

Minutes of the meeting of Westbere Parish Council held on Monday 18 October 2021 in Westbere Village Hall at 7.00pm.

Present: Parish Councillors: Paul Glover (Chairman), Sylvia Harlow (Vice Chairman), Kathy Wilson and Ken Dekker.

Canterbury City Councillor Georgina Glover

Clerk to the Council, Amanda Sparkes.

8 members of the public (for part of the meeting).

70. Chairman's welcome

Cllr P Glover welcomed everyone to the meeting and reiterated that although the meeting was open to the public it is not a public meeting. The adjournment would allow 15 minutes to take any members of the public's items.

71. Apologies for absence

Apologies for absence were received from Canterbury City Councillor Louise Harvey-Quirke, and from Kent County Cllr Alan Marsh

72. Resignation of the Clerk

NOTED the Clerk's resignation on 01 October 2021 – her last day to be 31 December 2021 (although her contract of employment has only one month's notice required.)

73. Vacancies on the council

There has been no interest in the three vacancies on the council.

74. Declarations of Disclosable Pecuniary Interests

None

75. Minutes of the last meeting held 20 September 2021

All Cllrs approved the Minutes as a true record of the meeting.

76. Chairman's Report and Councillors' Reports

Cllr Paul Glover

Cllr P Glover advised that he had nothing to report not covered elsewhere on the agenda.

Cllr Kathy Wilson

Cllr Wilson advised that the village hall committee has a meeting scheduled for 19 October 2021 although with nothing of significance being discussed.

77. City Councillor reports

Canterbury City Councillor, Cllr Harvey-Quirke

Cllr Harvey-Quirke had given apologies but had telephoned the Clerk to advise that Canterbury City Council approved the PSPO (public space protection order) through Fordwich to Westbere marshes at a recent committee meeting and this will now be signed off.

Canterbury City Councillor, Cllr Georgina Glover report

Cllr G Glover explained that CCC is working on its budget for 2022-2023. It is going to stop giving funding to festivals which is a non-statutory function.

78. Adjournment of the meeting

A resident advised he had received the latest newsletter which included a list of parish councillor responsibilities, although not a specific one for the state of public footpaths. Since the recent lockdowns the footpaths have been cut in part along the railway line but not along the banks of The Stour. He suggested a councillor could take this as a responsibility and follow up. The Chairman commented that clearance is a landowner responsibility but asked the Clerk to add this suggestion to the next agenda.

A resident commented that he had signed up to receive the newsletter by email but had not received it. The Clerk will check and send the October Westbere Newsletter and Broadband flyer from the Community Champions team.
There were no further comments or questions.

The meeting continued.

79. Faster Broadband project

The Chairman explained that the parish council had been presented with a resident's letter at the last meeting that asked that the parish council underwrite a contract for £148k with Openreach to move this project forward.

Background information for this project is as follows:

Community Fibre Partnerships Westbere/Sturry Case Reference 47904

*Demand-led target is £192,451
Lower/contracted target cost is £148,109.*

The residents' plan is predicated on three elements: BDUK funds, KCC funds, and Parish Council support (if the PC resolves to do so). This is the message shared with the community, along with their estimates that they've enough pledges to achieve the target in October.

The KCC Top-Up is not yet launched. KCC is trying to unravel some tricky data management issues with BDUK – who have changed their systems from postcode level data to premise level data. Postcode level data requires spreadsheet tabs with 50,000 rows in them for KCC to check, verify and amend. But Premise level data increases those spreadsheets to 800,000 rows. Whilst initial checks can be automated, the devil is always in the detail and KCC officers have to undertake manual adjustments to get things correct. They are working on the data now and hope to have it sorted by mid-October, at which point they hope they can launch the scheme.

On Westbere in particular, the way the Kent Top-Up is integrated into the voucher process is a “back office” process. This means you don't have to apply separately, but the amount of funding that Openreach are gathering in their pledge site would simply increase where the eligible properties pledge their voucher. There are a couple of complications, down to the way that Openreach manage their pledge process. Firstly, not every property that is included in the project is eligible for the Top-Up, so Openreach have to be careful about how they apply it in the totalising process and be mindful of duplicate addresses that need to be weeded out. Secondly, they have to register the project correctly with BDUK, which includes a lot of financial and technical information, one element of which is that the Top-Up is applicable to the project. They then have to apply for individual vouchers at the right financial level, or the vouchers are cancelled and mayhem ensues.

