



Rolvenden Parish Council

Minutes of a meeting of Rolvenden Parish Council held in Rolvenden Village Hall, Rolvenden on 20th October 2022 at 7.30pm.

Present: Cllr Mrs D Curtain (Chairman), Cllr E Barham, Cllr S Bryant, Cllr N Cackett, Cllr A Johnstone, Cllr Mrs F May, Cllr Mrs I Newman and Cllr Mrs L Walker.

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

Also present: 10 members of the public

794. Apologies for absence:

Cllr Mrs T Turner and Cllr K Walder (Ashford Borough Council)

795. Declarations of Interest:

1. Declarations of Members' Disclosable Pecuniary Interests:

None.

2. Declarations of Members' Other Significant Interests:

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

Cllr E Barham trustee of Basil Russel Trust, trustee of the Windmill Trust, Royal British Legion. Minute 798 (Planning applications PA/2022/2328 & PA/2022/2539 neighbour, Minute 799 Invoice for Hole Park (owner) and Minute 800 Memorial Bench (Owner of proposed site)

Cllr Mrs F May, Secretary Rolvenden Village Hall, Minute 798 (planning application PA/2022/2355 as resident of Thornden Court)

Cllr Mrs D Curtain, Trustee of War Memorial Trust, Minute 798 (planning application PA/2022/2355 for personal reasons although no interest in the application and PA/2022/2601 as family members of the Club)

3. Declarations of Members' Other Interests:

None

796. Public Participation:

A brief presentation was given on establishing a digital archive for documents, photographs and sound recordings for the community. As a request for funding was included this will become an agenda item for the next Parish Council meeting.

797. Minutes:

The minutes of the Parish Council meeting held on 4th October 2022 were submitted, agreed as a true record and signed by the Chairman.

798. Planning:

Cllrs Mrs Curtain and Mrs May left the meeting. Councillor Walker took the Chair

Planning application PA/2022/2355 – Land South of Thornden Lane, Thornden Lane, Rolvenden Layne – Change of use of land to provide 1 No Single storey detached dwelling with amenity garden, garage and parking (self-build) (Resubmission of previous application ref 22/00189/AS)

Resolved: The Parish Council object to the application on the grounds that it is contrary to Ashford Local Plan 2030 Policy HOU5 sections b and d and contrary to Policy RNP5 of the Rolvenden Neighbourhood Plan.

Cllr Mrs May returned to the meeting.

Planning application PA/2022/2601 – The Rolvenden Club, Maytham Road, Rolvenden – Change of use and conversion of the existing clubhouse to create two dwellings utilising existing access arrangements. Insertion of dormer windows into the roofslope and removal of detached garage.

Resolved: The Parish Council objects to the application on the following grounds:-

Compliance with the Rolvenden Neighbourhood Plan Policies:-

RNP1 a – the development is not designed to a high standard

RNP1 b – the development does not protect and enhance heritage assets. The land it sits on was gifted to the Club but formed part of the protected parkland listing ref 1000221. The White House, adjacent, is a listed Lutyan's designed property.

RNP1 d – it is not well integrated into the landscape

RNP3 a – it does not enhance the landscape of the Area of Outstanding Natural Beauty

RNP4 a – development is only permitted outside the built confines of Rolvenden if it can be demonstrated that it is justifiable within the context of the NPPF

RNP4 b – it would not enhance the landscape of the Area of Outstanding Natural Beauty

RNP6 – small scale development such as infilling and conversions will only be permitted where there is no conflict with RNP 1, 2, 3, 9, 10, 12 & 13

RNP8 – dwelling size, the Housing Needs Survey identified need for 1 & 2 bed properties

RNP13 – loss of community buildings. The Club is listed as such in the Neighbourhood Plan. We have no physical evidence that it is no longer viable or that any alternative community uses have been explored. It should be noted that the land to the road currently used as a car park has a restrictive covenant on the land stating that it is not to be used for any other purpose in connection with the usual and reasonable activities of the Club.

Ashford Local Plan 2030 :-

ENV1 –the development would have an adverse effect on a protected landscape Area of Outstanding Natural Beauty and listed parkland ref 1000221

ENV3a (e) pattern and distribution of settlements. This is outside the built confines of Rolvenden

ENV3b – the development would affect the landscape and character of the AONB

ENV5 e – the development would adversely affect the landscape features that distinguish the character of the local area (protected parkland)

ENV13 – conservation of heritage assets. The White House adjacent is a listed Lutyen’s designed property. The land on which the Club sits was gifted to the Club but formed part of the protected parkland listed under ref 1000221. The land has restrictive covenants placed upon it.

