DRAFT Minutes of the Annual Parish Meeting of parish electors of Hannington Parish, Hampshire.

The meeting was held on 24th May 2016 at the Village Hall. 18 members of the public attended.

As this was the first such meeting held in Hannington, as far as anybody recalls, the Parish Clerk opened the meeting by briefly explaining the legislative background and rationale for the meeting. The relevant legislation and guidance is summarised and reproduced below as:

- The Annual Parish Assembly of a Parish Council is often referred to as the Parish Meeting. It is a feature unique to Parish Councils as it must be held by law each year. [Local Government Act (LGA) 1972 Schedule (Sch.) 12 section 14 (1)]
- It is the custom for all the Parish Councillors and the Clerk to attend giving the public accountability for all the actions of the Council over the past twelve months. The Clerk does not have to take the minutes but normally does as someone must be appointed to keep a record. [LGA 1972 Sch. 12 section 19 (1).]
- If the Chairman of the Parish Council is present at the Annual Parish Assembly, then s/he must take the Chair. [LGA 1972 Sch. 12 section 16 (3).]
- Anyone is entitled to attend, but only the voters on the Electoral Register for the Parish are entitled to speak and vote. It is NOT a Parish Council meeting, although it may well be that the Parish Council has organised it.
- Normally, the quorum for an Annual Parish Assembly is two.
- The meeting acts as a sounding board for the Parish. It gives the electors an opportunity to speak and discuss matters of importance or concern to the community. Generally, Resolutions passed at this meeting are not binding upon the Council, but clearly if there is a large majority of those attending in favour of some action, it would be wrong for the Council to ignore the views of the electorate. [LGA 1972 Sch. 12 section 18 (2)].
- What can be discussed at the Annual Parish Assembly?
  Anything that concerns the Parish or Town may be discussed at the meeting. Obviously, notice must be given to enable preparation of the agenda and to make relevant information available at the meeting.

From the above:-
- Cllr Simon Taylor, Chairman of the Parish Council chaired the meeting.
- He asked if anybody present wanted to take the Minutes. With no volunteers, it was agreed the Parish Clerk would do so.
- There were apologies for absence from Cllr Janusz Hertz and Cllr Karin Jardine-Brown.
With 18 attendees, the meeting was quorate.
The Clerk said he would presume all those present were electors, and would only ask for the names of those present if the meeting called for a vote on any matter.

The Agenda previously circulated to residents was
1. Stiles to Gates... successful initiative in 2015
2. Village Green... transfer of ownership
3. Village Green... unadopted roads to the South and West
4. Salt bins...
5. Broadband...
6. Flood area on Hannington Road, Nr North Oakley
7. Proposal to seek to upgrade FP 7106a behind Michaels Field to a bridleway

A resident had contacted the Clerk prior to the meeting to ask if ‘The Queen’s 90th Birthday Celebration’ could be added.

Concern was expressed about the poor standard of the roads, especially around Ibworth.
The Chairman advised that residents should use the HCC Highways reporting system where they have identified a problem eg pothole. Once it has been logged it is then HCC Highways responsibility.

Question: Can resident/Parish Council fill the holes?
Answer: The advice we have received is that whoever did the ‘repair’ could then be held responsible/liable for any accident/damage that subsequently occurred.

Question: Could the ‘passing places’ be marked with official Highways posts (white diamonds)?
Response was that generally, residents did not want an increase in ‘street furniture’.

The Chairman informed the meeting that we have not been able to have our regular ‘annual’ meeting with Senior officers from Highways. In the past we were made aware of Operation Resilience, by which HCC Highways prioritised their resources. The Parish Council is aware that funding has been reduced and Highways are struggling to cope with the deterioration to the highways.

The message is ‘to keep logging the problems on the HCC Highways online system’.
Stiles to Gates... successful initiative in 2015

1. **The Chairman informed the meeting that**, the Parish Council had recognised the complaints of parishioners that most stiles in the Parish had fallen into disrepair and particularly noted the complaints from those parishioners with dogs who could not use them. More importantly, those people in the parish with mobility difficulties had given up entirely using the footpaths where they could not negotiate the stiles.

2. Throughout the last year, the parish council worked with the HCC Countryside team to identify those stiles that could be replaced by kissing gates or gates. The HCC Countryside team also supported our applications to the HCC Small Grants Scheme to fund the purchase of the gates. Kingsclere Estates part funded some gates as did the Parish Council.