KCC also has a little more detail now on the forthcoming Project Gigabit procurement that is being promoted by BDUK. They expect to go to formal procurement in May next year and they will be closing the Voucher scheme temporarily from the 8th April 2022 for Kent whilst they analyse the data prior to developing public funding contracts. If the Westbere project can get over the line before April then it should be able to proceed independently from the Project Gigabit programme. If not, Westbere will be included “in scope” for Project Gigabit and will be placed in the relevant contract management process that BDUK determine. Delivery of that project is likely to be around 3 to 5 years in total across the county (it is a massive undertaking) and there is as yet no indication of any programme order where the supplier(s) will focus their efforts first – that won't be known until May 2023 at the earliest.

The KCC officer has consistently advised to chase pledges, not money, and try to get the scheme viable by maximising take-up on the ground. Money is too volatile – budgets can be changed and are to be relied on at your peril. The most likely constant is the broadband speed people receive and that will drive their desire to participate or not. This is the best grounding for a community project.

Westbere is a large enough project to reach the required threshold by keeping things simple and not including the KCC Top-Up. Projects that rely on multiple sources of funding face more risk. Trying to get projects over the line with the minimum amount of vouchers gives very little wriggle room should something go awry. The KCC officer's preference is to move forward with sound projects that have some contingency and are simple to execute.

KCC's experience is that through the duration of a project things do change. These changes can be global (BDUK changing the rules / systems, etc.) financial (budgets becoming exhausted, priorities changing, etc.) technical (Openreach encountering more engineering than they realised or more work required than they expected) and local (people dropping out, moving house, etc.). The KCC officer has encountered all of these in

many projects – often multiple changes in one project – which is why he always try to get people to go quickly – hence the Christmas deadline – and simply – hence the suggestion not to rely on KCC funding in addition to other sources.

Westbere may well get support from KCC – quite a few premises are eligible – but the scheme is not validated and has not yet been launched – so it cannot yet be relied on. The Project Gigabit process and the April deadline will be the backstop if it does all go sideways for any reason.

At 01 October 2021, 72 homes pledged and five businesses, out of a total of 218 premises. Another 20 or so premises out of the 100+ remaining in the project will mean no need to wait for KCC.

Cllr P Glover explained that the parish council's year end balance at 31 March 2021 was £25,960 so from a finance point of view the parish council cannot underwrite the contract option. He explained that the parish council has taken advice and even if it had the money a lot of residents drop out from the voucher pledging and don't follow this through. The parish council do support the project but not financially and the scheme is close to success with pledges. Cllr Dekker agreed and commented that the KCC Top Up is not yet launched.

There have been some double household pledging issues that can occur.

Cllr P Glover commented that the advice is that the project will get there quicker if the champions just concentrate on pledges - There are several properties in Sturry included in the scheme that could be approached. A resident advised that there are 77 Sturry properties and a plan is in hand to target them. Residents' obligation is to take out the faster service when it's available in a year's time. A resident commented that communication is key and the parish council's assistance with this is key. He felt that there is a risk of this project taking years not months without parish council support. Cllr P Glover reiterated the KCC advice to get over the line with just enough pledges.

Cllr Wilson queried if it was legal to underwrite – Cllr P Glover commented not if there is insufficient funding to commit and the Clerk commented that there is the further complication of Sturry properties being underwritten.

Cllr P Glover again confirmed the parish council is supportive where able, and he offered to door knock too. He then put a motion that the parish council do not sign a contract, and all councillors agreed with this, although the parish council are willing to support the project in other ways.

Five residents then left the meeting at this point.

80. Planning

There is no update on the CCC Call for sites.

NOTED the next joint meeting of Sturry, Fordwich and Westbere representatives re the Bretts site is on 02 November 2021. All councillors will all attend this one.

New applications:

CA/21/02129 – 3 Church Lane

Application for lawful development certificate for proposed installation of a gas meter to the outside of the property.

Neighbouring application to be aware of – on weekly list dated 27 September 2021:

CA/21/02301 – Land to the North of Hersden (Applicant Persimmon Homes)

Request for EIAB scoping opinion on mixed-use development, comprising up to 800 dwellings, 1 hectare of business space, community building, healthcare provision, primary school, engineering and demolition, vehicular access, contributions to primary, secondary school education and to Sturry Relief Road and/or to the transportation improvements on the A28 corridor, Green and Blue Infrastructure, landscaping and wastewater treatment.

Cllr Dekker reminded everyone that this is a strategic site in the Canterbury District Local Plan.

View and comment on applications online at <https://www.canterbury.gov.uk/planningsearch>

Notifications:

None.