COM1 – there is insufficient evidence to show the community use is no longer required

HOU5 – re-development of disused buildings should lead to enhancement of the setting and be justifiable in the Area of Outstanding Natural Beauty.

NPPF

Para 200 Listed Parks and Gardens – there should be clear and convincing justification for development within this setting.

Para 84d – planning decisions should enable retention of community facilities.

Cllr Mrs Curtain returned to the Meeting and took the Chair.

Cllr Barham left the meeting

Planning application PA/2022/2328 – Maytham Farmhouse, Maytham Road, Rolvenden – Removal and replacement of the existing timber kitchen window within the North Western elevation.

Resolved: The Parish Council supports the application

Listed Building application PA/2022/2539 – Maytham Farmhouse, Maytham Road, Rolvenden – Removal and replacement of the existing timber kitchen window within the North Western Elevation.

Resolved: The Parish Council supports the application.

Cllr Barham returned to the meeting

Listed Building application PA/2022/2378 – Ranters Hall, Benenden Road, Rolvenden – Proposed internal alterations including partition walls, creation of a bathroom and boarding up of double doors to existing domestic outbuilding (partial existing, partial proposed).

Resolved: The Parish Council supports the application.

799. Finance:

Schedule of payments:

Tompsett Landscaping	£2,864.42 (VAT £477.40)
Litter picking	£150.00
Staff costs	£940.71
Hole Park	£463.79 (VAT £77.30)

The Parish Council is asked to consider making a donation to the Rolvenden Primary School crisis fund.

Cllrs Mrs Curtain and Mrs Newman verified the entries through the bank account.

Resolved:

- 1. To authorise the payment of the invoices presented at the meeting**
- 2. To receive and note report RPC/22/11**
- 3. To receive and acknowledge the financial movements for the period 1st April 2022 to 30th September 2022.**
- 4. To donate the sum of £300.00 to the Rolvenden Primary School Crisis Fund.**

Cllr Barham left the meeting

800. Memorial Bench:

When the Parish Council set its budget for the current financial year a provision was made of £500.00 towards the Platinum Jubilee celebration costs should it be needed. Due to the success of the Village Fete Committee this sum was not required. It has been proposed that these funds be allocated towards the provision of a memorial bench for walkers to enjoy on Public Footpath AT59 at a position that gives glorious views across the Weald known as “Top of the World” pictured below:



A suitable bench for the location would be a “Maytham Bench” which can be supplied by Memorial Benches of Ticehurst <https://memorialbenchesuk.co.uk/memorial-benches/teak-memorial-bench-3-seat-great-maytham> a suitable inscription could be “In memory of Queen Elizabeth II 1926 – 2022”.

Although the site is on private land, Hole Park, the Estate have agreed to install and maintain the bench for the duration of its natural life.

Resolved: The Parish Council agree to the purchase of a memorial bench as proposed to be sited and maintained by the Hole Park Estate.

Cllr Barham returned to the meeting.

801. Land Bequest:

The Land Registry transfer forms have been forwarded to the Parish Council’s Solicitor for onward transmission for the Executors to sign.

The transfer in respect of the allotment lands contained the following additional provisions: *The land assented will, as a result of this assent, be held in Trust for the Charity whose Trusts are set out in clause 8.1.2 of the will of the late Patricia Ann Thoburn dated 13 February 2014,*

a non-exempt Charity, and the restrictions on disposition imposed by Sections 117 – 121 of the Charities Act 2011 will apply to the land (subject to Section 117(3) of that Act).

The transfer in respect of the land on Maytham Road contained the following additional provisions: *The land assented will, as a result of this assent, be held in Trust for the Charity whose Trusts are set out in clause 8.1.1 of the will of the late Patricia Ann Thoburn dated 13 February 2014, a non-exempt Charity, and the restrictions on disposition imposed by Sections 117 – 121 of the Charities Act 2011 will apply to the land (subject to Section 117(3) of that Act).*

The transferee covenants with the personal representative not to allow any buildings to be erected on the Property (other than temporary structures ancillary to the use of the property in accordance with the Trusts set out in clause 8.1.1 of the will of the late Patricia Ann Thoburn dated 13 February 2014.