3. **Our thanks go to the landowners Kingsclere Estates, Collin Keogh and North Oakley Farms** who were very supportive in the replacement of the stiles and accommodated our work schedules. Particularly when we were working during the shooting season, our thanks go to Martin Broad, Head Gamekeeper who altered his game drives on more than one occasion at short notice to allow us to complete our installation work.

4. **We must also recognise that the installation of the gates could not have been achieved without the volunteers from both the Ramblers Association led by Jonathan Tinkler who co-ordinates their work with the HCC Countryside team and Beth Rutterford and Mitch Webb, Countryside Rangers who had overall oversight of the work activity and led in the heavy digging work and tree stump removals.**

5. The project removed 9 stiles and installed 7 new kissing gates and two gates leaving the only single stile still remaining in the parish at Cottington Hill which could not be practically replaced... **all at a cost to the parish council of only £281.50.**

Village Green... transfer of ownership

The Chairman informed the meeting that the latest update from the Clerk as at 18th May was that Linda Heron, Solicitor, HCC had posted the signed forms ST1 and ST4 to the Land Registry, and the Parish Council could anticipate completion of the transfer in the foreseeable future. He admitted that this initiative had taken far longer than had been anticipated. It was first raised last summer, a year ago. A key factor in the delay was that Kingsclere PC had no documentation with regards ownership/registration, and so a different route had to be followed by the solicitors acting on our and Kingsclere’s behalf.
**Question:** Why couldn’t we leave it as it is ie the village green being owned/registered to Kingsclere PC? This would remove the current problems about the unadopted roads [next item on the agenda].

**Answer:** the Chairman explained that the issue had originally arisen from a question raised by the audit of the 2014-15 Accounts as to ‘ownership’. If we had the status quo, we would be totally dependent on Kingsclere PC to maintain the village green. We would not be able to do anything directly with regards vehicles damaging/parking on the green, nor to have repaired the Well Head. There could even be a question about our being able to hold the Fayre on the village green... see also the last agenda item about Queen’s 90th Birthday Party celebration.

The Chairman also pointed out that ‘ownership’ of the village green whether by Kingsclere or by Hannington did not affect the duties and responsibilities of the residents who are frontagers. Although, it did of course transfer the legal and financial responsibility as a major frontage from Kingsclere to Hannington.

Other questions were raised but these generally related more to the next item on the Agenda.

**Village Green... unadopted roads to the South and West**

The Clerk informed the meeting that Jon Whitfield had sent him a four page email that evening (17:47) which he had seen at (16:27). This was only half an hour before the meeting was due to start. The Clerk immediately forwarded it (unread) to the Cllrs. The email covered a series of questions relating to both the transfer of the village green and also to the unadopted roads. The email also provides a personal response to the questions (a) to (h) [reproduced below] that were raised at the Parish Council meeting in May. Unfortunately, Jon was unable to attend the meeting. [Many, though not necessarily all the points, in the email were raised at the meeting. The Chairman has since suggested that Jon’s email should be reproduced in full as an Appendix to the Minutes. This suggestion has been agreed to by Jon Whitfield, and is therefore attached.]

The Chairman then opened the meeting for discussion. The points raised included:-

- Why is the transfer of the village green only that part which is green and does NOT include the surrounding unadopted roads and verges?
- What is the current status of the unadopted road, and what are the options?
- How is the Parish Council to meet the added costs of maintenance/repair?

The Chairman referred to two documents that had been prepared by the Parish Council. The first document was the Briefing ‘Village Green Ownership and Responsibilities’ 21st April 2016, and the subsequently tabled list of points from
Cllr Hertz 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?

Going back to the earlier questions:
- QUESTION: Why is the transfer of the village green only that part which is green and does NOT include the surrounding unadopted roads and verges?
  ANSWER: The Parish Council is formulating the ownership/registration of the village green, as defined by VG60. Whether or not the ‘village green’ should include a larger area is a separate issue.

- QUESTION: What is the current status of the unadopted road, and what are the options?
  ANSWER: The meeting discussed the various options of getting it adopted, seeking to designate it as a Private road’, or status quo… unadopted. The general tone of the meeting regarding the maintenance of the roads around the green was that they should be left unadopted and that the Parish Council should do nothing.

