gissing and agreed by all present.

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

4. Matters arising from the Minutes.

There were no matters arising.

5. Public Question Time.

Residents attended the meeting and spoke regarding the Parish Councils website and the issues with the Footpaths to the rear of the Bellway Homes development.

6. Urgent Matters.

Cllr Winstanley informed members that she had met with the Site Manager of Bellway Homes as water was being pumped over the Bridleway.

She stated that the Bridleway had been fenced off and closed until 25th August and there were no plans to reinstate this. She asked for members approval to continue with this investigation.

This was discussed by members and Cllr Winstanley was given delegated authority to continue with her investigations regarding the Bridleway.

Action: Cllr Winstanley to progress.

7. Chairman's Report.

Cllr Williams reminded all members that when circulated emails, the responses to these should be directed to the Clerk who would then respond on behalf of the Parish Council.

8. Clerks Report.

The Clerks Report was noted and accepted by members.

Request regarding the use of Pottery Road Recreation Ground

Members discussed the following request:

Just a quick email to discuss the great opportunity I have to offer the community of children in Hoo St Werburgh. I am looking to deliver weekly football sessions to help improve health and fitness and keep the children in the community fit.

I want to deliver weekly football sessions encouraging fun and social interaction for the children! I am a Primary School PE teacher at the Hoo St Werburgh Primary School, and I love helping keep the children fit, but it's not enough keeping them fit at school.

I want to ensure the maximum is done to help the children and keep them enjoying and participating in sport. I want the opportunity for the children to take place just 1 evening a week, which gives them that extra chance to keep up with the hour of sport and exercise a day! (NHS guidelines).

I really think this opportunity for the children in the community is excellent and will really help the community keep active and have fun whilst learning new skills! Finally, I know as a teacher in the community it would be a massive help for the children and would encourage fun and help them develop their social, cognitive and physical skills!

It was agreed that the Parish Council would allow the use of the Recreation Ground free of charge for a six-month period, subject to confirmation of a Public Liability Insurance and Safeguarding Policy.

Action: Clerk to respond.

Letter from Rev John Smith regarding the handover of the burial ground.

A letter from Reverend John Smith regarding the Burial Ground was circulated, this informed the Parish Council that the Burial Ground would not be needed by the Church for a least a two-year period.

This was discussed and Cllr Rees suggested that the PC may wish to consider exploring other uses for the land on a temporary period, she stated that the ground may be useful for the school as an educational garden for the children attending the Marlborough Centre in the Parish. She stated that there was a number of steps that would need to be taken if this was to be progressed as the covenants of the land would need to be changed for this temporary period.

It was agreed that the first step was to approach the school to see whether they would be interested, and Cllr Rees was given delegated authority to progress this. (Williams/Chambers).

Hoo Primary School Year 6 Production.

Year 6 at Hoo St Werburgh Primary School would like to invite you to their Production "Zany Zoo" on Tuesday 9th July at 1;30pm. This is an open invitation for to up to 6 people and numbered tickets are not needed.

This invitation was noted by members.

9. Ward Councillors Report.

Cllr Sands gave his apologies to the meeting and a written report was circulated in his absence.

10. Neighbourhood Plan Report.

Neighbourhood Plan Chairman, Elaine Cutting gave a report on the progress of the NHP.

She reported that consultation events had been held at the Church and the Hundred of Hoo School. The NHP Group had been looking for an expert to put together the plan and had agreed on a consultant from Urban Vision, she confirmed that the payment for the Consultant would be grant funded.

She asked for members approval to appoint the expert Urban Visions to assist with the Neighbourhood Plan. This was discussed and agreed by all present. (Cutting/Pearce).

Cllr Cutting stated that the NHP Group would be two grants, one for the meeting costs and a technical grant to fund the appointment of the Consultant to draft the plan.

She stated that the NHP Group was putting together a list of areas to move forward with as Assets of Community Value as an evidence base, and these would be discussed with the consultant.

The Chairman thanked Cllr Cutting for her report as Chairman of the NHP Group.

11. Police Matters.

Cllr Gissing reported that following the PACT meeting, Councillor Phil Filmer had requested that Parking Wardens visited the parish on a regular basis, and they had been in the village for the past five Saturdays.

Cllr Chambers raised concerns regarding riding the HGVs using Bells Lane to access the Hoo Marina. Cllr Williams asked members to take the details of these lorries to enable this matter to be investigated further.

12. Monthly Financial Statement.

The Financial Statement was circulated to all members.

This was proposed by Cllr Chambers, seconded by Cllr Fray, and agreed by all present.

13. General Power of Competence.

The following report regarding the General Power of Competence was circulated to all members and discussed:

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 Parish Council satisfies all the conditions as:
- It has 12 out of 15 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 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 Parish Council, this was seconded by Cllr Fray and agreed by all present.

