

Southwater Parish Council



Parish Council Meeting Draft Minutes

Wednesday 28 March 2018, 7.30pm
Beeson House
Lintot Square
Southwater
Horsham
RH13 9LA

Committee Members

Cllr Graham Watkins (Chairman)
Cllr Michael Neale (Vice-Chairman)
Cllr Laurie Apted
Cllr Geoff Cole
Cllr Ross Dye
Cllr Pauline Flores-Moore
Cllr Joy Hutchings
Cllr Grant McGill
Cllr Derek Moore
Cllr Rachael O'Toole-Quinn
Cllr Geoff Scoon
Cllr Hayley Timson
Cllr Barbara Varley
Cllr Claire Vickers
Cllr Neil Whitear



SOUTHWATER PARISH COUNCIL

Beeson House,
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RH13 9LA



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DRAFT MINUTES

The Draft Minutes of the PARISH COUNCIL MEETING held on Wednesday 28 March 2018 in the Council Chamber, Beeson House, Southwater, West Sussex, RH13 9LA commencing at 7.30pm

Present: **Chairman:** **Cllr G Watkins**

Cllr G Cole	Cllr R Dye
Cllr P Flores-Moore	Cllr G McGill
Cllr D Moore	Cllr M Neale
Cllr G Scoon	Cllr H Timson
Cllr B Varley	Cllr C Vickers
Cllr N Whitear	

Clerk to the Meeting: **Mr D Carden**

County Councillor: **Not present**

District Councillors: **Not present**

Press: **Not present**

Members of the Public: **18**

F117/03/18 PUBLIC PARTICIPATION

The Chairman asked those present to turn mobile phones to silent for the duration of the meeting, unless the phone call was deemed urgent in which case phone calls could be received with permission from the Chairman. In the event of a fire alarm sounding, everyone would be directed to evacuate the building via the exits indicated.

The Chairman advised that the meeting was being recorded in accordance with Standing Orders for minute purposes. The Chairman asked members of the public if they intended to record the meeting and received no reply.

Prior to inviting the first speaker the Chairman addressed the meeting explaining that he had decided to move the agenda item 'Land and Buildings' from closed to open session.

Three members of the public had registered to address the meeting. They were advised by the Chairman on invitation to approach the desk, sit down and switch the microphone on to ensure their comments were recorded. Speakers were informed that they would be restricted to a limit of two minutes.

Mr Nick Longdon was called to address the meeting.

'Thank you Mr Chairman for the opportunity to address the Council. I am a Southwater resident and my issue concerns Easteds Barn.

I was pleased to have the opportunity last week to meet with you, Mr Chairman and the Chairman of the Finance and General Purposes Committee along with Councillor Claire Vickers. I did feel that I was given a good hearing and that you did listen to what I had to say, which I appreciate.

As you will know, in view of the very strong views expressed by the local community, I did request that the Parish Council think again; for it not to put Easteds Barn on the market; to continue with the current hiring and that in consultation with the community, it should explore alternative solutions in order to retain Easteds Barn for 'community purposes' as outlined in the Section 106 agreement and as we now discover, as required by the covenant in the title deeds.

Although Easteds Barn has gone on the market, you did assure me, Mr Chairman, that no final decision has been taken and that this would need to go to a meeting of the full Parish Council. For the public record, Mr Chairman, can you assure the community of Southwater that no final decision has been made, that Parish Councillors will have the opportunity to vote on this and that most importantly that this will be in open session and not when the public and press are excluded'.

Cllr Watkins responded saying the Parish Council were pleased to have attended the meeting with Mr Longdon. He stated for the public record that no decision had been made regarding Easteds Barn and any decision made would need to be put before the Parish Council to be voted on in open session. This included the future of Easteds Barn should a willing leaseholder not be found. The only item that could be held in closed session would be items concerning tenders or anything of a commercially sensitive nature. In that case, salient points would be brought back to Councillors in open session.

Ms Nicola Brown was called to address the meeting.