Village Green status application to KCC for the Two Fields site

The Sturry and Westbere Two Fields Action Group submitted an application for the Two Fields to be designated a Village Green to KCC at County Hall on 08 November 2019. The application was heard at a virtual meeting of the KCC Regulation Committee Member Panel on 24 February 2021. The next stage was a Public Inquiry about whether a trigger event has occurred which would render the application for registration as a village green invalid. The Inspector has concluded **'there is no trigger event'** however reached that decision based on reasons of his own – after rejecting most of the arguments put forward by all the parties involved. The two parties, he said, relied on interpretations of specific policies, which, in his opinion, amounted to wrong starting points. Interpretations of, say, the Local Plan's policy OS6, which sets out the basis on which development may take place in Green Gaps, are insufficient, when it comes to trigger considerations: there are other policies that should be considered at the same time. In his Conclusion, he made the point that although a number of the Local Plan's policies considered in isolation may well suggest that a trigger event has occurred, the Local Plan, as a whole, is actually restrictive of development in rural areas – and hamlets such as Westbere. And that should not be ignored. The Inspector recognised the importance of his decision and acknowledged that there is now 'a clear risk of challenge to any decision KCC makes on the trigger question'. Therefore, he has recommended a last opportunity for everyone to comment on his report, before KCC makes its decision to accept or reject his views.

In light of the Inspector's conclusions, KCC considered it appropriate for the parties to have a period of three weeks until 14 July to make any further (and final) submissions prior to the County Council considering this matter further.

Naturally, the Two Fields Action Group's legal team from the Kent Law Clinic wrote to say they entirely agreed with the Inspector's conclusion. The matter will now be referred back to the County Council's Regulation Committee Member Panel for decision on 02 December 2021 at County Hall.

Update from The Two Fields Action Group lead received 15 October 2021:

"Further to my recent email about the Member Panel Meeting scheduled for December 2nd, I learned today that the 'Trigger Event' issue remains with us. I asked KCC for clarification on the planned December meeting and received this reply today (15 October 2021):

The Panel will be considering the 'trigger event' issue as the advice from the Inspector is not legally binding on the County Council and therefore we need a formal decision before we can move forward. Bellway Homes did respond to my invitation for submissions on the Inspector's report stating that they maintain their position that a trigger event exists in relation to the land. Given that it is likely that any decision to proceed with the application will result in legal challenge it is important to obtain a formal Council decision from the Regulation Committee Member Panel before proceeding (albeit that I do appreciate that this delays the process somewhat).

If the Member Panel decides to approve the Inspector's advice, the next step will be to make arrangements for a Public Inquiry to hear the evidence in more detail and consider the more substantive issues of the case. This will probably be some time next year, but timings will depend very much upon whether Bellway Homes decides to challenge any such decision in the Courts (as they have indicated they will). Any legal challenge would need to be made within 3 months from the date of the 2nd December Panel meeting.

If the Member Panel determines that a trigger event exists, contrary to the advice from the Inspector, the application will be refused and you, as the applicant, will then have a right of appeal by way of Judicial review in the High Court (again, within 3 months).

I didn't know about Bellway's response to KCC, following Mr Forsdick's report, saying they maintain their position on the 'trigger event', because that information wasn't shared with us until today, and so I assumed the matter had been settled. Evidently, I was wrong.

For what it's worth, I remain optimistic that KCC will dismiss the 'trigger event' claim and recommend our application proceeds to the next stage, which is the Public Inquiry. However, I also think Bellway will then immediately ask for a Judicial Review (JR) in order to get a binding ruling from the High Court on all things 'trigger event'.

The long and the short of it is that this will drag on well into next year."

81. **Use of Section 101 since the last meeting** - The Clerk instructed the parish council's contractor to undertake additional tidying work at the Churchyards anticipated to take two hours. Cllr Harlow advised that this has now been done.
82. **Parish Council banking arrangements:**
TO NOTE the Unity Trust mandate was processed on 04 October 2021 and the outstanding cheques for some payments since May 2021 posted/presented.
NOTED a new bank mandate to add the four new parish councillors as signatories is now arranged.
83. **Finance**
- i) RECEIVED the bank statements and bank reconciliation for September 2021 and RESOLVED the signature of Cllr Harlow thereon.
 - ii) As reported to the April meeting, on 20 March 2021 the Clerk instructed the tree surgeon to proceed with Option 2 work for the feature tree in the churchyard - Half removed down to better wood for £450. Bird nesting delayed implementation of this. NOTED that the Clerk did a tree works exemption application to CCC to do the work to a tree in a conservation area on 17 August 2021.
 - iii) NOTED that on 23 September 2021 the Clerk submitted an online VAT refund claim for the period 01 March 2021 to 30 September 2021 totalling £172.53. The bank account details were also updated through the government gateway.
 - iv) RECEIVED an End of Quarter 2 income and expenditure against budget headings report for information and NOTED that the Clerk has uploaded it to the parish council's website to satisfy the Transparency Regulations 2015.
 - v) Cllr Dekker proposed and Cllr Wilson seconded and all councillors RESOLVED to reappoint Lawn N Order as the parish council's grounds maintenance contractor for the 2022-2023 season on the same terms and at the same price as 2021-2022.

