

AGENDA DOCUMENTATION AND CLERK REPORT APRIL FULL COUNCIL

It has been an extremely busy month for myself and the Chairman of F&GP getting prepared for year end and the audit on the 27th April. I would like Members to note the huge amount of hours Cllr Williamson has dedicated to the Parish Council over this period and I am extremely grateful for all his help and support.

As a result of the heavy workload there has been little progress on other outstanding items but once the audit has been completed, I will have some more time.

The only updates are:

The war memorial has been inspected and I should receive a health check shortly.

I have received a quote regarding the clock repairs which will be discussed at a future meeting.

Although the Clerk salary will not be displayed on the agenda it will be listed on the cashbook and deducted from the budget monitor for any councillor who wishes to know the figure. They can also contact me directly.

THE BLACK DUCK PUB NOMINATION AS AN ASSET OF COMMUNITY VALUE resolution required

8.1. To agree to support the nomination of The Black Duck pub as an asset of community value

8.2. Update on the Black Duck pub sign

Wealden District Council have received a nomination under the Assets of Community Value (England) Regulations 2012 to consider listing The Black Duck on the Wealden District Council List of Assets of Community Value.

Wealden intend to make a decision on the nomination on or before the 25th May 2021. If the Parish Council would like to make any comments in relation to this nomination, we would need to send them in writing to Wealden by 11th May 2021 so, they can be taken into consideration.

For further information about the Community Right to Bid and Assets of Community Value please use the link on the letter from Wealden.

The decision is **NOT** bound to follow the planning decision.

Wealden will have to take into account any changes that already have been made to the pub before the nomination was received. They have had reports from the owners that the bar has already been removed, stud walls have been erected and that the ground floor of the pub is now being used as residential accommodation. If this is proved then Wealden would have to take legal advice as the change of use might exempt the pub from being listed as an Asset of Community Value.

Part of the Decision Notice for change of use was the retention of the Black Duck pub sign. Wealden have confirmed there is no reason why the Black Duck sign

could not be changed to the original pub name but that would need to be a voluntary decision made by the current owners. As this would involve extra expense for the current owners the Parish Council might want to consider paying for this sign in the future depending on the outcome of the ACV decision.

As a matter of interest this was the response of Bob Stanley, the Conservative Leader of the Cabinet of Wealden District Council, to a letter written by a member of the public regarding the approval of the Black Duck's planning application.

“Thank-you for raising this matter. The closure of a local pub is always regrettable but the Council has to make decisions based on the national and local planning policies.

I am aware that there were a large number of representations on this application but that volume does not automatically mean the application will go to committee. Applications go to committee when the local councillor has policy reasons for “calling it in” seeking a decision contrary to the officer's recommendation, whether that be for or against approval. Representations are read and taken into account whether the decision is delegated or goes to committee.

The reasons for the planning application approval can be found in the Officer Report which is in the *View Documents* section of the Planning Application published on our web site. Search Planning Application: WD/2020/1964/F

You will see in the Executive Summary that the benefit and adverse effects of the proposal were, in the professional opinion of the planning officer, finely balanced. A decision to refuse would be difficult to sustain at appeal. One such factor regarding the loss of amenity was that there is another public house at Rushlake Green and others in the vicinity, to meet the rural community's day to-day needs.

Not all planning applications are subject to delegation. Automatic consideration by a planning committee takes place in defined circumstances, mainly linked to scale and location of development.”

THE HORSE AND GROOM PUB RUSHLAKE GREEN – Resolution needed

9.1. To agree to activate the 6-month moratorium period – deadline 24th April 2021

Members were advised at the last Full Council meeting the Parish Council has got the power to activate the 6-month moratorium period on an Asset of Community Value even if they do not wish to make a bid themselves.

Community groups cannot trigger the moratorium unless they were set up as a Community Interest Company.

If the moratorium is activated the pub could not be disposed of, they could accept offers but not exchange. It would need to be activated by the 24th April.

Wealden have confirmed they have not received any details of an offer which has already been made. However, they have agreed to email the owners on our behalf.

This was the current owner's response:

- 1. Yes, the plan is to sell the property as a TOCG with the lease in situ.**

2. Yes there is a lease inside the 1954 Act.

The property will continue as a public house, all that will change is the landlord. Shepherd Neame is currently selling a number of freehold pubs with FOT leases as a result of the Covid Crisis. It is now my understanding that sales where it is a TOCG are exempt from the moratorium as the purpose of the Localism Act is not to prevent sale but rather loss of public house use. In this case the public house use will be unchanged.

This is a common TOGC issue in the pub sector where you have managed houses with intra-group operating leases to group or related companies and such operating leases need to be surrendered immediately before the sale of the property. ... You grant the new owner of the business a lease in respect of the building. 18 Oct 2017

Wealden District Council's advice to the Parish Council regarding Sheperd Neame's reply was as follows:

"It's odd they notify us, and then indicate they are potentially exempt. I believe they are probably right, such sale would be exempt, but that's not what they have placed before us, so I would still consider whether the full moratorium is required by the PC. If they are right and exempted, then it would not obstruct their path."

10. DATE FOR THE ASM AND FULL COUNCIL MEETING IN MAY 2021

10.1. To agree holding a virtual combined ASM and Full Council meeting on Thursday 6th May replacing the scheduled Full Council meeting on 20th May

Parish Council remote meetings will not be legal after May 7th 2021 and must be held in person.

Village halls would not be an option to hold Parish Council meetings until 17th May 2021 and that would be dependent on the progress of the government roadmap.

The Annual Statutory Meeting must by law be held in May, except in an election year when it is held between the fourth and eighteenth day after the election (inclusive).

Many other Parish Councils are holding a combined ASM and Full Council meeting before the 7th May. In order to ensure the smooth running of Warbleton Parish Council as the Clerk I would advise holding a combined meeting on Thursday 6th May 2021.

11. FREQUENCY OF PLANNING MEETINGS – Resolution required

11.1. To agree to continue to hold Planning & Development meetings every 3 weeks (please see separate table of meeting dates)

Due to the cancellation of the last scheduled Planning & Development Committee meeting this item was not able to be discussed. I have attached a list of dates for meetings at 3 weekly intervals. The Chairman of Planning has confirmed he is happy for this arrangement to continue on a Tuesday at 6.30pm. As Clerk I can report that the meetings have run smoothly and there have been no obvious disadvantages to thrice weekly meetings.

Please note that 18th May and 21st September will not be available in BSG Village Hall as the Gardening Club have already booked these dates.

11.2. To agree the Planning & Development meetings on the 18th May would be held under delegated authority where Councillors would email their responses to the Clerk – dependent on the results of the Clerk’s Councillor Survey

A short survey was distributed to all Members in order to gauge their feelings on the recommencement of face-to-face meetings taking into account COVID-19. These results will be summarised at the meeting or before if appropriate.

13. UPDATE ON THE USE OF ZOOM FOR PARISH COUNCIL MEETINGS

There is an imminent court case where the right to hold virtual Parish Council meetings will be addressed. I will advise Members on the results and the continuation of the zoom subscription will be discussed further at a future Full Council.

14. COUNCILLOR RESIGNATION AND NEW VACANCY

The Clerk to verbally update at the meeting.