

Harrietsham Parish Council

Minutes of the Extraordinary Meeting of the Parish Council held on Monday 22nd August 2016 at 7.30pm in the Booth Hall.

The Clerk welcomed all present and reported that an urgent item needed to be added to the agenda which related to Freedom of Information requests which have been received in the Parish Office (this would be agenda item 8). The Clerk also informed all present that, since the July Parish Council meeting, there had been 3 resignations from the Council, Gary Trussler, Mike Williams and Ken Kay, therefore a Chairman would be required for this evening's meeting. The Clerk then stated that there would be public discussion at the end of the meeting, if time allowed.

1 Present

Cllr G Dean, Cllr S Morris, Cllr T Sams, Cllr J Sams, Cllr E Powell, Cllr M Allardyce (from 7.35pm), Cllr F Stanley, Cllr J Moore, RFO Mr M Cuerden and the Clerk Mrs A Broadhurst.
11 Members of the Public

2 Apologies for absence

There were no apologies for absence.

3 Appointment of Chairman

The Clerk asked for nominations for a Councillor to Chair the meeting. Cllr Dean proposed Cllr Powell to Chair and this was seconded by Cllr Stanley; with all in favour.

4 Disclosures and confidential items

Changes to the Register of Interests

No changes to the Register of Interests were declared.

Declarations of Pecuniary Interests

Cllr J Moore Agenda Item 6 (Public Space behind Allotments) as the land runs behind her property.

Cllr S Morris Agenda Item 8 (Freedom of Information Requests Received) as he has submitted one of the requests.

Requests for Dispensation

No requests were submitted.

5 Plot 9 - New Parish Office

The Clerk reported that documents from Barratt Homes had been circulated to all Councillors relating to Plot 9 on the CTRL site, which will become the new Parish Office. Cllr J Sams reported that there have been numerous discussions with Barratts and added that the final plans were the best use of the whole building rather than the original first floor flat which had been offered. Cllr Moore gave some history of how the Parish Council came to the final plans, which meet the required building regulations. The Clerk reported that the cost of fitting out the ground floor to become the Parish Office would be £10,000 over the budget that had been set by Barratts. They have offered to loan the Parish Council the £10,000 interest free over three years and they will complete the work required. Cllr Dean stated that Barratts have been very accommodating and all Councillors were in agreement with this. The RFO clarified that there would be a covenant of the freehold which would mean that, if the building were sold, 65% of the profit would have to be paid back to Barratts for the next 80 years. Cllr Stanley stated that this building would be an investment for the Parish Council.

It was proposed by Cllr Stanley that the Parish Council approve the final layout which had been circulated from Barratt Homes, this was seconded by Cllr Moore; with all in favour. It was then proposed by Cllr J Sams that the Parish Council approve an interest free loan of £10,000 over three years in order for the ground floor Parish Office to be completed. This was seconded by Cllr Allardyce, with all in favour.

6 Public Space behind Allotments

The Clerk reminded all present that the Parish Council had already voted to accept the 'gifted area' of land shown on the drawing (which had been circulated) at the March Parish Council meeting, this area will be the new allotments for the Parish. Cllr Dean stated that the area would require one cut each year; however, Cllr Morris stated that the public open spaces sections of the land would require more (it is the meadow areas which require one cut). Cllr T Sams stated that the Parish Council would need to submit a planning application for 'Change of Use' to create the new allotments. Cllr Morris stated that any management company could block access for getting water from the stream to the new allotments so, if the Parish Council took on the land, this would be avoided. He added that the additional precept money that would be raised from the residents in the development would cover the costs involved with maintaining the area. The Clerk reminded all present that, historically, the Parish Council has always tried to obtain any pieces of land that become available in the village, for the benefit of Parishioners. Cllr Allardyce stated that he was very impressed with the provisions for wildlife and that it was important that the Parish Council protected these areas. Cllr Stanley asked that it be confirmed how vehicles will be stopped from entering the land; it was thought that bollards may be added, but the Clerk stated that she would

contact Karen Dunn to confirm this. It was proposed by Cllr Allardyce that the Parish Council take over the management of the land to the rear of the CTRL site. This was seconded by Cllr T Sams, with 7 in favour and 1 abstention (JM).

Cllr Morris stated that there are other communal areas in the estate which would be overseen by a management company so an annual fee may still need to be paid by the Parish Council. The Clerk offered to speak with Karen Dunn on this point and circulate the response.