'Good evening, I live in Southwater and I would just like to talk about Easteds Barn again. Firstly, I'd like to refer to the covenant on Easteds Barn. The barn was transferred from Bryant Homes to the Parish Council. In the covenant it states it should not at any time be used otherwise and for community purposes. If for example a nursery was to be offered the lease. Yes, you could say that's still used for the community but that would be very restrictive to one type of community use. This clearly is not in the spirit of how the covenant was written. It was gifted to the whole community. Secondly, by offering a long term lease on Easteds you are setting a precedent for future development in the village. Any new developer whilst in discussion regarding planning and s106 funding could argue that the Parish do not

need any additional community buildings as they do not support the current community assets stating Easteds Barn as a clear example of this. Finally, bookings for the barn have stopped being taken. Current users will shortly be unable to use the barn. It's now going to sit empty. And actually we've had issues when the barn wasn't used previously with sort of kids hanging around the car park at night, you know and drugs, that sort of thing. So that's worrying for the community the fact it'll be sitting empty. But the other thing is the budget for 2018-19 is showing income of £26,000 for Easteds which is the amount that is obviously being marketed for the lease. Well surely this is going to leave a deficit in this years budget because you wont get anybody that quickly and I'd like to know really how the Parish Council would look to fill the financial gap that's left'.

The Chairman explained that questions requiring an official response needed to be submitted before noon on the day of the meeting. However, some of the items raised could be addressed at this time.

In relation to the assertion that the discharge of Easteds Barn would set a precedent in the use of s106 funding, the Chairman was confident no precedent would be set. The onus was on the Parish Council to submit a list of requirements to Horsham District Council from the s106 funding available. Whether the request was approved or not was then subject to negotiation with Horsham District Council.

The questions relating to the budget would be answered in due course and available in the Parish Council offices. Ms Brown would also receive the answers to the questions asked in this meeting in writing once they were available. She questioned whether she would also receive answers in writing to the questions she raised in the Finance and General Purposes Committee meeting held on Wednesday 14 March. The Chairman confirmed that she would.

Ms Jenny Nagy was called to address the meeting.

'Thank you Mr Chairman, just for clarity I am here as a resident of Southwater and not in any official capacity. My question is concerning the Community Wardens. I believe it was agreed that you would budget the sum of £20,000 for Community Wardens and I was wondering when the decision to be made whether or not to have those Community Wardens'.

Cllr Watkins explained that a working party was in the process of being formed. The remit would include public consultation to ensure Community Wardens were needed. Subject to approval it was hoped Community Wardens would start in December 2018.

'I have a supplemental question Mr Chairman. If you decide against having the Wardens, obviously you do have that £20,000 in your budget. Do you have any plans for the £20,000 or would that be addressed in due course'.

Cllr Watkins replied that it depended on where the initial £20,000 was placed. If it was put into the reserve account pending approval, once approval had been agreed it would come out of reserves and into the cost code set up for Community Wardens. If approval for Community Wardens was not forthcoming, in that instance the monies would remain in the reserve account. This would then reduce the amount of precept

required in 2019-20. Parish Council reserves were at the current time very low and so no plans had been made to allocate the funds elsewhere.

The following statement had been received from Mr Colin Young by the Parish Council and was read out by Mr Nick Longdon.

'Good evening Mr Chairman. I apologise for not attending in person, but I had a prior engagement. Thank you for allowing for my questions to be read out. Again my questions are related and associated to Easteds Barn and the parish precept.

Before I ask the questions, I would like the Parish Council to be aware of a petition set up by Billy Greening, following the Finance and General Purposes Committee meeting on 14 March has attracted some 811 signatures in less than two weeks in favour of keeping the barn for its present use. This is a significantly higher number than the responses you received on the issue of Parish Wardens, five. As I pointed out at the meeting on 14 March, perhaps if you chose the correct media you would obtain a better response to public engagement on important matters.

Now that you are aware of the groundswell of public opinion perhaps it's the time to step back and effectively reconsider the future of this key village asset.

Prior to asking a new set of questions, perhaps you would be kind enough to provide suitable answers to some of the issues I raised at the Parish Council meeting on 14 March.

Firstly can you justify, rather than merely saying it was an administration error, why such an important issue was not made available for public consultation. Delays to issuing agendas and minutes prevented proper engagement with the public. Perhaps it's time to reconsider and do it properly this time? May we also have your assurance that in future all key issues are clearly set out in the agenda in line with The Local Government Transparency Code 2015 and that those agendas and minutes are issues in a timely manner?

Also, may we have clarity on the letting policy for existing hirers? The Parish Council office is causing so much confusion by withdrawing bookings and then trying to offer extension dates. Most hirers have given up and reluctantly gone elsewhere. Was this deliberate policy to add to the argument that the hall is under used? Also why were hirers given such a short notice period and do you realise you have now cut off your only income stream?