- QUESTION: How is the Parish Council to meet the added costs of maintenance/repair?
  ANSWER: The meeting made a number of suggestions bearing in mind that the surface is currently in a very good state of repair (do nothing!), but that inevitably and eventually it will deteriorate. One option was that the Parish Council, as a major frontager, could establish a Specific Reserve that would hold sufficient funds for any highways maintenance, as and when it was needed. If it was considered necessary and appropriate, the Parish Council could seek to increase the Precept. This route would result in the Parish Council’s costs being borne by all the residents through their Council Tax.

Salt bins...
The Chairman said the Parish Council had been successful in having damaged salt bins replaced, and some new ones sited. Discussion continues with HCC Highways to provision a salt bin on the junction of 1-4 Oakley Road. Primarily for the benefit
of pedestrians as this area is particularly difficult for pedestrians during icy conditions. The key issue is to determine where to locate the bin as space is limited.

There were no questions or comments from the meeting.

**Broadband...**

The Chairman said the latest information we had was unclear and contradictory. Was Hannington still on the ‘to do’ list, or wasn’t it? It appeared to depend which list you looked at!

**Flood area on Hannington Road, Nr North Oakley**

Since the Annual parish Meeting, the parish Council has received firmer news on the agreed solution. This was circulated to residents 28th May.

“Cllr Janusz Hertz has been advised by BT Openreach via BT Group that they are to relocate the cable(s) in the ‘flood’ area at **NO CHARGE** to the parish or anyone else i.e.

1. *... that the free of charge ENR (External Network Rearrangement) order has been raised for the work discussed between yourself, our survey officer Simon Langstone and the council representative [Cllr Jan Hertz].*

2. **The original estimated completion date was showing as mid August, but has now been brought forward to mid July. (road closure required)**“.

3. Jan’s understanding of the BT plan is that they will redirect the BT Telephone Cable(s) totally underground via the opposite side of the road. Thus, completely avoiding the ditch area and not cause the farmer any grief re hedge cutting nor more importantly, any safety issues for vehicular traffic caused by poles (if they were to have been used as the ‘solution’) and the associated tension cables on such a narrow road.”

**Proposal to seek to upgrade FP 7106a behind Michaels Field to a bridleway**

The meeting agreed that the path had deteriorated in the winter due to the very poor weather, and something should be done! The question is what?
The meeting was informed that some residents had decided to walk their dogs on Michael's Field to avoid the track/potholes. The meeting was reminded that no dogs are allowed on Michaels Field for Health and Safety reasons as it is a sports playing area.

Is it a footpath? Is it a bridleway? Is it a BOAT? Is it a way for the farmer to get to his fields? Is it of benefit to allow traffic... for deliveries to Michaels Field, or for parking during the Village Fayre? Whichever one of these you opt for there are disadvantages for the others as some are mutually exclusive of the others!

The general consensus was that it is currently very walkable apart from the odd deep hole with some water in. In fact it is currently more walkable than many footpaths in the area. A solution would be to fill the odd deep pot hole... not necessarily a resurface job. Agreement was, however, also reached that the Parish Council should approach the HCC Countryside Team to see if they can provide help with resurfacing the path!

‘The Queen’s 90th Birthday Celebration’

Sylvia Poynter Smith asked the meeting if there was ‘support’ for a celebration on the village green and were there any volunteers. Perhaps it was a reaction to the somewhat ‘boring and contentious’ items previously discussed, there was fervent enthusiasm for the proposal and one kind (gullible) person agreed to help with the children’s games!!!

So, four days later... the following was circulated by Barbaramail:

"Thank you all of you who have communicated to say you would like this event to go ahead.

We have details as follows:

Meet on the Green to hear the bells announce the start of the celebration at approximately 1.30 pm.

Do bring your own picnic and chairs, rugs, gazebos, flags etc and join with other villagers and friends to celebrate this landmark occasion.

We hope to have some suitable background music and some games and races for children at about 2.30. There might even be some for adults!

Looking forward to seeing you all there and hoping for a fine day.

