

## **BORDEN PARISH COUNCIL**

### **MINUTES OF THE EXTRAORDINARY PARISH COUNCIL MEETING**

**Held on Thursday 19<sup>TH</sup> July 2018**

#### **Present:**

Cllr J Bolas (Chairman); Cllr C Sims (Vice-Chair); Cllr M Downes; Cllr Emery; Cllr E Harrison; Cllr Hepburn; Cllr Lainton; Cllr Luxton; Cllr Masters; Cllr M Millican; Cllr S Smith; A Smith (Clerk) and 5 members of the public

#### **1. WELCOME AND APOLOGIES FOR ABSENCE**

Apologies received from Cllrs: Baldock, Evans, Hampshire and Whiting.

#### **2. PUBLIC TIME**

##### **a) Parishioners**

A resident of Brier Road asked for clarification on whether Brier Road is Borden or Sittingbourne in relation to a planning application. Brier Road is in the village of Borden.

A resident asked if the Parish Council had discussed the "Looking Ahead" document from Swale Borough Council and had anyone completed it, as it is very difficult to complete. The resident has filed a complaint and will keep the Parish Council informed.

##### **b) County/Borough Councillors**

Reports from the County and Borough Councillors can be found at the end of the Minutes.

#### **3. MINUTES OF THE LAST MONTHLY MEETING**

Proposed by Cllr Masters and seconded by Cllr Harrison, the Minutes of the meetings held on the Thursday 21<sup>st</sup> June 2018 were agreed with 5 abstentions.

#### **4. DECLARATIONS OF INTEREST AND DISPENSATIONS**

Cllr Bolas declared an interest in item 6a.

#### **5. FINANCE**

##### **a) To approve the accounts**

It was proposed by Cllr Emery and seconded by Cllr Masters that the accounts were approved. Agreed with one abstention.

##### **b) To approve the cheques raised at the meeting**

It was proposed by Cllr Emery and seconded by Cllr Harrison that the cheques raised at the meeting were approved. All were in favour.

##### **c) Quote regarding Celtic Cross on the War Memorial.**

It was proposed by Cllr Harrison and seconded by Cllr Smith to accept the quote from Stone Specialist and Building Engineer, Gary Newton for £4450.00 to supply and install the new cross using Hopton Wood. Agreed with one vote against.

#### **6. MATTERS ARISING FROM THE LAST MEETING**

##### **a) Wises Lane Planning application – update**

Cllr Bolas handed over the chair to Cllr Sims due to the conflict of interest in this item.

The Council has agreed to object to the amended planning application at the extraordinary meeting held on 12<sup>th</sup> July 2108. The specification was changed in respect of the traffic consultant and a new quote has been received. It was proposed by Cllr Downes, seconded by Cllr Luxton to accept:

1) The quote for £2250.

2) £300 for a site visit.

Agreed with 2 abstentions.

- 3) It was proposed by Cllr Emery and seconded by Cllr Masters that any further expenses must be advised to the Chairman (delegated to the Vice-Chair due to conflict of interest) for authorisation. All were in favour.

**Action: Clerk**

**b) Wet Pour – new quote and grant application**

There had been some difficulty in obtaining a quote due to the cost to dispose of the old material. Cllr Emery has some quotes that he will get renewed specifying disposal of the old material.

**Action: Cllrs Masters and Emery**

**c) 6'6" Access limit for both ends for Chestnut Street – Danaway**

An update will be requested from Cllr Whiting regarding the costs implications and timelines.

**Action: Clerk**

**d) Siting of a Tommy Silhouette for WW1 Commemorations**

The clerk will contact Cllr Whiting for an updated regarding permission to site the silhouette on the triangle in Borden.

**Action: Clerk**

It was proposed by Cllr Downes and seconded by Cllr Sims to place the order for the Tommy Silhouette. All were in favour.

**Action: Clerk**

It was proposed by Cllr Masters and seconded by Cllr Luxton for a provision of up to £500 should a contractor be required to install the silhouette. Agreed with one abstention.