I also asked, but did not receive a reply, about your long term intentions for the precept charge. What happens next year when you continue to support the money pit that is the village leisure centre and you have already mortgaged out your only money making asset?

I also asked whether you had considered outsourcing the management of the Leisure Centre to a professional third party manager, such as Places for People. This would have two effects. It would significantly reduce the payroll of the Parish Council and it is likely that with professional management and marketing that the centre may at last stop losing money.

Furthermore, I did not receive a satisfactory answer to the question over the parishes intention for the requirement of the Cricket Club to make meeting rooms available as part of the planning consent for the construction of the new cricket pavilion club house. Can you please provide some details of the intended use? I also trust by now that someone has given directions to the deputy Chairman as to the location of the Cricket Pavilion?

From the last meeting you indicated that you hoped that any new lessee would also make it available for general public use, yet the advert for the let is ambiguous at best. Firstly saying that it is for D1 use only, but then going on to make a positive out of how it is used for social and other leisure activities. Your comments would be appreciated as to what the intended use actually is?

I notice from the Parish Council structure chart that you have on the payroll a full time equivalent as a booking manager. This does not seem to be the best use of tax payer's money, what exactly is the roll involve? One would have expected that this would involve some sort of marketing of the venue which seems as others have pointed out to be absent, despite it being a key finding when this issue came around seven years ago.

I note from minutes of the Finance and General Purposes Committee on 10 January 2018 that the Council indicated that the future of Easteds Barn was up for review, but there is no evidence at all as to what shape this review took and that any decision was reached. You appear to have gone straight to the next stage and started cancelling bookings and seeking an alternative long term lease. Are there any background papers, was there a vote?

This brings me to my final question. Do you have the authority to make such a decision and have you gone through proper due process to reach this stage or are you acting outside your remit? Are you acting legally?'

Cllr Watkins explained that he had the document prior to the meeting and he would address two points now:

Firstly, he referred to the point on public consultation stating a Parish Council had to consult on anything that may significantly increase the budget but it did not necessarily consult on reductions in budget.

Secondly, in relation to the suggestion that the new leasee should make Easteds Barn available for general public use; it was unknown at the present time whether there would be a new leasee. Easteds Barn was currently out to market to ascertain interest and until that information was known, it was difficult to put conditions on the terms of lease.

The Chairman then added, D2 use was not included in the restrictive covenant. This had been confirmed by Dr Chris Lyons, Director of Planning, Economic Development and Property at Horsham District Council. The covenant was included as a 'quiet

covenant' designed to protect the residents living close to the barn. Horsham District Council would not get involved in any negotiations regarding the covenant. Any alteration to the covenant would repudiate the spirit in which the covenant was set.

Mr Longdon stated he felt very strongly that while he understood the Parish Council could not consult on everything; there were certain key issues within the community which justified consultation. He felt Easteds Barn was one of them.

Cllr Watkins stated that it was now time to move the matter forward and this matter would be brought back to the Parish Council in due course. Members of the public also had an opportunity to raise any issues they had at the District Councillors surgery on the first Saturday of the month at Beeson House. Points raised at those surgeries relevant to the Parish Council would be brought back before Council.

Mr Longdon replied he had satisfied the criteria for Easteds Barn to be registered as an Asset of Community Value and this would be registered soon. Cllr Watkins explained that he welcomed the development as Easteds Barn was being considered as an Asset of Community Value under the Neighbourhood Plan and offered to meet with Mr Longdon in the future should a further meeting be required.

F118/03/18 APOLOGIES FOR ABSENCE

Apologies and reasons for absence were received from Parish Councillors Apted, Hutchings and O'Toole-Quinn; District Councillor Chidlow and County Councillor Jupp.

Councillors NOTED and APPROVED the absence.

F119/03/18 DECLARATIONS OF INTEREST

The Clerk referred Members of the Council to information issued previously in relation to the Member's Code of Conduct and Standing Orders asking whether any Member had at this point in the meeting anything of note to declare.

No declarations of interest were received.

F120/03/18 MINUTES OF THE PREVIOUS MEETING

Cllr Flores-Moore requested an amendment to the previous minutes of the meeting, held on Wednesday 7 February 2018. She requested inclusion of the following statement made by Cllr Watkins in the meeting: *'If the working party is not happy with the results to come to an agreement with HDC then the wardens would not go ahead'*. Cllr Watkins reminded Members that the statement needed to be read in accordance with the rest of the document.