Sylvia Poynter Smith

The meeting finished at 8.18pm
Dear Chris,

Thank-you for notification of the meeting. Unfortunately this coincides with an evening that has long been booked for us. As a result neither Jo nor I are able to attend. Whilst I know there are a number of issues listed I will confine this to two matters that affect us directly and over which I have voiced substantial concern for some time namely the green and the roads to the west and south. I make a distinction between the legal obligation/liability to maintain the green and/or roads and the situation at present with Hannington PC (HPC) maintaining the green a (eg mowing) and parts of the verge (eg by erecting posts) albeit that it has no duty to do so.

Transfer of the village green.

As the HPC is aware, the grass area bounded by roads is listed as the village green (VG 60). I have also advised suggested there is information that the land now forming the roads and verges to the south and the west of the grassed area may once themselves have been part of the wider village green. That is clear from photographic evidence and maps such as the 1842 Tythe Map on p6 of Jan’s document. It is also notable that when the green was registered under the 1965 Act, it was clearly thought to include the road and verges. I know an objection was raised but, we have as yet, no information as to that objection so cannot assess whether it was correct or that the reasons for it persist.

I know that there are some who reject the above but they have advanced no investigation or reason to do so. It has simply been rejected without more. As such, I believe decisions have been made or are being made that are not in the interests of the village.

Whether I am right or wrong regarding the historic extent of the green is not the point. The important thing is to clarify the position beyond merely reciting what is shown on the VG 60 and before anything is done regarding transfer. I say this to protect the wider interests of the village and green and, the HPC itself.

I have suggested that the roads and verges up to the boundaries of the surrounding properties should be part of the green and, if they are not, it would be in the interests of Hannington to do so. This, for the specific reasons of protecting the whole area from encroachment and damage by traffic. It would also protect residents from suggestions such as taxing them to pay for the unquantified liability that the HPC appears to be transferring to itself.

I note with some dismay that transfer is now being effected. I am not surprised that Kingsclere are delighted to do this. They currently bear the liabilities and legal burden to keep both of the green and at least half of the roads to the south and west. If I am right in my assertion that the green ought to include the road and verges then Kingsclere has the entire burden of keeping the road. The HPC is engaged in transferring that burden (green, ½ road and possibly whole road) to itself acknowledging that it has no money to discharge that liability. I question whether that is in the public interest.

I am aware of the concern that HPC is paying for the upkeep of the grass and wellhead etc which assets do not belonging to HPC – indeed it was me that raised it. That situation could be rectified through a simple contract for upkeep in return for use or a peppercorn rent and maintenance. This leaves the legal burden and risk where it has always been rather than transferring it to Hannington.
Of course this could be revisited once a full assessment has been made and the village properly consulted.

It seems the HPC is nonetheless effecting transfer of ownership and the legal burdens without fully assessing the risks and potential costs to itself or the village. I would respectfully suggest the transfer is put on hold until a proper risk and costs assessment is made and all Hannington residents are informed that they may be expected to meet the costs.

**The Roads to the west and south**

Regarding the roads, similar considerations apply. I am concerned that the HPC is making assertions or acting in a manner detrimental to its residents. None of this has caused any problem for decades. It would appear that an awful lot of fuss is being made generating unnecessary stress and anxiety for no good reason.

I previously sought clarification of whether an application to adopt the roads had been made. Unfortunately the information I received was far from clear – first it had not, then it had but had been refused, then I was finally informed that it had only been explored resulting in Hampshire CC being unsympathetic to the idea. Apart from setting up an unwanted hurdle to adoption, if an application were to be made, it has caused huge concern to residents on the green. Comments that ‘we should all know where we stand and be insured’ are as crass and unfeeling as they are unhelpful. None of this should have been done without prior consultation with those most affected since it agitates matters that have been settled for decades and potentially crystalises liabilities and/or problems affecting access to and values of homes and businesses. The tone of the various options and suggestions that roads may fall into disrepair are extravagant, highly suggestive and offensive in that they imply residents round the green are benefitting at the cost of others.

The status and/or ownership of the roads and verges is of particular importance since it is suggested that houses such as Church Cottage, Farleys House and other are frontagers and will share the cost with whoever owns the bit in the middle (the point made in para ‘h’ below). However, I question whether these houses are frontagers – particularly if the verges do not belong to said houses as indeed they do not. It is the verge-owner who is the frontager. That being the case the upkeep of half the road cannot be passed to myself, Mr & Mrs Webster, Mr Stent, the Burnetts or anyone else whose property is separated from the green by a verge. Likewise it is not down to these people or anyone else to start putting up signs or barriers to traffic as has been suggested elsewhere. This lack of particularity in who is a frontager reinforces the point that HPC is engaged in bringing an additional liability to itself which is as yet unquantified and it should not. It is also acting to the detriment of those of us on the green.