## **7. CORRESPONDENCE**

**a) Letter requesting Funding Support for Carers Support**

It was agreed to send an applications form.

**Action: Clerk**

**b) Letter regarding overgrown hedge**

The clerk will report the hedge to KCC Highways and reply to the correspondent.

**Action: Clerk**

## **8. PLANNING APPLICATIONS – can be viewed on <http://pa.midkent.gov.uk/online-applications/> and <https://cloud2.atriumsoft.com/KCCePlanningOPS/searchPageLoad.do>**

- a) 18/503107/FULL Proposal: Erection of a single storey front and side extension: Cartref, Wrens Road, Borden ME9 8JD

No comments

- b) 18/503345/FULL Oast Pond Road

It was proposed by Cllr Downes and seconded by Cllr Sims to support the application. Unanimous.

**Action: Clerk**

## **9. REPORTS AND MINUTES FROM COMMITTEES AND REPRESENTATIVES**

### Committees

#### **Finance**

A meeting is to be arranged.

### Representatives

#### **KALC**

The first meeting of the "Twenty's Plenty" is due to be held shortly.

**Borden Parish Hall**

The paving round the Hall has become a trip hazard and a quote to reset the paving stones is being sought. The front emergency exit door has been repaired. A securing pin had to be re inserted on the crash bar handle.

**Borden Sport Association**

The arrival of the tractor is imminent.

**Heritage**

The stall at the fete was very well supported.

**10. ITEMS FOR INFORMATION ONLY**

There is a planning enforcement meeting being held on Thursday 26<sup>th</sup> July.

The three entrances to Maylam Gardens have overgrown hedges.

There is a dead tree and overgrown bushes in The Street, east side of Homestead View.

A letter had been sent to the local paper in respect of the toilet at the Playstool.

The hedges are overgrown outside Old Stede, Chestnut Street.

A road sweeper is required for 20 yards up Woodgate Lane.

A letter of thanks will be sent to the fete committee.

**11. NEXT MEETING TO BE HELD 16<sup>th</sup> August 2018**

The meeting closed at 21:10

Signed: J Bolas (Chairman) .....

Date: .....

Payee	Description	Amount £	Cheque No.
Redwood Systems	Supply of Hewlett Packard Laptop and associated extras Invoice: 010449	<b>1000.94</b>	102736
Four Jays Group	Service of Site Toilet Invoice: 433168	<b>43.20</b>	102737
Fryer Cleaning & Maintenance Ltd	Monthly Maintenance June 2018 Invoice: 5520	<b>445.20</b>	102738
Swale Borough Council	Printing of Broadside Vol 2 Invoice: 7220206987	<b>186.00</b>	102739
McCabe Ford Williams	Quarterly Payroll Services: Invoice: BOR5657/P4/296	<b>39.00</b>	102740
Mrs A I Smith	Salary & Expenses July 2018	<b>436.56</b>	102741
Borden Parish Hall	Hire of hall 19/4/18; 17/5/18; 21/6/18 Invoice: 000956	<b>49.50</b>	102742

#### Other Payments:

E-On Energy Supply	-	£51.84	Paid by Direct Debit
EDF Energy	-	£9.00	Paid by Direct Debit

## REPORTS FROM BOROUGH AND COUNTY COUNCILLORS

### Report from Swale Borough Councillor Mike Baldock

I have attended various functions within the Parish over the past few weeks, including the very informative Dementia Friends awareness session in The Forge. It was disappointing that so few people attended as this is an issue that affects many people and there are many easy steps we can all take to make the lives of those with dementia and their friends and relatives that much easier.

I also attended the Village Fete as a stall-holder on the Borden Residents Against Development stand where we received a lot of support and local people, plus many from outside the Parish, made it very clear that they will continue to oppose this destructive application every step of the way.

I have a Ward Surgery at the Forge on Sunday 12<sup>th</sup> August and an Open Meeting at the Gore Court Club on Monday 13<sup>th</sup> August at 7pm.