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

14. Youth Services in Hoo.

Cllr Williams suggested that this matter be deferred to the next FA&GP Committee Meeting. This was agreed.

15. Finance Audit and General Purposes Committee:**a. To consider any matters referring to the Finance, Audit and General Purposes Committee.**

The Clerk confirmed that the next meeting of the FA&GP Committee would take place on Thursday 18th July 2019 at 2pm.

16. Environmental Committee**a. To consider the minutes from the recent Environmental Committee Meeting.**

The attached minutes from the Environmental Committee Meeting held on 20th June 2019 were approved by members. (Fray/Williams).
Appendix 1.

b. To consider the recommendations from the Committee Meeting.**Parish Beacon**

Action: Recommendation to put together a project to erect the Beacon at Hoo Common with fencing an information board.

This was discussed and authority was given to the Environmental Committee to seek the design and costings for this project.

c. Other Environmental Matters.

Cllr Rees spoke regarding the quotations received for the dropped kerb for the burial ground. She stated that following a tendering process three quotations were received and she proposed the acceptance of the quotation from Medway Council Volker for £1533.47. this was seconded by Cllr Perfect and agreed by all present.

Action: Clerk to formally accept quotation from Volker.

Cllr Rees spoke regarding the Section 106 money for the burial ground, she stated that when the dropped kerb was installed the gates would need to be erected to secure the site.

Following a discussion, it was agreed that Cllr Rees would liaise with the Church Wardens regarding the purchase of the gates.

Cllr Freshwater arrived at the meeting at 8.35pm.

17. Planning Committee:**a. To consider planning applications received.**

MC/19/1627 22 Marley Road, Hoo St Werburgh, Rochester, Medway, ME3 9DH
Retrospective application construction of hardstanding to front

b. To consider other Planning Matters.

No matters were raised.

18. Remembrance Sunday.

Members agreed to allocate £100 towards poppies for the lampposts and a poppy wreath for Remembrance Sunday. (Pearce/Williams).

19. Delegated Authority for the August Recess.

It was agreed that Cllrs Tildesley, Williams and Cutting would be granted delegated powers for the August Recess. (Gissing/Fray).

20. Urgent Items.

No matters were raised.

21. Date of next meeting.

5th September 2019.

There being no further business to discuss, the Chairman closed the meeting to the press and public at 8.42pm.

Signed.....

Chairman

Dated.....

Hoo St Werburgh Parish Council
Minutes from the Environmental Committee Meeting
Held in Pottery Road Village Hall on 20th June 2019 at 2.00pm

Councillors Present: Tildesley

Rees

Chambers

Perfect

Pratt

Fray

Also, Present: Parish Clerk.

The meeting was Chaired by Cllr Tildesley.

1. Apologies.

Apologies were received from Parish Councillors Pearce, Freshwater and Winstanley.

2. Declaration of Interests.

No interests were declared.

3. Recreation Grounds.

Bin for Hoo Common

As agreed at the recent Parish Council meeting members selected a new bin to purchase for her comments.

Action: Clerk to order bin as agreed.

It was further agreed that a specification would be drawn up to seek costs for the installation of the bin.

Action: Chairman and Clerk to progress.

Fencing at Pottery Road Recreation Ground.

The Clerk confirmed that Westsole Fencing would start work on the fence within the next two weeks.

Hoo Common Reinstatement.

The Chairman confirmed that the damaged land at Hoo Common had been reinstated by Norse to a satisfactory standard.

Old Infants Play Area.

The Chairman asked the Clerk to liaise with the contractor to establish the timescales for the removal of the old infants play equipment.

Action: Clerk to progress.

Grass cutting at new infants play area.

The Chairman stated that the grass had now been cut in the new infants play area and he would establish whether this had been undertaken by the Warden or Norse.

He spoke regarding an action from previous meeting regarding a concrete plinth in front of the bench at Pottery Road Recreation Ground and stated that he would look into this.

Members discussed whether to have an official opening of the new playing area. Following a discussion, it was agreed that this was no longer necessary.

4. Parish Allotments.

The Chairman stated that a specification for the allotment standpipes and location that was in the process of being drawn up and would be sent out to contractors to see quotations for the work.

Cllr Perfect informed members that she had received complaints from allotment holders regarding the old chain link fencing that was still on site following the installation of the new fencing. This was currently lying on the ground covered in brambles and needed to be removed.

It was agreed that quotations would be sought for the removal of this fencing. Cllr Tildesley stated that he would visit the site to ascertain the details to draw up a specification for the work.

Action: Cllr Tildesley to progress.

5. Burial Ground.

Cllr Rees reported circulated a report on the progress of the burial-ground.

