

HEADLEY PARISH COUNCIL

Minutes of a General Meeting held via ZOOM
at 7.30pm on Monday 28th September 2020

PRESENT

Cllr David Preedy – Chairman
Cllrs Laverty, Pickard, Furr, Steventon & Coe (joined the meeting at 8.30pm)
Tracy Hamer – Clerk
4 members of the public

1. **APOLOGIES** Nil
2. **OPEN PUBLIC FORUM** Cllr Preedy updated attendees on three items. There were no questions from members of the public.

Horse Safety & Traffic Calming: Cllrs Preedy and Laverty will approach the HHRA and survey all bridleway crossing points, with regards to all road users with special attention to equestrian and pedestrian users. The Clerk will research the use of an outside consultancy firm to advise regarding steps moving forward. Costs for this to be presented and approved at the next meeting (November).

Church Lane planning application: Councillor Preedy noted that the application was rejected at the September meeting of MVDC Development Management Committee.

Headley Court planning application: Cllr Preedy updated attendees that the previously submitted complaint to MVDC has been escalated through two stages; MVDC decided that the complaint did not meet the full requirements of their formal Complaints Process. The response has clarified some issues that may be considered during reserved matters and that future MVDC Development Management Committee processes will be addressed. MVDC did not admit to admissions of error deemed material to the decision-making process.

Councillors discussed the merit of further pursual of the complaint via MVDC or the Ombudsman and it was agreed that the latter would be explored further although it is generally accepted that this will not be successful to produce a change to the permissions already granted. Cllr Laverty suggested that the PC should focus on reserved matters and the merits of, or otherwise of a potential Judicial Review.

Cllr Steventon suggested that having completed the complaints process, that the associated responses should be published on the HPC website. It was decided not to publish these details presently, as some details might be considered to be prejudicial to any decision taken by the Parish Council or others, to pursue a Judicial Review.

With regards to any potential Judicial Review, Cllr Preedy discussed the following points raised at the previous PC meeting with updates added by the Clerk as follows:

Advice should be sought from SALC as to whether such action is within our powers; the Council does have the power to pursue a judicial review – many councils have used this process though many have been unsuccessful. The key question is ‘what is the likelihood of success’?

A maximum budget should be set aside and agreed at Full Council for costs associated with such actions; Such funding may be used to support a joint case with other parties, but HPC’s liability should be capped; It is very difficult to avoid liability for costs if unsuccessful – it is unlikely the Planning Authority will be sympathetic in waiving or reducing costs as they have an overriding duty to all their council tax payers to recover costs.

A specific Risk Assessment should be undertaken to ensure that the risks associated with factors such as cost over-runs, consequential liability and awards of costs should be undertaken; This is a crucial exercise as the PC will be exposing public monies to a real risk – the odds would favour the Planning Authority unless there is a very clear cut case of the Council doing something, such as making a decision, that no reasonable Council, with all the information available to it, would have made. This is a hard test to satisfy. Cllr Steventon noted the potential risk if no other group wished to pursue a JR. Members generally felt that if the PC do not choose to raise a JR, they will support another group who do wish to.

The insurance company should be consulted to ensure that Councillors are not at risk of personal liability; As long as decisions are taken by the Council then members will not have any personal liability. Personal liability will only arise if a member takes some action without Council authority.

An assessment should be carried out to ensure that other possible resolutions have been explored to the full before joining in legal action; Research should be undertaken to ascertain whether HPC's financial liability can be managed via a no-win/no-fee arrangement with a suitably competent legal organisation; The Council should take independent legal advice and appropriate quotes this can be costly. Given the potential cost of a JR the external auditor will scrutinise the expenditure so any decisions and reasons must be well documented.

3. DECLARATIONS OF INTEREST Nil.

4. MINUTES of the meeting dated Monday 27th July 2020 were approved.

Proposed by Cllr Pickard and seconded by Cllr Furr.

5. MATTERS ARISING

COVID-19 UPDATE: No updates at the present time.

INSTALLATION OF BROADBAND IN THE VILLAGE HALL: Cllr Pickard has met with Openreach who have suggested the installation of a business line and broadband at a cost of £175 plus £45 per month. The Clerk will liaise with Cllr Pickard regarding potential alternative options and suppliers.

