

HANNINGTON PARISH COUNCIL
DRAFT Minutes for Tuesday 10th May 2016 at 7.00 pm
Hannington Village Hall

1. Appointment of Chairman

Cllr Simon Taylor was unanimously re-elected as Chairman.

2. Order of Business at Annual Meeting (Compliance with Standing Order 2.j *)

"Following the election of the Chairman of the Council of the Council at the annual meeting of the Council, the order of business shall be as follows".

- Confirmation of the accuracy of the minutes of the last meeting of the Council . See Minute ref 4 below.
- Review and adoption of appropriate standing orders and financial regulations. This item was deferred to Sept 2016 when it was agreed the Council considers further the review of its Aims and Objectives.
- Review of representation on or work with external bodies and arrangements for reporting back. The meeting confirmed that the Council does not have any reps on or work with external bodies.
- Review of inventory of assets. This item is to be considered later in the Agenda as part of the Final Accounts 2015/16.
- Review and confirmation of arrangements for insurance cover in respect of all insured risks. This item is to be considered later in the Agenda as part of the Final Accounts 2015/16.
- Review of the Council's and/or employees' memberships of other bodies. The Council is a member of HALC, NALC and CPRE. The annual fees for the first two organisations are due 1st April 2016, and approval for payment is covered later in the Agenda.
- Establishing or reviewing the Council's Complaints Procedure. Complaints may be received against Councillors or Officers. There is a Code of Conduct (SO6) for Councillors and a further section within Standing Orders (SO25) 'Allegations of Breaches of the Code of Conduct'. The Council does NOT have a Complaints Procedure for officers. The Clerk informed the meeting that the Chairman had received a letter in from a resident of which the contents were deemed to be a complaint. The complaint is dealt with under Item 6.c Correspondence.
ACTION: Clerk to investigate and produce draft Complaints Procedure (Officers) for consideration at the September Meeting.
- Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998. The Council does NOT have detailed procedures for FOI or for DP related issues. However, Standing Order 21 provides an overview for FOI. There is legislation and there are regulations relating to both these items which Councils are required to comply with eg time scales for response etc. The Clerk informed the meeting that he had received a letter from a resident of which the contents were deemed to be a request for information under the FOI Act 2000. The FOI request is dealt with under Item 6 (b) Correspondence.

ACTION: Clerk to investigate and produce draft FOI and DP procedures for consideration at the September Meeting.

In the meantime, the Council has, via email in April, confirmed the Clerk acts as the Council's FOI Officer and is deemed to be the Data Protection Officer. If there is a conflict between FOI and DP responsibilities, then the Clerk is to draw this immediately to the attention of the Council for a decision to be made as to what action is necessary.

- Establishing or reviewing the Council's policy for dealing with the press/media.

The Clerk informed the Council that Section 22 covering press/media was recently introduced into Standing Orders.

- Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

This is covered within Standing Orders 1a, 1.c and 1.z and 2.c.. Dates for the meetings in 2016-17 is dealt with in Agenda item 16.

3. Apologies for absence & declarations of interest

Apologies were received from Cllr Karin Jardine-Brown.

The Clerk informed the meeting that Borough Cllr Cathy Osselton had stood down in the May Elections and that Borough Cllr Ken Rhatigan had been elected to represent the Kingsclere Ward. The Clerk informed the meeting he had written, on behalf of the Parish Council, to Cathy Osselton thanking her for her many years of service, and in particular to her support, engagement and contribution to the work of the Parish Council.

ACTION: Clerk to obtain contact details and invite him to all future meetings of the Council.

Eleven members of the public attended the meeting. Their main items of interest centred on:- Agenda Items 13.c Ownership of Hannington Village Green [see Minute 5.b.v below], and 13.b Planning Application – Farley House.

4. Minutes of Meeting held on 9th February 2016

The Minutes, previously circulated to the Council, and to the residents, were approved and signed by the Chairman.

5. Matters Arising (not covered elsewhere on the agenda)

5.a Review of actions sheet from previous February meeting

The meeting agreed the 'status' of the items on the Action List, including those shown as being 'Completed' that could therefore be removed by the Clerk.