The relevant clauses of the Will are as follows:

8.1 I give to my Trustees all my estate and interest in the following freehold properties to hold upon trust of land as follows:

8.1.1 my land behind the Church at Rolvenden which for the purposes of identification is edged and hatched black on the plan No 1 attached to this will to the Rolvenden Parish Council to be used as amenity land for the village of Rolvenden but with a perpetual restrictive covenant not to allow any building to be put on the land;

8.1.2 my allotment land in Rolvenden which, for the purposes of identification is edged and hatched black on the plan No2 attached to this Will to the Rolvenden Parish Council to be used in perpetuity as allotments.

The wording of the gift along with the introductory wording in clause 8.1 created a trust of the specific lands for the specified purpose with Rolvenden Parish Council as Trustee. The Trust created is a purpose Trust which means that it is established to carry out a specific purpose rather than to benefit specific people.

The Joint Panel on Accountability and Governance (JPAG) is responsible for issuing proper practices about the governance and accounts of smaller authorities in the form of the “Practitioners’ Guide”. The following paragraphs relate to the Parish Council acting as a Trustee:

5.105 Certain local councils have powers to be appointed as trustee of local, usually charitable, trusts and fulfil this role as either custodian or managing trustee.

5.106 Charitable trusts in England are regulated by the Charity Commission which sets out minimum standards of accounting and audit requirements where these are not covered by the Trust Deed. The Charity Commission also requires annual reporting by registered charities.

5.107 The same requirements apply to charities that have re registered as CIOs (Charity Incorporated Organisations). Authorities need to make sure that all returns for all entities are correctly managed.

5.108 A CIC (Community Interest Company) is not a Charity. Authorities undertaking projects and activities with CICs must be very clear about the separate legal framework that covers these bodies.

5.109 If the authority has disclosed that it is a sole managing trustee it must also complete the associated assertion in the annual governance statement.

5.110 Authorities should ensure that each trust or charity has its own bank account. Only amounts paid and received through that account should appear in the accounts of the charity.

5.111 If, exceptionally, the authority's bank account is used to receive monies intended for the trust or to pay for any expenditure on behalf of a trust (prior to recovery from the trust account), then these transactions, including any irrecoverable VAT, must be included in the AGAR of the authority as being its own receipts/income and payments/expenditure during the year and to the extent that they are yet to be recovered or paid over reconciled as debtor and creditor amounts.

5.112 where, following legal advice, authorities are wholly managing the assets of a charity, a Memorandum of Understanding should be in place.

5.113 Meetings of the authority when it is acting as charity trustee must take place separately from those of the authority acting as the authority. Separate minutes must be kept. In order to avoid confusion, trust business should always be minuted separately from authority business. Separate notices and agendas for meetings should be issued.

5.114 Charity VAT is covered by VAT Notice 701 which is entirely separate from Notice 749 for smaller authorities. Advice should be sought if there is uncertainty

5.115 The value of trust property must not be shown in the authority's books of account and on the AGAR as authority property. Trust assets held by the authority as custodian or managing trustee should, however, be recorded in the authority's asset register and identified there as 'charity assets held by the authority as trustee' with their value excluded from the total.

The trust deed for the Trust is currently being prepared using the model trust deed for Charitable Trusts provided by the Charity Commission https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/586357/GD2.pdf

802. Other items for information:

Application has been made to KCC to install the Christmas tree next to the phone box, the resident has agreed to the lights being plugged in to their supply and the Star have agreed to donate funds to cover the cost.

The planning portal was the main topic of conversation at the recent KALC meeting attended by the head of planning, a survey is being issued to ascertain opinions from the Parish Councils.

West Kent Housing have visited Halden Field to address the barking dog issue and spoken with the neighbours.

Councillor Bryant thanked all the volunteer litter pickers that regularly deal with litter.

It was requested that the Rolvenden Club become a regular agenda item following the planning application discussed earlier in the meeting and that the committee be invited to attend the next meeting of the Parish Council.

Councillor Barham made comment about some of the litter bins being in poor state of repair or open to the elements. Ashford Borough Council to be approached and asked to replace.

It has been reported that some of the residents have been trimming or attempting to remove trees that were planted as part of the landscaping at Halden Field. The tree officer at Ashford

Borough Council to be contacted to seek a Tree Preservation Order on all trees on the estate.

There being no further business the meeting closed at 8.45 pm.