Regarding questions a – h I set out the following thoughts:

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.**

The maxim ‘if it aint broke don’t fix it’ comes to mind. The roads are highways with the public passing and repassing unhindered for many years. Hants CC helped maintain the old track on an ad-hoc basis for several years and eventually upgraded the track at considerable expense. It would be most surprising if they did not continue to do so particularly given the original expenditure. There is no reason to expect a change of heart. Pleading poverty may mean a delay but the road remains in
such good condition that with continued careful use Hants CC has nothing to be concerned about for many years to come. The idea that HPC is ‘exposed to a liability’ overstates the case.

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.

This option has no benefit to the village at all. It does not protect the access enjoyed to date. It does nothing to ascertain the position of the roads or verges and does not protect their state of repair. The HPC should not make any declaration without proper investigation by a qualified person particularly if such declarations affect public or private access to homes and amenities. This appears more to be a way for HPC to divest itself of a liability it has brought upon its own head.

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?

To date there has been no reason for the HPC to take on the road. However, it appears that HPC is already doing so by reason of the transfer of VG 60 before clarifying ownership/frontagers etc. If the HPC does not take on the repair it would be doing a disservice to the village. Conversely if it declares the road ‘private’ as stated above it would arguably be doing so in order to avoid the liability it has brought on itself rather than to benefit the village.

However, as stated much of this is theoretical. The idea of the road ‘falling into disrepair’ is far-fetched given that the road was upgraded to the extent that, after 12yrs, it shows little if any signs of wear and tear.

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?

The above highlights the questionable nature of the decision to transfer VG 60 and the intransigence regarding the wider green area. Clarity on both these issues would inform whether the transfer remains in the interests of the village.

I am not sure what the precept covers but this and other comments suggest an intention to tax some or all residents to pay for or guard against the unquantified liability the HPC has created in this transfer. The HPC should quantify the projected costs and taxes and inform residents before it takes on any such liability or attempts to recoup through a tax on villagers.

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?

The suggestion that the whole village is “hit” by a tax to benefit only the residents round the green clearly evidences the mind-set that has caused me concern throughout. It is divisive, alarmist and ignores reality. All the village enjoys all the green and its environs. It is an affront to those of us who are painted as getting a benefit at the expense of others. What of those who attend church, work at the farm, maintain horses there (including families of the HPC), people who cycle or drive up to enjoy the village do they not benefit? If this type of view is allowed to prevail then are special precepts to be raised against the users of other areas within the village?
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?

Again this is condescending, offensive and contrary to the spirit of the village. The ‘contribution’ is the sort of ‘due diligence’ that should have been effected before anything was done? In addition until you have established who is and who is not a frontager you cannot tax anyone.

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.

I have dealt with much of this above. I doubt very much that Hants CC has no record of the work done in the upgrade. In any event several of us are aware of what was done at least to some degree. Once again, this information should be collated before any further action is taken and, if an application is made it should be made only when the pros and cons have been properly thrashed out with those most affected. The idea appears to persist in the author’s mind that this is for the benefit of the alleged frontagers none of whom have asked for this to be done. As for requiring financial support, I repeat the point regarding frontagers.

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?

I have dealt with the suggestion that the roads have no amenity value – they do and, ascertaining ownership and/or status will go towards the process of maintaining that value. It appears to be this mindset that has driven the rejection of proper consideration of this point.

As for the second part, it is for precisely this reason that I question the propriety of the transfer of VG 60 at all whether any of the houses are frontagers or not. Once more the implication of the HPC taking on liabilities does not reflect the reality of the road condition.

I am sorry that this is lengthy but these are matters of some importance and consequence to us all. I should add this is not intended as a criticism of the HPC however it reflects the anxieties that the HPC’s actions are currently causing.

I am also sorry at providing this so late. I had hoped to deal with this before today but have been inundated with work. My apologies for this.

Kind Regards,
Jon