5.b Village Green.

i. Transfer of village green (VG60)

The Clerk informed the meeting that he had completed forms ST1 and ST4 and submitted them to HCC Legal Department for processing. It was expected that this would result in the legal transfer/re-registration of VG 60 from Kingsclere PC to Hannington PC.

ii. Maintenance of village green

Mrs Sarsfield-Hall and Cllr Taylor confirmed that the maintenance of the green was now being carried out by Mr Burton.

ACTION: Chairman to formalise the 'contract'.

iii. **Damage to village green**

Mrs Sarsfield-Hall advised the meeting that she had been waiting for the weather to improve before repairing the damage done to the green by a delivery van. Financial responsibility/compensation for the damage had been sought by the Clerk and agreed by the company concerned. There would be no cost to the Council.

iv. **Future protection of village green**

Mr Webster informed the meeting there had been further damage to a corner of the village green and that posts had been knocked down. He suggested the Council might consider 'paving' the areas most often damaged. Cllr Hertz advised this would be contrary to national rules governing 'village greens'.

ACTION: Cllr Hertz/Clerk to investigate.

v. **Village Green... unadopted roads**

Cllr Hertz had produced a Briefing Paper 'Hannington Village Green' (circulated to residents April) that covered Background (history), Responsibilities, Transference of Village Green Ownership, and Unadopted Roads to the South and West. Copies of the supporting documents were attached to the report. The 'legal elements' included in the report had been checked by HCC Legal Department, who are acting on behalf of HPC in the transfer of VG60.

Cllr Hertz had subsequently tabled a list of points for the May Council meeting that he considered the Council would need to address at some time (circulated to residents 11th May). The points raised by Cllr Hertz were:-

"The following due diligence questions have been raised to the Hannington Parish Council as an outcome of the report dated 21st April, 2016.

- a. *Does the PC maintain the status quo – leave the unadopted road as a 'highway' where the public 'can pass and repass' but have the exposure to the liability for costs of repair passed on via HCC Highways? At present, the highways authority will consider a repair of the unadopted roads on a 'case by case basis' as financial constraints allow.*
- b. *Does the PC Declare the West and South roads as 'Private Roads' ? The public are not allowed to pass and repass as in a highway – the HCC Highways authority in this case cannot impose costs of repair on the Parish Council but would not consider a repair of a private road at public expense.*
- c. *Will the **Parish Council take-on the repair of the unadopted roads as a matter of 'policy'** or will it allow the roads to fall into disrepair?*
- d. *The Hannington Parish Council does not have an existing budget for the repair and maintenance of the South and West roads – in principle does the PC agree to raise the 2016/2017 precept to accumulate the funds to cover these costs?*
- e. *The issue here is that the Parish residents as a whole get hit with an increased cost via the 'precept' for the benefit of the few around the Village Green. Do the parish residents agree that a precept be raised to **cover the full cost of the road repairs or should the costs be shared with the other frontagers around the Village Green or should the unadopted roads be allowed to fall into disrepair?***

- f. *The other frontagers around the Village Green benefit from the right of way therefore should accept the burden of their share of maintenance and repair. What annual contribution should the Parish Council seek from the other frontagers for the costs of maintenance and repair of the unadopted roads?*
- g. *HCC Highways state that the unadopted roads are 'likely' to not comply with the standard required for adoption. Shall the PC require the frontagers to agree to provide financial support for further investigation into the construction of the South and West roads in support of an application for adoption by the HCC Highways authority? That is, obtain core samples of the roads to form the basis of an associated report to evidence the construction of the unadopted roads. If the evidence leads to a successful adoption points a) to f) are moot.*
- h. *There has been discussion of including the unadopted roads, which are metalled surfaced, as part of the Village Green. Apart from the roads having no amenity value under the definition of a Village Green, the result would be that the Parish Council would end up with the full financial liability for the repair and maintenance of the roads at the expense of the parish residents (via precept). Does the Parish Council wish to support this approach?*

The Council noted the points raised by Cllr Hertz. The Chairman opened the meeting for comments and questions, **but stressed that this item was on the Agenda for the Annual Parish Meeting Meeting Tuesday 24th May.**

6. Correspondence (including)

6.a HALC e-updates incl Local Authorities Information Service (LAIS)

The Clerk confirmed that all relevant correspondence had been circulated to Cllrs.