Cllr Neale proposed a further amendment to correct the resolution to agree the budget.

The resolution should state the following: **Councillors RESOLVED to AGREE the proposed motion in a vote of twelve to two in favour of APPROVING the budget of £509,107 a Band D cost of £117.00, which represents a 25.41% increase on the terms stated above.**

Subject to the two amendments stated above, it was RESOLVED by all present, having been proposed by Cllr Timson and seconded by Cllr Whitear that the Minutes of the Full Parish Council meeting held on Wednesday 7 February 2018 be accepted as a true and correct record of the meeting.

F121/03/18 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements.

F122/03/18 COMMITTEE MINUTES

Planning Committee – 14 February and 7 March 2018

It was RESOLVED* by all present having been proposed by Cllr Moore and seconded by Cllr Cole that the Minutes of the Planning Committee dated 14 February and 7 March 2018 were APPROVED by all those present as a true and correct record of the meeting held.

The date of the next meeting is 4 April 2018.

Finance and General Purposes Committee – 21 February 2018

It was RESOLVED by all present having been proposed by Cllr Flores-Moore and seconded by Cllr Timson that the Minutes of the Finance and General Purposes Committee dated 21 February 2018 were APPROVED by all those present as a true and correct record of the meeting held.

The date of the next meeting is 18 April 2018.

F123/03/18 COUNTY COUNCILLORS REPORT

The Chairman updated Council Members with a report from County Councillor Jupp who had attended a meeting with the Southwater Academies and West Sussex County Councils. He is anticipating a favourable outcome regarding the installation of new classrooms to replace those that have fallen into disrepair.

Members NOTED the information.

F124/03/18 COUNCILLOR LAURIE APTED

Members were informed that Cllr Apted remained seriously ill in hospital. Unfortunately, due to his extended hospital admission, Cllr Apted had not been able to attend any Council or Committee meetings since the Neighbourhood Plan meeting on 17 October 2017. A formal request was made by the Chairman for an extension to the six month rule to be approved in his respect.

It was RESOLVED by all present to extend the tenure of Cllr Apted in his absence due to ill health for another six months.

F125/03/18 GENERAL DATA PROTECTION REGULATIONS 2018

Members were referred to the update report to the Finance and General Purposes Committee on 11 October 2017 (minute FG98/10/17 refers) and reminded that regulations come into force in May 2018.

Unfortunately, progress has not been as rapid as it should have been, therefore three specialist companies had been approached to provide quotes for the work identified in item 2 of the tabled report received by members prior to the meeting.

All three companies approached submitted proposals that met the specification and had been approved by the Sussex and Surrey Association of Local Councils (SSALC). Two were sub regional companies (Companies A and B), one was a more local company (Company C). The local company produced the most comprehensive response and were currently undertaking work in Sussex, Surrey and Kent. The Clerk's recommendation to Council was to approve Company C.

It was RESOLVED by all present to APPROVE the proposal of Company C to undertake the works identified in item 2 of the tabled report circulated to members prior to the meeting.

F126/03/18 REPORTS BACK FROM REPRESENTATIVES ATTENDING OUTSIDE MEETINGS ON BEHALF OF THE COUNCIL

Patient Participation Group (PPG)

Cllr Watkins attended a meeting of the Patient Participation Group. A request had been made to include a link from the new Southwater Parish Council website to the PPG website. A GP hub was also being created where other GP's could be called on, and notes shared, in the case of emergencies. Minutes from the meeting would be circulated via the normal channels in due course.

Horsham Older Peoples Forum

Cllr Moore attended a meeting of the Horsham Older Peoples Forum. The meeting scheduled with MP Jeremy Quin was cancelled and would be rescheduled for later in the year. Dates for the mobility scooter training, which surrounding parishes are contributing to, would be announced soon. Cllr Watkins requested that Cllr Moore liaise with Mr Piper regarding the 'silent soldier' centenary celebrations.

Members NOTED the information.

F127/03/18 WEST SUSSEX ASSOCIATION OF LOCAL COUNCIL'S SPRING CONFERENCE

Members were updated on the West Sussex Association of Local Councils Spring Conference held in Arundel on Tuesday 6 March 2018 and attend by Mr Carden.