Cllr Morris also informed all present that the CTRL site differed from The Hollies with regards to the open space because Crest Nicholson had stated that the Parish Council would only be able to take over management if we had agreed to include all of the communal areas, not just the open space. This would have included all of the hedgerows etc. that bordered the site.

7 Awarding of Amenity Contracts 2016-2018

The Clerk reported that the RFO has circulated a large volume of paperwork relating to the re-letting of the Amenity Contracts. The RFO briefly detailed the content. Cllr Morris stated that the Parish Council had been heavily criticized earlier this year and alterations had been made to the Financial Regulations and Standing Orders to allow for advertising contracts in the press. He added that there had only been a short period of time allowed for interested parties to submit a tender document. The RFO stated that one contractor had contacted the Parish Council on Monday morning regarding the tender and they had managed to submit the required documentation by the deadline; therefore, whilst there had only been 6 days since the advert had appeared in the Kent Messenger, if a contractor had wished to be considered they would have been able to achieve this deadline. It was also noted that advertisements in the KM have a limited life when people would wish to express an interest and the adverts in the KM and on Facebook had not generated any quotes at all.

The Clerk asked if Councillors were happy for the recommendations in the RFO's report to be dealt with individually and all Councillors were in agreement.

Recommendations relating to the process undertaken:

- That Councillors retrospectively agree that the pressing need to re-let the Amenity Contracts required action now, rather than waiting for September's meeting to consider the matter.
Cllr Dean proposed that this recommendation be approved. This was seconded by Cllr T Sams, with 7 in favour and 1 against (SM).
- That Councillors retrospectively agree that the previous tender documentation should be used, and that the covering letter be approved for circulation with it.
Cllr Allardyce stated that there had been no alternative but to take this course of action. Cllr Powell stated that the covering letter was very important to explain the situation. Cllr Allardyce proposed that the recommendation be approved. This was seconded by Cllr Dean with all in favour.
- That the variation of staff responsibilities from those laid out in the regulations were necessary, proportionate and acceptable. Specifically, this relates to the RFO's involvement instead of the Clerk, Cllr Dean standing in for the Environmental Committee and that the tenders were evaluated by the RFO alone, rather than the Clerk with members of the Environmental Committee.
Cllr Stanley thanked the RFO for stepping in whilst the Clerk was on leave. Cllr Stanley proposed that the recommendation be approved. This was seconded by Cllr Allardyce, with all in favour.
- The Councillors feel that, overall, they feel that the entire process represents a fair and reasonable approach to the pressing need to appoint a new contractor(s), and constitutes our best endeavours to procure the best outcome for the council under the circumstances.
Cllr Stanley stated that the quicker the Parish Council can get things back on track, the better it would be for all Parishioners. Cllr Stanley therefore proposed that the recommendation be accepted and this was seconded by Cllr J Sams; with 7 in favour and 1 against (SM).

Recommendations relating to awarding of the contracts

The RFO gave a brief outline of the documents which had been circulated to all Councillors. Of the four contractors who had submitted tender documents, one could only offer assistance rather than to submit a full tender; he added that they should be thanked but not be included on this occasion. Of the three other tenders, one was significantly higher priced than the remaining two and this may be because they have priced for what they think the Parish Council needs rather than following the specification given. Of the last two, one is unable to start until October so the decision of whether to complete work in September could alter the way that the contracts are awarded. If September is to be included the recommendation is that the contracts be split between contractor 1 and contractor 2. However, if the work can commence in October, contractor 2 could complete all of the work. Taking into account the individual costings for each of the 6 contracts, commencing work in September would make an overall increase in costs of approximately £4,000. Cllr Allardyce stated that grass cutting is generally cosmetic so the extra expenditure to stop seeding was too much. Cllr T Sams commented that everyone would like to see all of the village nicely cut, however, the cost prohibits this course of action. The Clerk reminded everyone that the work is not just on the verges, the cuts will also be affected on the Glebe Field and other areas that are used by residents. Cllr Morris stated that the grass will thicken up quite quickly if there were to be a change in the weather come September. Cllr T Sams stated that residents would need to be made aware of why the work will not commence until October. Cllr Morris then stated that he has concerns, which