6.b Freedom of Information Request:

A letter was received by the Clerk on 1st April 2016. The letter asked for answers to a series of questions relating to the way in which the Council had addressed the two issues '*adoption of roads... to the South and West of the village green*', and to '*planning application Farley House*' – fence. The Clerk considered the nature and content of the questions should be dealt with under the Freedom of Information Act 2000. He informed the Cllrs of the contents of the email and advised them as follows...

"Anyone has a right to request information from a public authority eg Hannington Parish Council. We have two separate duties when responding to these requests:

- *to tell the applicant whether you hold any information falling within the scope of their request; and*
- *to provide that information.*

We normally have 20 working days to respond to a request. However, due to the timescale that BDBC are working to with regards the planning application (fence), I would suggest that we aim to reply within ten days, if not sooner.

For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act or direct their request to a designated member of staff. Any letter or email to a public authority asking for information is a request for recorded information under the Act. Therefore the rules and duties of the Act apply in this case. "

The Clerk sent email replies on 4th and 17th April. The Clerk received an email on 19th April from the resident acknowledging receipt of the answers provided.

This item has been minuted in detail as it is the first time a request has been dealt with by the Parish Council under the FOI regulations. A copy of the correspondence is held by the Council in its 'FOI Folder', and is available on request.

6.c Complaint against an officer of the Council

The Chairman received an email on 11th April from a resident that made two allegations against the behaviour of the Clerk. The allegations were (i) ***The Parish Council's decision[on a planning application]... must have been a difficult one in view of the virulent opposition of Mr Pottinger to the fence,*** thereby implying the Clerk had exceeded his remit in providing objective and independent advice to the Council, and (ii) in a personal letter of objection sent by Mr Pottinger to a planning application that ***Mr Pottinger appears to invoke the authority of the Parish Council to support his comments***".

On being informed by the Chairman of the contents of the email, the Clerk advised the Chairman that the email should be treated as a Complaint and should be investigated by the Chairman.

On 13th April the Chairman sent a reply (reproduced in full at the end of the Minutes) in which he (i) detailed the process followed by the Council in reaching its decision. The 'discussion' by Cllrs was undertaken by email and the Chairman advised the complainant that *"At no time did the Clerk either offer his views or advice on the application, nor was it sought by Cllrs"*, and (ii) *"Until I received your email I did not know of his [the Clerk's] views nor that he had submitted a response. There is absolutely no reason why he should not have responded on a personal basis. This is not in conflict with his role as Clerk. I have read his objection letter and cannot see any evidence that he 'invoked the authority of the Parish Council to support his comments'."*

The Chairman concluded, *"I can find nothing untoward in any action of the Clerk"*.

This item has been minuted in detail as it is the first time a Complaint against an officer has been dealt with by the Parish Council. A copy of the correspondence is held by the Council in its 'Complaints' folder, and is available on request.

7. **Rural Community Policing**

Melody Kness, Police Community Support Officer (PCSO), sent her apologies for being unable to attend. The meeting was addressed by PC Rich Baldwin in her absence. An analysis of offences that had taken place in Hannington over recent years had shown that we live in an area of very limited crime; a car had been stolen, there were incidents of poaching and 'hare coursing', [advice is NOT to intervene, but to take video evidence if you can to help a prosecution], and removal of oil from house tanks. Most recently 3 lambs had been shot by air rifle.

The PCSO had effectively taken over the role of the 'beat bobby'. Whilst many of the local police stations in the area had been or were being closed, Melody was based Tadley. Hannington also had more than usual cover from police vehicles due to the close vicinity of the mast at Hoddesden Hill. Since 977 there had been 10 incidents and two crimes including 'base jumping'.