### Village Green -

The final legal exchanges have taken place in the Cryalls Lane Village Green case and we now await the Inspector's recommendation to the County Council and a date for the Regulation Committee to consider the report.

Some of the central points hinge around whether or not the landowner's agent did or did not put up a permissive notice on the site. The landowner's Barrister - Douglas Edwards QC - a leading Village Green lawyer - has argued on the basis of two recent cases (The Newhaven Case and the Barkas Case) that the landowner need only have erected one permissive notice during the whole 20 years for any claim to fail on the basis that use would then be 'by right' rather than 'as of right'. If this claim is allowed to pass unchallenged it will make it virtually impossible for future Village Green cases to be won where the landowner claims to have at some point erected such a notice - regardless of whether anyone actually saw the notice! Edwards is arguing that this means there is a need only to 'communicate' the permission, but not a need to draw that permission to the users' attention.

I have argued, amongst other points, that the Newhaven Case differs because the communication of permission was resultant from a statute or a bye-law rather than from a notice, and that the landowner in the Newhaven case was a public authority rather than a private landowner. I have also argued that whereas permission gained from a statute or bye-law is specific and referable that communicated by the alleged notice was not specific or referable, and therefore could not hold the same legal weight.

As much emphasis was placed on the reliability of the landowner's agent, who also stated that the signs were still visible in 2010, any evidence that the signs were not in fact *in situ* during the period 2003-2010 would be very useful in illustrating that the landowner's agent may have been mistaken in his recollections.

- a) The other main issue is whether people walking or walking with dogs around the perimeter path is more of a Public Right of Way use than a Village Green use. Edwards argues that it is PROW type use and should be discounted whereas I have used the recent Allaway case which recognises dog-walking as part of modern usage of a Village Green. I also argued that the Landowner's depositing of a Statement under Section 31 of the Highways Act in 2008 (which denies the existence of any intent to dedicate new PROW on the land) means that the dog walking could not be assumed to be PROW rights as the statement categorically denies that right being exercised. Apparently this is the first time that such an argument has been made in a Village Green case and if accepted could mean that it will be a lot easier to claim Village Green rights in other similar cases in the future. This would be a dangerous precedent for Landowners and is likely to be legally challenged if the Inspector agrees with this aspect of my argument.

### Bus Group -

I have recently been involved in founding the Swale Bus Group which consists of a cross-party group of Borough Councillors a parish councillor and two members of the North Kent Rail Users Group. We are looking at strategies, both short and long term, to improve the way buses can serve our local communities..

Following the first meeting the following action points have been agreed:

- 1) Due to extreme delays in the bus services, many people are having to get earlier busses. Therefore, we will approach Swale Borough Council to seek an extension of bus passes to 8am during the duration of the roadworks in Sittingbourne.
- 2) We will seek opinions from the public on the possible use of an extended evening service from Faversham to Sittingbourne. The last current Canterbury - Sittingbourne service stops at Faversham at 18:20. We would like to see this extended to Sittingbourne but need to demonstrate such a move would have public usage.
- 3) We will suggest to Swale Borough Council that a 5-10 year strategy be drawn up for bus services to accommodate the new housing strategy, and to seek developer contributions for these bus services. For example, one identified route we would like considered is a direct Sheerness - Maidstone route servicing Iwade, the new Kemsley development, and The Meads.
- 4) We will suggest to Swale Borough Council that an evening bus service needs to be considered so that the planned cinema / restaurants complex can be made use of by residents without having to rely on cars. Younger people especially need to be able to reach the destination by public services.

We would welcome your thoughts and suggestions for further meetings.

### **M2 Junction 5 -**

Following an exchange with a local resident I have been in touch with Highways England to point out that the slip road coming off the M2 into Sittingbourne incorrectly has 'Maid' (short for Maidstone) painted on the Sittingbourne/Sheppey dedicated lane. This has led to some people getting in the wrong lane and then trying to pull-out into the correct lane when almost on the roundabout causing a lot of confusion. Highways England have agreed to repaint the sign to say Sitt / Shep at the next opportunity.