have been circulated to Councillors over email. These included concerns that Contractor 1 was very cheap for the work required in the contract. He also had concerns that Contractor 2 had not covered enough in their tender document - there does not appear to be any allocation of money for bedding in the War Memorial area. Cllr Morris recommended that Contractor 3 be employed but that their price should be negotiated down. Cllr Powell stated that the Parish Council takes the responsibility of the work conducted, ensuring that the job specification is followed, very seriously. How much contractors pay for plants etc. is down to them. Cllr Stanley queried whether, if the Parish Council are to vote in favour of omitting September, would this give the opportunity for the specifications to be discussed with the three contractors to ensure that they have understood the work requirements? After brief discussion it was agreed that this could be possible if emergency Environmental and F&GP meetings were called (as the Finance committee have delegated powers). Cllr Morris was asked if he would assist with the list of questions that would be required to give to the 3 contractors to which he agreed. Cllr T Sams agreed to temporarily join the F&GP committee, following the resignations of both Gary Trussler and Ken Kay; this was agreed by all present. The RFO said that the timescales were quite short so a list of questions for clarification needed to be sent to the Contractors imminently in order for their responses to be discussed at both meetings before the middle of September.

- That the Council consider the value to the village of starting the contract from 1st September compared to 1st October, and award some or all of the contracts accordingly.

It was proposed by Cllr T Sams that the contracts should commence on the 1st October. This was seconded by Cllr Moore, with all in favour.

It was proposed by Cllr J Sams that Cllr Morris assist members of the Environmental Committee to ensure that the contractors grasp the contract specification, which will then be followed by Environmental and F&GP meetings to conclude the awarding of the contracts (to ensure that they can commence on the 1st October). This was seconded by Cllr Moore, with all in favour.

Cllr Morris left the meeting at 8.20pm

8 Freedom of Information Requests Received

The Clerk reported that three Freedom of Information requests have been received which are related as they are from the Directors of one Company. These will involve substantial levels of resources to respond to as the requests cover correspondence received over a 40-week period. Having investigated this further, it is evident that the Parish Council would need to close the office, for a period of time, to enable the responses to be sent within the 20 working days allowed. The Monitoring Officer has stated that it is a tactical matter for Councillors to decide how the Clerk's time is best spent. Cllr Dean stated that it was unreasonable to consider closing the Parish Office. Cllr Moore stated that, considering the volume of emails that the requests cover, the Parish Council would be unable to function whilst the work was completed. The RFO reminded Councillors that there were thousands of emails, not just all of the ones sent to the Clerk's email address, all Councillors would also need to go through all of theirs as there have been times where the Clerk has not been included in the circulation list. Cllr T Sams stated that the Parish Council has to serve residents in a constructive way and Councillors would have to justify to the whole community why the Clerk's time, as the Chief Executive of the Council, was completely wrapped up in the administration required to respond to the requests. It was therefore proposed by Cllr Moore that these be found to be vexatious requests, being a burden to the authority (*"the effort required to meet the request will be grossly oppressive in terms of strain on time and resources, that the authority cannot be reasonably expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester"*). This was seconded by Cllr Allardyce, with all in favour.

9 Date of next meeting

Full Parish Council Meeting - **Wednesday 28th September 2016** from **7.30pm** in the Booth Hall

Cllr Allardyce thanked the RFO for all of his hard work over recent weeks, Councillors voiced their agreement.

With no further matters to discuss the meeting was closed at 8.35pm

Cllrs J & T Sams left the meeting

Public Discussion:

A resident asked the Parish Council to confirm what will happen, if the contracts will not begin until October, about sight lines around the village. The Clerk confirmed that these would not be affected as, if there is an issue, these would be reported to Kent Highways who have the overall responsibility for the verges around the village. The Clerk asked that if there are any concerns, these be reported to her for action.

A resident asked if there are any HARD members left on the Parish Council, Cllr Dean confirmed that she was still a member. The resident stated that, in leaflets circulated by the group, they had listed aspirations and asked how many of these had been achieved. Cllr Powell stated that questions relating to HARD should not be dealt with through the Parish Council and should be discussed directly with HARD members.

A resident questioned whether the A20 improvements were supposed to be completed before the CTRL development was built. Cllr Powell stated that he had proposed this cause of action, however the motion had been overruled by the Borough Council.

A resident stated that he has contacted the MP as he is disgusted with the behaviour of two residents in the village. He queried whether the Parish Council would have refused to respond to the Freedom of Information requests if they had been submitted by these two people. The Clerk confirmed that if the two people were from one group, the response would have been exactly the same. Cllr Powell commented that there was no suggestion that the Freedom of Information requests were not valid, the Parish Council had to look at the work involved, adding that resources had to be used in the best possible way.

A resident asked how much more the re-letting of the contracts will cost the Parish Council and the RFO stated that he would look into this but added that the cost would still fall below the budget set for this year.