The good news was that HCC were recruiting 198 extra police officers.

The Chairman gave his thanks to Rich for the interesting and amusing presentation.

8. **Broadband**

8.a. Update from Cllr Hertz

HCC Broadband Superfast Programme: Delivery to Hannington Parish

Broadband Roll-out: The schedule of postcodes expected to be included in the broadband roll-out, as provided by the HCC Broadband Programme team, *no longer appear on the BT Openreach*

website. This issue has been escalated to BT Group and BT Openreach by the HCC Broadband Programme Manager on 5th May'16. *Has Hannington Village been dropped from the programme?*

An important consultation has been launched which proposes **a universal obligation for all households to be able to access at least 10Mbps to help them access information and services.** Local councils concerned about maximising the opportunities for their communities, will be considering the sufficiency of an uplift to 10Mbps at a time when ultra and hyper-fast broadband are being increasingly considered. Councils will also be wondering how this dovetails into existing superfast broadband initiatives. This consultation seeks to facilitate progress towards a Universal Service Obligation (USO) of 10Mbps minimum, increasing over time. **The USO provides a legal right to request a service from a designated provider at a reasonable cost.** In effect this is a 'safety net' where market forces alone do not deliver affordable access to basic services for people, particularly those in remote areas or those with low incomes or disabilities. So, for those premises not covered by commercial investment or by the Government's interventions by the end of the current planned programmes, **a demand-led approach will be introduced. Owing to the high cost, this will be by request, rather than rolling it out automatically.** Source: LAIS1389, March 2016

Conclusion

- i. This means that once the Universal Service Obligation (USO) is embodied in the legislation (2017/18) and OFCOM decide on the minimum broadband download speed, potentially 10Mbps, a broadband user can request of the broadband provider for the broadband service to be not less than the minimum declared by OFCOM. This will provide a basis for those communities in **North Oakley, Ibworth, White Lane, and parts of Hannington Village *who are not in the HCC Broadband superfast roll-out programme*** access to say a minimum speed of 10Mbps.
- ii. The timing for the above USO to come into a practical and implementable solution for our parish residents is unknown.
- iii. The current HCC Broadband Programme would not be involved in rolling out the minimum broadband speed.

9. **Aims and Objectives of Parish Council** including related **Review of Governance Documents**

See Minute 2 above.

It was agreed this item be deferred to the September meeting

ACTION: Clerk to produce report.

10. **Public Observations:** None

11. **County Councillors Report:** None

12. **Borough Councillors Report:**

Cllr Donald Sherlock informed the meeting:-

- Donald announced that he will be standing down as Borough Councillor later this year, and a by-election will have to be called to fill the vacancy.
- Ken Rhatigan had been elected in the May elections to the Kingsclere Ward.
- Planning Department was under considerable pressure from increased workloads and reduced resources, with an additional three Planning Cttee meetings being held.

- Highways have been identifying pot holes, but funding is limited and as holes are filled new ones appear!
- Black Dam roundabout is now fully operational, and appears to be working very well.
- Footfalls in Basingstoke Mall are the highest in the country.
- Budget 2016-17 has been agreed but financial pressures increased due to the continuing fall in income from investment income.
- Local Plan BDBC is due to be considered and agreed 26th May

13. Planning Applications

13.a The Review of planning control sheet.

Some of the Cllrs had accessed the Hannington Parish Tracker app [Hugo Fox] that provided updates on planning applications within the Parish. This might replace the planning control sheet.

ACTION: Clerk to inform residents of the new app.

13.b Planning Applications to be considered.

No objections had been received from Cllrs or from residents with regards recently circulated planning applications.

ACTION: None

13.c Farley House – fence

The Council was asked why it had not sent a copy of the D&A statement to residents when it had been omitted from the BDBC planning website?