STRIMMING TENDER: The Clerk confirmed that out of three invitations to tender only one was submitted to the Parish Council. It was noted that the tender received represented a small increase on the cost of the previous 3-year tender; as such it was judged by Councillors to represent value for money. It was unanimously agreed to approve to the 3-year quote from N J Birch Garden Maintenance.

Proposed by Cllr Preedy and seconded by Cllr Laverty.

CO-OPTION FOR CASUAL VACANCY: The Clerk confirmed that no bye-election has been called and that the current Casual Vacancy can be filled.

HORSE SAFETY AND TRAFFIC CALMING IN THE VILLAGE: See Item 2.

TO NOTE ANNUAL INCREASE IN THE CLERKS SALARY: The Council noted the annual change in pay rates on the National Salary Award 2020/21 as agreed by NALC. It was unanimously agreed to increase the Clerk's salary by 1 point with effect from April 2020. Cllr Preedy thanked the Clerk for her contribution over the year and proposed an ex-gratia payment of £500 to reflect the unexpected work associated with COVID-19. Seconded by Cllr Pickard and unanimously agreed. The Clerk thanked Councillors.

6. FINANCE

Cllr Laverty reported that he had checked the reconciliation of the Current Account dated 14th September

2020 on 15th September 2020 and the Savings Account dated 19th August 2020 on 15th September 2020. The financial statement was reviewed and no concerns were noted (see Appendix 1). It was noted that the 2021-22 budget and precept will be agreed at the November Council meeting and Councillors were asked to consider whether they have any proposals that might require expenditure over the coming year.

PAYMENTS: The following payments have been made since the last meeting.

Date	Payee	Chq no	Amount
20/08/20	Staff Salaries August 2020	DD	396.10
20/08/20	Staff Salaries August 2020	DD	396.10

Approval was requested for the following payments:

Date	Payee	Chq no	Amount
28/09/20	Clerks Expenses	786	56.58
28/09/20	Annual Donation to the Village Magazine	787	100.00

Approval for the above expenditure was agreed.
Proposed by Cllr Pickard and seconded by Cllr Steventon.

7. MAINTENANCE

PLAYGROUND: The Clerk to send monthly reminders to Councillors regarding fortnightly safety checks.

FOOTPATHS AND GRIT BINS: Cllr Preedy and Lavery to check grit levels in the bins.

HIGHWAYS AND PEBBLE HILL JUNCTION: No updates at the present time.

SES WATERWORKS: No updates at the present time.

8. PLANNING

HEADLEY COURT: See Item 2.

CHURCH LANE NURSERY: See Item 2.

CURRENT PLANNING APPLICATIONS:

MO/2020/1357/PLA - Garages at, Dale View, Headley, Surrey Erection of 4 detached dwellings with associated landscaping, parking and access following demolition of existing garage block.

MO/2020/1496/TFC - 5 Headley Park, Tilley Lane, Headley KT18 6EE Remove one Ash tree (marked T1 on submitted plan) and one Western Red Cedar tree (T2).

MO/2020/1512/PLAH - The Pigeon House, Lee Green Lane, Headley KT18 6AJ Erection of part single, part two storey, part first floor side and front extensions, first floor rear extension and rear dormer window.

MO/2020/0441/OUTMAJ - Church Lane Nursery, Church Lane Outline application for the consideration of access in respect of the erection of 13 houses. **Decision: REFUSED**

Ref: MO/2020/1211 – Tanners, Tumber Street, Headley KT18 6PP Demolition of existing garage, utility room extension located to the north of the property, single storey living room extension located to the south of the property and erection of an extension to the two storey front gable towards the east driveway, new single storey front entrance extension to the east elevation, replacement single storey kitchen extension to the north of the property and new single storey extension to the west of the property. **Decision: APPROVED WITH CONDITIONS**

Ref: MO/2020/1109 – Woodstock, Tot Hill, Headley KT18 6PU Construction of a dwelling with associated parking and landscaping, following demolition of existing commercial buildings.

Decision: APPROVED WITH CONDITIONS

9. REPORTS FROM OTHER BODIES: Nil

10. CONSULTATIONS: The Clerk to circulate Planning White Paper.

11. QUESTIONS FROM PARISH COUNCILLORS: Nil

The meeting closed at 9.15pm.

The next meeting date will be held on Monday 30th November at 7.30pm.

Signed: Chairman

Dated:.....

