



Rolvenden Parish Council

Minutes of a meeting of Rolvenden Parish Council held in Rolvenden Village Hall on 16th June 2022 at 7.30pm.

Present: Cllr Mrs D Curtain (Chairman), Cllr S Bryant, Cllr A Johnstone, Cllr Mrs F May, Cllr Mrs I Newman, Cllr Mrs T Turner and Cllr Mrs L Walker

In attendance: Peter Setterfield PSLCC, Parish Clerk and Responsible Officer.

Also present: 10 members of the public and ABC Ward Member K Walder

750. Apologies for absence:

Cllr E Barham

751. Declarations of Interest:

1. Declarations of Members' Disclosable Pecuniary Interests:

None.

2. Declarations of Members' Other Significant Interests:

Cllr Mrs D Curtain, trustee of War Memorial Trust. Minute 761 Stolen funds.

Cllr Mrs I Newman, trustee of War Memorial Trust, trustee of the Non-Ecclesiastical Charities. Member of the Village Hall Committee. Minute 761 Stolen funds.

Cllr Mrs L Walker, Chair Village Fete committee

Cllr Mrs F May, Secretary Rolvenden Village Hall

3. Declarations of Members' Other Interests:

None

Councillor Curtain commenced the meeting by highlighting the brilliant job all the volunteers had done in making the jubilee celebrations a tremendous success.

752. Public Participation:

There were no public submissions.

753. Minutes:

The minutes of the Annual Parish Council meeting held on 19th May 2022 were submitted, agreed as a true record and signed by the Chairman

754. Parish Councillor Vacancy:

There were two applicants, Neil Cackett and Kate Walder, each was invited to speak in support of their application.

Resolved by unanimous decision to co-opt Neil Cackett to fill the vacancy, declaration of acceptance of office completed.

755. Planning:

22/00699/AS The Wilderness, Hastings Road, Rolvenden – Retention of the timber barn, large container to be clad and used for office and partly ancillary retail of fishing tackle. To retain the greenhouse for the use to grow plants for maintaining the hedgerow and woodland and for future sales, to retain the pontoons for storage of fish.

Resolved: The Parish Council object to the application on the following grounds:

1. The proposals detailed in the application should be refused as the Parish Council consider they do not comply with, or fail to address, the following planning policies:

NPPF Para 83 & 118, 170a & b, 172, 174, 175c, 180c, 196

Ashford Local Plan

EMP1a,b,d, EMP11,

ENV1, ENV3a clauses b,c,f,i,j, ENV3b, ENV4, ENV5a & e, ENV8, ENV9, ENV13,

ENV14 clauses a,c,d,e,f, ENV15

SP1, SP7 re recreational uses,

Para 9.52, 9.55 re local features

Rolvenden NP

RNP1 clauses a,b,c,d

RNP3 clauses a,b,c with particular emphasis on important public view ref V5

RNP4 clauses a & b

RNP12 re PROWs

2. The Parish Council are of the opinion that the submitted business plan is flawed and does not support a viable or sustainable business. The applicant states the wish to maximise the logging potential to supplement the income. There is a blanket TPO and Priority Habitat status on the whole site and the business plan suggests the applicant has limited arboricultural knowledge having planted many non-native shrub species, including two species which are illegal to plant or cause to grow in the wild according to the Wildlife and Countryside Act 1981 Sect 14, Schedule 9, Part 2. The applicant stated at a meeting of the Parish Council that the income generated from fishing is only £2000 pa - with the limitations on the logging potential this is hardly a sustainable business.

3. The site is one of only 6 sites in the borough which hold Heritage Park and Garden Grade II listing. The proposals and unauthorised works already undertaken would and have caused significant harm to the heritage site. A full archaeological assessment should be undertaken to understand and document the currently unprotected WW2 built features as well as the features already protected by the Grade II listing.

4. As a Priority Habitat site the application should be submitted with full arboricultural and ecological assessments as a minimum requirement, to understand the impact of both the proposed and existing unauthorised changes on the natural environment.

22/00802/AS Halden Lane Farmhouse, Halden Lane, Rolvenden – Renewal of planning permission 19/00541/AS for a loft conversion granted May 2019.

Resolved: the Parish Council supports the application subject to the rooflight being of “conservation” style.