The Chairman said that the Clerk had been informed by Mr Webster (applicant) that the D&A statement had been omitted by BDBC, and had provided him with a copy for the Cllrs, along with a request that he did not share it with residents. The Clerk contacted BDBC and was informed the omission would be corrected immediately. Mr Webster contacted BDBC likewise, by email. The Chairman said that it was not the responsibility of the Parish Council to circulate copies of planning documents, and that if residents had a complaint, then they should make it to BDBC Planning Department.

13.c Ownership of Village Green and related issues [See Minute 5.b.i and v above]

14. Roads, Footpaths & Bridleways Officer's report

14.a Update on highways matters (Cllr Hertz)

i. Salt Bins: The parish council has identified the existing salt bins in the parish and surveys them annually for content and damage. Last reviewed 12th January 2016 by JH.

* Salt Bin Delivered to site at South end of Hannington Village on 5th February 2016.

* Salt bin delivered on 8th February 2016 to junction of Summer Down Lane & Hannington Road, North Oakley.

* Salt bin delivered to site on Oakley Road on 26th April 2016.

The council has not been able to identify a practical control for those road areas where footpaths for pedestrians do not exist. However, it will log reported incidents where pedestrians have had a 'near-miss' with traffic or have had 'incidents' that cause injury due to the adverse conditions.

ACTION: Cllr Hertz to continue to discuss with HCC Highways to extend the road salting to the South end of the village at Oakley Rd. to primarily benefit pedestrians as footpaths do not exist on this highway.

ii. Flooding: The council has identified the flood area of particular concern on Hannington Road and has frequently reported the issue. This flood is at location where the approaches have bends that

have obscured sightlines. Therefore, this is considered to be a hazard to road users. Discussions with the HCC Highways over the last two years have not concluded to a resolution. The farmer cannot dig out the drainage ditch as BT telephone cable are in the way.

Accident: *Flood signs are present on Hannington Road. However, in mid-January '15 a BT Openreach vehicle collided head-on into the vehicle Mr Collin Rivers was driving towards Hannington. The damp road surface at either side of the flooded area had frozen. This accident has been reported to Keith Thompson, HCC Highways on the 3^d February 2016.*

ACTION: to be taken via BT Group... to remove the cables,

- a. 2016 18th Jan Inspected the Hannington Road flood sight with BT
- b. 26th Jan, BT scheduled site visit with Cllr Hertz for Wed, 27th Jan at 12:00 to mark-up line of BT cable. The visit confirmed that the BT cable runs in various part of the drainage ditch.
- c. Fri, 12th Feb: BT unable to produce a Wayleave for North Oakley Farms. North Oakley Farms have no record of any BT Wayleave.
- d. 4th March, Complaint raised by BT Group to BT Openreach ref. no. C1288439.
- e. 29th April, Complaint sent to wrong planning department. Cllr Hertz is advised on the 4th May that the planning team local survey officer will visit the site soon. Next update expected on Friday 6th May.

ACTION: Cllr Hertz to follow up on progress.

ACTION: Clerk to encourage residents to report any blocked roadway drains to the HCC Highways where these cause a localised flood.

Road verge washed away on Summer Down Lane: Regular visits have been made to the site by Cllr Hertz to establish new extent of damage due to severe rains. Cllr Hertz has continued to remind Highways of the status of the hazard to traffic.

Control measure - Cones onsite (as at 23rd Jan 16) as hazard warning indicators.

- a. 9th Feb ditch repaired with loose No.1 gravel.
- b. 6th May 2016 reported to highways that the ditch has reappeared due to the rains washing away the gravel. Have asked if an alternate repair can be performed that will not be washed away.

ACTION: Cllr Hertz to monitor the ditch and report again to HCC Highways if repair not completed within 4 weeks ie by mid June.

15. Finance & Audit

15.a Final Accounts 2015/16

The Final Accounts and supporting papers were circulated by the Clerk to Councillors 1st April 2016. The draft Final Accounts Statement showed a balance at the year end of £6,070 compared with the Original Budget prediction of £4,728 and the Revised Budget prediction (Sept) of £4,222.