### **Verges**

I have had several complaints about cars parking on the grass area in Grove Park Avenue - the area that is currently being considered for Village Green status. If it were a Village Green, the land would be protected from car parking as parking on a village green is a criminal offence. However, as it stands at the moment it appears there is considerable confusion over parking on grass verges and who if anyone will take action. Swale Borough Council have a bye-law preventing such parking, but it now appears that this only applies to verges owned or maintained by Swale Borough Council. However, if one visits the KCC webpage, they instruct the public to contact the Borough Council! I have pointed this out to the KCC Cabinet Member for Transport several weeks ago, but to date there is no change, consequently I have tabled a Question on the matter for Swale's Full Council next week, which I hope will prompt both Council's to clarify the position for local residents and enable effective reporting of the nuisance in the future..

### **Committee Work**

The Policy Development and Review Cttee has had early input into the redrafting of the Corporate Plan, and I argued for a greater recognition of 'regeneration' of rural communities and village life to be included alongside that of the current focus on the main towns (Sittingbourne, Sheerness and Faversham) and I am hopeful that this will be reflected in the final publication in a similar way that the rural communities were given a greater emphasis in

the Visitor Economy. I also highlighted the importance of the countryside to Leisure priorities, and access to the countryside being an important feature in physical and mental health and well being. Equally that people living in rural areas need investment and support for leisure facilities in their villages but also easier access to the leisure facilities in the towns. Hopefully these suggestions, which received support from the Committee will be incorporated into the final Plan as well.

As part of the Polling District Review that Swale is carrying out, I have proposed that the New Zealand Estate and Borden Lane between Auckland Drive and Adelaide Drive be allocated to the Borden Polling District rather than to Grove Park School, which will hopefully make voting easier for those residents, and I am hopeful that this proposal will be taken up.

### **Report from Swale Borough Councillor Nicholas Hampshire**

#### **Borden Village Fête 2018**

My thanks to Borden Parish Council for their support in helping to make the Borden Village Fête such a success this year. You may also be aware that the Fête was featured on BBC One Sunday Politics for a feature gauging voters' views on Brexit and the Chequers Plan. Whatever your view on Brexit, for those that have already seen the article, I hope you will agree that the Fête looked a fun-filled, family day and really showcased the good community spirit we can benefit from in Borden. The clip can be seen online by visiting:

<https://www.bbc.co.uk/programmes/p06dt6l3>

The Committee will be having a wash-up meeting soon and I would appreciate any feedback from Borden Parish Council to help make future fêtes better. In the meantime, the team and I are looking forward to delivering the village's Christmas Tree Light Switch-On on Saturday 1 December 2018.

#### **Chequers Plan**

The adage that a week is a long time in politics certainly springs to mind after the past few days. On Tuesday, I was invited to a briefing at No. 10 Downing Street to learn more about Theresa May's Chequers Plan and the UK Government's negotiating position with the European Union ("EU"). At its heart, the Chequers Plan aims to ensure a smooth and orderly Brexit with frictionless trade from the point we leave the EU on 29 March 2019. Over the summer, more will be said about what the Chequers Plan seeks to create but also what preparations are to be put in place in the event of 'No-Deal'. I am already hearing that many businesses are worried about the return of customs checks at the border and, if there are delays, these will be difficult to cope with; with Kent ultimately bearing the brunt of any queues. Should the EU accept the Chequers Plan, these scenarios can be avoided but I also understand the current position will not please everyone. Serving Faversham, Isle of Sheppey, Sittingbourne and surrounding rural areas.