The programme comprised the following presentations:

- Health and well-being, aging and older people – Age UK who were keen to work with clusters of Town and Parish Councils.
- The National Planning Framework and local infrastructure – Rt Hon Nick Herbert MP.
- Policing in West Sussex – Chief Superintendent Jerry Westerman
Unlocking the Power of the Community – Rachel North, Director of Communities for West Sussex County Council.

The Council were directed to consider the opportunities arising from the 21st Century Libraries initiative where West Sussex County Council had a budget of £5 million to spend on making libraries the key focal point in communities. Southwater was the

perfect candidate for some of the funding with scope for the Parish Council to liaise with the County Council to pursue opportunities within Beeson House and its inhabitants such as the Parish Council, Library and Police Office.

Members AGREED that a meeting be held with West Sussex County Council to assess the potential of Beeson House as part of this initiative.

F128/03/18 NEIGHBOURHOOD PLAN

The next meeting of the neighbourhood plan was scheduled for Tuesday 10 April 2018. Legal advice from a Barrister had been sought on the housing needs assessment recently brought to the Councils attention. There was hope that a full report would be available after the next meeting.

Members NOTED the information.

F129/03/18 LAND AND BUILDINGS

Cllr Watkins summarised the following points:

At a recent Finance and General Purposes meeting it was agreed to look at the potential for the long term let of Easteds Barn. That was approved at a later date by the Parish Council. After making the decision and to ensure the Council were acting in a legal manner, the scope of use of the barn was investigated. Two pieces of legal advice were sought that enabled the Parish Council to pursue the option of a long term let. This was subject to the Parish Council agreeing that it was the correct course of action and did not infringe on the covenant providing the usage stayed within D1 specification.

The purpose of the restrictive covenant had already been discussed earlier in this meeting in minute F117/03/18. Advice received from the Director of Planning at Horsham District Council was that Southwater Parish Council should comply with the covenant and failure to do so could result in legal action being taken against the Parish Council. If that happened then Parish Councillors would be personally liable for associated costs.

Advice from Horsham District Council planning compliance department confirmed that any planning permission historically granted was superseded by the covenant.

Further advice received from Dr Chris Lyons and confirmed by Matthew Guest at Horsham District Council on 27 March 2018 concurred the nature of the covenant was a private matter between Southwater Parish Council and Bryant Homes and any plans made needed to respect the covenant.

It was also noted that in the last three months, Southwater Parish Council had recorded six complaints about noise. Interrogation of the accounts for Easteds Barn, omitting income from D2 classified activity, resulted in income of £4254 and expenditure of £4400 excluding overheads.

In 2012 parties interested in a long term let of Easteds Barn applied for planning permission for a nursery. The application was refused. The refusal by HDC had nothing to do with the restrictive covenant. At a later date, HDC did approve consent

for D1 and D2 use at the barn, exactly the same permissions requested in 2012. If the Parish Council had known the content of the restrictive covenant at that time, it would not have pursued the consent.

The Parish Council found itself in an awkward situation. However it must be noted that the information found in the restrictive covenant post dates the decision to outsource the barn and was therefore not an influencing factor in the decision. The decision was purely budgetary and made on the basis of keeping the precept increase as low as possible. It is believed this decision saved another 7% increase on the budget.

The information above was been presented to Parish Councillors and would be taken into account when considering any decision that affects Easteds Barn.

It was RESOLVED by all that the contents of this report be NOTED.

F130/03/18 EXCLUSION OF THE PRESS AND PUBLIC

In accordance with Section 1 (e) of Standing Orders (Meetings) and due to the confidential nature of the business to be discussed, Members RESOLVED to exclude members of the public and press at this point.

F131/03/18 COUNCILLOR REPORT

‘Confidential Note’

It was RESOLVED by all present that Councillor Scoon’s draft communications strategy be adopted in principle as the starting point for the development of a new Communications Strategy; Councillors Cole, Moore and Whítear assist in this process; and Geoff Scoon be thanked for his work on the draft Communications Strategy.

F132/03/18 PERSONNEL, PENSIONS AND TRAINING

‘Confidential Note’

It was RESOLVED that the foregoing interim arrangements be agreed.

F133/03/18 CHAIRMANS ANNOUNCEMENTS

‘Confidential Note’

It was RESOLVED that the new Chief Executive be invited to a future meeting of the Parish Council.

‘Confidential Note’

Members AGREED unanimously.

F134/03/18 DATE OF THE NEXT MEETING – ANNUAL MEETING OF THE PARISH COUNCIL – 30 May 2018

Meeting closed at 9.10pm