The main reasons for the increase in the balance of £1,848 between Sept 2015 and 31 March 2016 are:-

- * £365 reduction in spend on Council's insurance following a review of provision,
- * £170 not spent on salt bins,
- * £500 not spent on any traffic calming measures,
- * £500 not spent on costs of developing the Local Development Plan,
- * £175 no payments yet billed by HCC Legal Services for work on 'ownership of village green'

* £166 reduction in related VAT payments in year.

The bank reconciliation statement showed there were two cheques drawn that were not presented as at 31 March 2016. They were:-

* cheque number 336 drawn 18 March for £42 payable to HALC for the cost of a Charing Skills course attended by the Chairman, and

* cheque number 337 drawn 29 March for £5,000 payable to Greenham Common Community Trust Ltd being the release of the Margaret Nicholl legacy by way of a 'match-funding' contribution towards the repair costs for the Michaels Field pavilion.

The Clerk informed the meeting that all necessary documents for the completion of the audit had been sent to the Auditors including the following six documents that had been sent unsigned, so as to not unnecessarily delay the auditors. The Clerk presented these six documents for approval by the Council and signature by the Chairman. The six documents were:-

* two page extract from the Cash Book

* Final Accounts Statement

* Asset Register

* Annual Return with page 2 completed and signed and page 3 completed and signed

* Corporate Governance Questionnaire, completed by Chairman, and signed.

and

* Clerk's Contract of Employment covering 2015-16

15.b Revised Budget 2016/17* incl Financial Update

The Clerk did not provide a Revised Budget as the only material change had been the successful application for £500 grant towards the set-up costs for the Parish Council electronic web page and library, which would be offset by equivalent costs during the year.

15.c Invoices for approval

The Clerk submitted three cheques for approval:-

* HALC affiliation fee £161 cheque number 338 dated 1st May.

* NALC annual levy £20 cheque number 339 dated 11th May.

* Clerk's expenses £23.99 (incl VAT £2.13) cheque number 340 dated 11th May.

All costs had been budgeted for in 2016-17.

15.d External Audit Arrangements and Transparency Code for Smaller Authorities

The Clerk confirmed that he had submitted the opt-out notification to SAAALtd by the deadline of 31st March as agreed at the February meeting. He had then received a further set of guidance from SAAALtd together with the acknowledgement, stating that it would then be necessary for the opt-out Councils to establish an Audit Committee and to appoint an independent auditor; with the commensurate costs and fees. This information was 'new'. The Clerk forwarded this update to Councillors who, on the recommendation of the Clerk, reversed their earlier decision as there seemed little, if any, benefit in opting-out. The Clerk emailed SAAALtd before 31st March of this latest decision, and an acknowledgement that HPC has now NOT opted out has been received.

16. Dates for meetings 2016/17

Tuesday 13th September 2016

Tuesday 13th December 2016

Tuesday 21st February 2017

Annual Parish Meeting 2016: Following email discussions within the Council, this meeting has been arranged for Tuesday 24th May 7pm at the Village Hall.

A draft Agenda see below was circulated by the Clerk (4th May).

The Agenda is YOURS. However, to kick it off we are suggesting that some, if not all, of the following might be included. What do you think? Please let me know, and I will take

your thoughts into account when finalising the Agenda in the next week or so.

- * stiles to gates (celebration)
- * village green... transfer of 'ownership' (celebration... update)
- * salt bins (celebration)
- * unadopted roads to the South and West of village green (current issue),
- * Broadband (current issue)
- * flood area on Hannington Road, Nr North Oakley (current issue... update)
- * proposal to seek to upgrade FP 7106a behind Micahels Field to a bridleway (for discussion).

Some of the above items above such as the 'village green including the unadopted roads to the South and West' were included in the draft Agenda for the Parish Council meeting on Tuesday 10th May. Where that is the case, it is likely the items will be deferred to the Annual Parish Meeting where a fuller and more open discussion can take place.

In addition to any suggestions you may have on the Agenda, it would be useful to know if you are thinking of coming along. That way I will know how many chairs to put out!!!