#### **3. Operation Stack**

As we approach the summer, it's unacceptable to see a return of Kent's roads being paralysed by Operation Stack. As we seek to get this fixed, we must also deal with the issue of dangerous fly-parking of lorries on our roads. With £250 million for an alternative to closing the M20 during periods of disruption at the Channel Crossings, there could be an opportunity to achieve both. In the meantime, Highways England have come up with a temporary plan to keep traffic on the London-bound M20 motorway moving whilst stacking takes place on the coastbound section. At the same time, they are asking for your views on what the more permanent solution to the problem should be: whether we need a new lorry park, where a lorry park(s) should be, whether they should be run by Highways England or commercial operators, and whether they should be available for overnight parking? More information is available from: <https://tinyurl.com/yakvz9cf>

#### **4. Land-spreading deployments**

Many have enjoyed basking in this unprecedented continual spell of hot, dry weather. This has, however, led to an earlier start to the harvest and it is likely to mean that the land-spreading of organic wastes and manures will also start earlier this year. Land-spreading activities are regulated by the Environment Agency but does not include the land-spreading of livestock manures, sewage sludge and non-waste materials (e.g. compost).

Nevertheless, if you have complaints about any activities taking place in our rural communities relating to land-spreading, please refer them to the Environment Agency's Incident Communication Service on 0800 807 060 in the first instance.

#### **5. Members Grant Scheme 2018-19**

The Members Grant Scheme for 2018-19 is now open and each Swale Borough Councillor has up to £2,400 to spend on community projects of their choice.

Should you wish to apply for funding, please e-mail the ECS Coordinator, Jennifer Stringer: [JenniferStringer@swale.gov.uk](mailto:JenniferStringer@swale.gov.uk).

#### **Report from KCC Councillor Mike Whiting**

KCC is currently consulting on its Public Rights of Way improvement plan and documents can be found at [www.kent.gov.uk/rightsofwayimprovementplan](http://www.kent.gov.uk/rightsofwayimprovementplan). The consultation is open until 12 September.

KCC held a further two meetings this week regarding subsidised bus services. The Big Conversation meetings were held at UK Paper, Avenue of Remembrance in Sittingbourne, last night and yesterday morning there was a Parish Seminar organised in collaboration with KALC at the Great Danes Mercure, Hollingbourne. Both were well attended, including residents of Borden at last night's meeting. The consultation closes on 8 August and documents are available on line at [www.kent.gov.uk/bigconversation](http://www.kent.gov.uk/bigconversation) or in hard copy from FREEPOST BIG CONVERSATION. This is about how we can maintain or improve local rural transport and I would urge everyone to get involved.

I have dealt with queries ranging from household waste sites and closed roads to school place appeals and new car parking charges for users of the Swallows leisure centre. I have also worked with Swale Council and KCC to help ensure a solution to the issues raised for the bus companies and their passengers by the road works in Sittingbourne. I am pleased that agreements are being put in place that will help ensure some of the issues around timetabling and bus stops are resolved.

Flooding concerns in Wrens, Hearts Delight and Gayhurst Drive, Grove Park, continue, and I am working with officers to see what solutions there may be.

Kent County Council agreed a further £2.1 million of revenue for pothole repairs at its meeting last week and a further £10 million is being set aside as capital for use later in the year. I am trying to move the council to a programme of resurfacing roads rather than simply fixing potholes. The Avenue of Remembrance is a good recent example. The former is cheaper in the longer term and provides a much better result. This additional funding is on top of the extra £2 million that was announced in June and the additional £2.4 million announced back in February. Swale has already been allocated its share of this extra funding and contractors are already spending it on road repairs.

I am meeting Cllr Hampshire in the village next week at his request for a walkabout to see some issues that have been raised with him by residents.

I urge anyone with a pothole, blocked drain or overgrown pavement to report it using the online tool at [www.kent.gov.uk/roads-and-travel/report-a-problem](http://www.kent.gov.uk/roads-and-travel/report-a-problem).

Finally, I have, separately, replied to your clerk regarding a new grit box and the siting of a Tommy Silhouette in the village and am waiting on further advice from officers about those issues.

I hope this is helpful, however, please do not hesitate to contact me if I can be of any further assistance in these or any other matters.