756. Finance:

Schedule of payments:

Staff costs	£1,113.22
Litter picking	£120.00
Tompsett landscaping	£1,752.82 (VAT £292.14)
The Star (APM refreshments)	£40.00
Rebecca Morse (phone box)	£1,000.00
Jordan Prince	£1,470.00

Resolved:

- 1. To authorise the payment of the invoices presented at the meeting.**
- 2. To receive and note Report RPC/22/06**
- 3. To receive and acknowledge the financial movements for the period 1st April 2022 to 31st May 2022.**

Councillor Bryant objected to the fact that no breakdown of the staff costs is produced. The Chairman advised that this information is protected under GDPR as personal information.

757. Pollen Bars:

The Bumble Bee project have advised that the cornflower seed has failed and replacement will be planted in due course.

758. Phone Boxes:

Both phone boxes have been completed and open to the public, the opening of the Streyte phone box went well.

Two other parishes have approached the team who worked on the boxes to do theirs.

759. Highways:

The road markings agreed as part of the Highways Improvement Plan are still awaited.

760. Borough Councillor Report:

Cllr Walder praised the amazing jubilee events in the village, however she was unable to attend due to prior commitments. The long awaited street sign for Pixs Lane is now in place. The planning department at Ashford Borough Council effectively closed for a week in order that they could clear some of the backlog of outstanding applications, 168 have been cleared.

Following the installation of the new mayor at Ashford the outgoing mayor immediately resigned from the Conservative Party to become Independent, this has resulted in the Conservative party losing overall control of the Borough. Kent Highways have agreed to a reduction of the speed limit on the A28 from Tenterden down to the level crossing and on Cranbrook Road to 40mph.

Regarding the stolen funds Cllr Walder advised that there is no case law surrounding the prosecution of councillors and that there is significant statutory protection for them provided that they acted in good faith. Any action could result in reputational risk to the Council.

761. Stolen funds:

The Parish Council solicitors, Messrs Whitehead Monckton advise that a response is due from Lloyds Bank's solicitors by 13th June to the letter of claim submitted last year. This has not been received when the agenda was compiled, but will be forwarded by email should it be received prior to the meeting.

If the response from Lloyds is negative the Parish Council needs to consider if there are any further avenues to be explored for the recovery of the funds as the Statute of Limitations prevents claims being made after 6 years. Having already challenged the decision of the Insurance Company without success and discovered that the Financial Ombudsman Service is not open to the Parish Council sector, Messrs Whitehead Monckton have been asked for an opinion as to the position of the Councillors at the time.

In response to the enquiry consideration has been given to the issue and at the outset confirmed that this is a complex area of law and would be extremely unusual to bring proceedings against members of the Council, and that he doesn't believe there is any case law which would assist in establishing the legal principles. In this situation he considers that we would or will need advice from Counsel (ie. A barrister). An indicative cost for a first meeting with a barrister to obtain an opinion would be in the region of £1,500 to £2,000.

The Parish Council is asked to consider if it wishes to expend further funds to ascertain if there is a possible claim to be made against the members.

Immediately prior to the meeting confirmation was received from the Solicitor that Lloyds Bank were refusing the claim.

Councillor Curtain made a brief statement that there has been no mention of the protection afforded by the Local Government Act or the Ledbury Case.

Councillors Curtain and Newman left the meeting.

Councillor Walker took the Chair

Councillor Bryant read out a statement prepared for the meeting.

Resolved: by majority, the Parish Council is against expending any further funds in the pursuit of the stolen funds. Councillor Bryant against.

Resolved: by majority. In view of the legal advice received from KALC and the negative response from Lloyds Bank and the consideration of consulting with Counsel being in excess of £4,000 before any proceedings the Parish Council will take no further action against the Bank or the members of the previous council, having considered all possible legal measures to reclaim the stolen funds the matter should now be considered closed. Councillor Bryant against.

Councillors Curtain and Newman returned to the meeting

762. Land bequest:

The Parish Council is currently awaiting a response from the Executors Solicitor as to whether both parcels of land can be administered by one charity.

763. Other items for information:

The nomination for the Club being registered as an Asset of Community Value is currently being considered by Ashford Borough Council.

There being no further business the meeting closed at 8.45pm

DRAFT