ACTION: Clerk to issue a reminder to residents. To date, no additional agenda items have been suggested, nor any indications of likely attendees.

Dear **Mr Webster**,

Whilst I might understand your concerns over the role and influence that the Clerk, may have taken with regards your planning application, I can assure you that you are totally wrong in your conclusions.

The process was as follows:

- * the Clerk emailed Cllrs informing them of your planning application in exactly the same format and timing as that with which he informed the Hannington residents via 'Barbaramail',
- * due to the deadline for responses to BDBC being before the date of the next planned Parish Council meeting I decided that the Parish Council's opinion could be reached via email, and that a special Planning Committee was not necessary.
- * the Clerk subsequently forwarded to the Cllrs a copy of the D&A Statement that you had sent him. I believe this circulation was done with your approval. Similarly, he complied with your request that it should not be circulated to residents.
- * responses from residents that were copied to the Clerk were forwarded by him to the Cllrs for information. This too is our normal 'good practice'.
- * Cllrs then individually reached their conclusions from reading your application and, in at least two instances to my knowledge, visiting the site.
- * These decisions were shared with each other and were copied in to the Clerk.
- * **At no time did the Clerk either offer his views or advice on the application, nor was it sought by Cllrs.**
- * The Clerk then drafted the response to your planning application, on behalf of the Parish Council, and circulated it to Cllrs for comment/approval.
- * A minor amendment was suggested and included. This amendment was, in fact, the statement you have questioned at the end of your second paragraph. that starts "It is possible..."

You raise the question of Chris Pottinger's personal objection to your application. Until I received your email I did not know of his views nor that he had submitted a response. There is absolutely no reason why he should not have responded on a personal basis. This is not in conflict with his role as Clerk. I have read his objection letter and cannot see any evidence that he 'invoked the authority of the Parish Council to support his comments'. He does mention that he is the Clerk but only to explain that as a result he has seen your D & A Statement. You also say that his email 'refers to some matters that I may need to raise with the Parish Council in due course'. I would inform you that as his Objection letter is clearly a personal communication and not, in any way, implied as being the views of the Parish Council, that its contents are not a matter of concern for the Parish Council any more or less than might be the case of the contents of any one of the other letters of objection that were sent in by residents to BDBC Planning Department.

I can find nothing untoward in any action of the Clerk. One of the many benefits of having a Clerk with such depth of knowledge and experience at a very senior level over many years in local government is the processes and protocol, and thus the integrity that he has introduced to the Council during his period as Cllr, Chairman, and now, in his role as Clerk.

You have asked what the Parish Council meant by, "it is possible the outcome of that legal action will have an impact on the validity of the proposed planning application". This wording was suggested by a Cllr and refers to the situation that there was uncertainty as to the boundary of the village green, ownership of the roads to the South and West of the village green and even the verges that surround the green. In these circumstances, it was entirely valid and appropriate that the Parish Council included this caveat in their letter to BDBC Planning Department.

Many thanks for the information you have supplied in your final paragraph but I am a Chartered Surveyor by profession and have dealt with boundary disputes in the past so am well aware of the process. At this point there is of course no dispute as to the boundary of the Village Green as we are awaiting the outcome of the investigation by Hampshire CC Legal Services. Your boundary is defined by your deeds as recorded at Land Registry. As I have not surveyed the site I do not wish to comment on whether your application is wholly within your boundary, but I do not think it was unreasonable of the Parish Council to point out that we were unsure whether your application was within that area.

I note from your letter and the latest email circulated yesterday by the Clerk that you have submitted an amended planning application that re-sites the proposed fence behind the hedge. As you have said perhaps this will 'ease the anguish that some people feel'. At the time of writing this email to you I have not been able to see the detail of your amended planning application as it is not yet available on the BDBC website.

In conclusion I do not find that the Clerk has sent an objection purporting to be from the Parish Council but has merely made an objection in a "private capacity".

I hope that this is clear but if you have any queries please do not hesitate to contact me again.

Kind regards,

Simon Taylor

Chairman

Hannington Parish Council