CCC Capital grant 2021-2022

NOTED CCC awarded £350 to the parish council for a new picnic bench on the village green, WVPS donated £262 to this project and the picnic bench has been installed. Cllr Wilson advised that someone has drilled a hole through the middle of it.

CCC Capital grants for 2022-2023

CCC is now accepting capital grant applications for 2022/23. The deadline is midday on 01 November 2021. The green salt bin in Church Lane is broken and councillors resolved to apply for a green replacement.

A resident commented that a dog bin in Westbere Lane heading towards the convent might be something for future consideration. This would be subject to emptying being agreed and highways agreement for a post. Cllr Dekker reminded everyone that bagged dog waste may be put in normal bins.

84. **State of the village**

Cllr P Glover had walked the whole village and provided a very comprehensive report which highlighted problems of blocked drains, unswept roads and streetlights that need nearby trees cutting back.

This was discussed and the following actions agreed:

- The Clerk will ask CCC for street cleaning/sweeping.
- The Clerk will send councillors the link and instructions for the KCC Fault reporting tool.
- And add this to the next newsletter too with a request for residents to report things in the vicinity of their own homes, such as a blocked drain, etc
- The Clerk will do a reminder in the next newsletter to residents of the need and obligation to cut back their hedges/vegetation by roads and footways.
- The road debris is thick, deep and encroaching on roads and is very slippery. It was agreed that the parish council should approach a private contractor to sweep and clear the village as a one-off. Quotes and a specification to come to the next parish council meeting. Cllr Dekker commented that if the roads got swept the parish council could then ask residents to keep their individual frontages clear thereafter – and the same for litter too.
- The Clerk will go through Cllr P Glover report and do site inspections for location details and report where appropriate.

85. WVPS and parish council

A resident advised that WVPS has tried over the last 15 years to have churchyard clearances and litter picks and a certain pride in the village. She felt that the parish council could help WVPS more with events and help out at them.

Cllr P Glover will ask to meet the Chairman of WVPS.

The Carols on the Green is booked for December. This is a WVPS event and WVPS will advertise it. However if coronavirus restrictions change the event might not go ahead.

86. Clerk report

The Clerk advised that there was nothing extra to report this month not elsewhere on the agenda.

87. Next Newsletter

It was agreed that the next newsletter should be planned for January 2022.

88. Meeting dates for 2022

RESOLVED meeting dates for 2022 as the third Monday of each month except no meeting in August and December - so 17 January, 21 February, 21 March, 18 April, 16 May, 20 June, 18 July, 19 September, 17 October, 21 November 2022.

The Council then RESOLVED that Members of the Press and Public be excluded from the meeting during consideration of the following agenda item by reason of the confidential nature of the items of business to be transacted, in accordance with Section 1(2) of the Public Bodies (Admission to the meeting) Act 1960.

Members of the public left the meeting at this point.

89. CONFIDENTIAL ITEM: Staffing matters: to discuss recruitment of a new Clerk

The Clerk had put together a recruitment pack comprising salary scale, job advert, job description, person specification, application form, interview questions and scoring sheet. It was agreed that KALC be asked to add the advert to their vacancies page on 19 October with a closing date of Friday 12 November 2021. The Clerk will also advertise on the village noticeboards. Shortlisted candidates will be interviewed face to face.

The meeting closed at 8.50pm.

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Signed: Cllr Paul Glover, Chairman

Date:

Please note these Minutes remain as draft Minutes until they are approved by the parish council at their next parish council meeting

Next Meeting dates for 2021-2022: Third Monday of each month except no meeting in August and December – 15 November 2021, 17 January, 21 February, 21 March, 18 April, 16 May, 20 June, 18 July, 19 September, 17 October, 21 November 2022