Grass Cutting

The contractor has carried out the first cut. This had to be done with a strimmer type machine because the grass was so thick, tall and contained large weeds. The grassed area does look rough after this cut and this has been pointed out to the contractor who has explained that the next cut will produce a better result and after that a mower can be used to produce a better result. We are not expecting a bowling green finish because the cost of cutting has been kept to a minimum to ensure that there is sufficient S.106 funding for as much other work as possible,

Gates

Rev John Smith advised on 11 June 2019 that the PCC is still happy to contribute £600 for the gates. We did agree with the Churchwardens last year that they would select the gates. I have revised the Specification for the gates to take account of the planning and highways consent that we obtained earlier this year. As agreed last year I have included a budget sum of £400 in the S.106 Burial Ground Fund to cover the cost of any additional items required for the gates.

Dropped Kerb

Sherrie has accepted the quote from Volker and asked for the work to be carried out in September/October as we would like to tie in the installation of the dropped kerb with the installation of the gates.

S106 Budget

I have revised the S.106 budget and a copy will be circulated with this report. In the revised S.106 budget I have shown expenditure incurred and budgeted to 13 June 2019. After paying for the dropped kerb, grass cutting, ground clearance, sowing the wildflower seed and allowed a budget figure of £400 for gates there is a balance of £653 remaining and this sum will fund contingencies.

Wildflower Meadow.

The seeds for the Wildflower Meadow were purchased last year and will be sown in the north section of the ground soon but there is some weeding to do first.

Saplings

Weeds in the north section of the west boundary have died and can be cleared. This section can be fenced, and the ground will be prepared for a further 420 saplings due in November 2019.

Temporary Use Pending Handover to PCC

It seems a waste not to use the Burial Ground until hand over to the Church. Do members have any suggestions? How about asking the Primary School or Special Needs Section of the school if they would like to use the wildflower end for gardening?

She spoke regarding the grass cutting and stated that his second cut had now been undertaken and the ground looked better, the next cut was a lawnmower cut.

The Chairman reported that the Parish Warden had been at the burial-ground to trim the area, he stated that there was now a need to have the area rotavated.

It was noted that there was a lot of litter in the area and it was suggested that a bin should be sited next to the bench in Vicarage Lane. The Clerk was asked to liaise with Medway Council regarding this matter.

Action: Clerk to progress.

A general discussion took place regarding the burial-ground, it was reported that the trees planted on the south border of the burial-ground had not survived.

Cllr Fray suggested that there were a number of Parish Council trees stored at the library that may be used for this area.

6. Other Projects.Village Planters

Cllr Pearce gave his apologies to the meeting and therefore no update on the progress of the village planters was available.

Parish Council Storage Area/Wardens Compound

The Chairman confirmed that in line with the agreed actions from the Parish Council meeting, the quotation for the planning work had been accepted and this has now been progressed.

Safe Crossing of Bells Lane

No matters to report.

The Clerk stated that she would follow this up with Medway Council.

Action: Clerk to progress.

Setting up hall for parish meetings.

Members discussed the concerns raised by members that the new tables at the hall were heavy and difficult to lift for health and safety reasons.

The Chairman suggested sending a letter to the Village Hall Management Committee to see whether it was possible to leave the tables out following the meeting, to be cleared up by the Warden the next morning. This was agreed by members.

Action: Clerk to liaise with Village Hall Management Committee.

Floodlights at Pottery Road Recreation Ground.

The Clerk was asked to liaise with the Village Hall Management Committee to ascertain whether these were still in working order.

Action: Clerk to liaise with Village Hall Management Committee.

Parish Council Beacon.

Members discussed the Parish Councils Beacon that was currently stored at the development site at Chattenden and the need for this to be moved to a safe location by Christmas.

It was agreed that it would be better to have it erected on a post rather than stored in the parish.

Following further discussion, it was agreed that a recommendation would be put forward to Full Council to seek the author members to put together a project to have the Beacon erected on a post at an agreed location at Hoo Common, with fencing and an information board.

Action: Recommendation to put together a project to erect the Beacon at Hoo Common with fencing an information board.

7. Any Other Business.

Parish Council summer school.

Members discussed the idea put forward by a Councillor to have a Summer School run by the Parish Council. It was agreed that this was a good idea however a huge project that the Parish Council was unable to take on at present.

It therefore agreed that this matter should be deferred until the Parish Council could consider this financially.

General Power of Competence (GPC).

The Clerk explained the benefits that the Parish Council would have if this adopted the General Power of Competence. She confirmed that the Parish Council met the required criteria to adopt this.

Following a discussion, it was agreed that the Clerk would circulate a report to members with the meeting papers and place this as an item on the next agenda for formal consideration.

Action: Clerk to draft report to circulate to all members and place item on next agenda.

The meeting was closed at 15.05pm