WEST MALLING PARISH COUNCIL

MINUTES OF A MEETING OF THE PARISH COUNCIL HELD ON 9 MAY 2016, 7.30PM AT VILLAGE HALL, NORMAN ROAD, WEST MALLING

Present: Mrs T Dean (Chairman)

Mr K Bullard
Mr S Harriott
Mrs L Javens
Mr R Selkirk
Mrs Y Smyth
Mr P Stevens
Also in attendance:
Borough Clir Mrs Lu

Borough Clir Mrs Luck
Mrs A Turner (from 8pm)

	MISA Turner (Ironi opin)			, ,
Minute		Action by	Action	Response
16/ 258	APOLOGIES FOR ABSENCE were received from Mr Carroll and Mr Galloway, also from Mrs Potts (Chairman, Malling Society) and Mrs Vago (Treasurer, Malling Society)			
16/	ELECTIONS & APPOINTMENTS			
259.1	Election of Chairman Mr Selkirk proposed that Mrs Dean continue to serve as Chairman; this was seconded by Mrs Smyth and agreed unanimously. There being no other nominations Mrs Dean was re-elected and signed her Declaration of Acceptance of Office in the presence of the Clerk. Clerk to notify T&MBC.	Clerk	✓	
259.2	Election of vice-Chairman Mr Harriott proposed that Mr Selkirk serve as vice-Chairman; this was seconded by Mr Stevens and agreed unanimously. There being no other nominations Mr Selkirk was duly elected.			
259.3	Tree Wardens Members were pleased to confirm the re-appointment of Mr Cosier and Mr Wickenden as WMPC's Tree Wardens and wished to thank them for all their efforts. Mr Doyle had decided that he no longer wished to serve as a Tree Warden.			
16/	APPOINTMENT OF REPRESENTATIVES			
260.1	WM Village Hall Management Committee – Mrs Turner was confirmed as WMPC's representative. Although Mrs Turner was no longer a member of WMPC she remained a Trustee of the VHMC; she had indicated to the Clerk that she would be prepared to continue. Mr Selkirk was also willing to attend the VHMC meetings and would report to WMPC. The Clerk would continue as a Trustee of the VHMC.			
260.2	Kent Association of Local Councils – it was agreed that attendance at the local T&M meetings would be on an <i>ad hoc</i> basis; the Clerk was to forward any paperwork to all WMPC members.	Clerk		
260.3	Parish Partnership Panel – Mr Selkirk agreed to attend their next meeting to be held on 18 May 2016.			
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401	MEMBERSHIP OF COMMITTEES	T		
16/	MEMBERSHIP OF COMMITTEES			
261.1	Amenities Committee Mr Galloway had indicated that he wished to join this Committee. Mrs Trudy Dean (ex officio); Mr Jim Galloway; Mrs Linda Javens; Mr Richard Selkirk; Mrs Yvonne Smyth; Mr Peter Stevens			
261.2	Planning Committee Mr Keith Bullard; Mr Floyd Carroll; Mrs Trudy Dean (ex officio); Mr Jim Galloway; Mr Steve Harriott;			
261.3	Highways, Transportation & Streetlighting Committee Mr Harriott indicated that he wished to join this Committee. Mr Keith Bullard; Mr Floyd Carroll; Mrs Trudy Dean; Mr Jim Galloway; Mr Steve Harriott; Mr Richard Selkirk			
261.4	Document Review Group Mr Richard Selkirk and Mr Peter Stevens			
261.5	CCTV Group Open membership			
16/	ELECTION OF COMMITTEE CHAIRMEN			
262	It was agreed that committee Chairmen be elected at the present meeting Amenities Committee			
	Mr Selkirk proposed that Mr Stevens chair the Amenities Committee; seconded by Mrs Smyth and agreed unanimously.			
	Planning Committee Mr Harriott proposed that Mr Selkirk chair the Planning Committee; seconded by Mrs Smyth and agreed unanimously.			
	Highways, etc Committee It was agreed that election of the Committee Chairman be deferred until the first meeting of the Committee			
16/	ACCOUNTS/AUDIT			
263.1	The statement of Receipts & Payments for financial year 1.4.15 – 31.3.16 was approved and signed and the Statement of Assurance for Audit purposes was completed. Clerk to write covering letter and submit to the Audit Commission	Clerk		
263.2	Internal Audit It was agreed that Mr Seaden-Jones be asked to carry out the end-of-year audit	Clerk		
	Mrs Javens agreed to carry out an internal audit in about three months' time. Clerk to provide Mrs Javens with a check list of the tasks involved.	LJ Clerk		
263.3	Risk Assessments Mr Stevens pointed out that the existing Risk Assessments needed to be updated. Each of the Committees would need to consider these.	All		
263.4	Financial Spreadsheets Mr Harriott asked that an updated version of the consolidated spreadsheet which he had prepared be presented to the F&GP meeting.			
16/ 264	DECLARATIONS OF INTEREST			
	None other than those routinely declared			

16/ 265	MINUTES of the meeting held on 11 April 2016 were approved and signed			
16/	MATTERS ARISING from the minutes not otherwise on the agenda			
266.1	(16/120.2 et.al.)St George's Day Parade – Mr Stevens reported that in the event the ground had been dry enough to allow parking. Mrs Dean commented that it was good to see the Parade take place in WM again.			
16/	CHAIRMAN'S ANNOUNCEMENTS			
267.1	Leases – Mrs Dean explained that the next meeting of the F&GP Committee would need to approve the lease with the Cricket Club, and also the lease for the Parish office. Clerk to note.	Clerk	✓	
267.2	Financial Arrangements with Parish Councils – Mrs Dean explained that T&MBC was proposing withdrawing funding for the concurrent functions, and also withdrawing the Council Tax Reduction Grant and the funding for Christmas Lighting. In the case of WM it might mean a considerable increase in Council Tax if WMPC were to take on all of these functions.			
	Mrs Dean explained that T&MBC was capped at 2% increase.			
16/	POLICING MATTERS			
268.1	Policing Report – the report from PCSO Harrison had been circulated to members and is appended to these minutes (Appendix 1). Mr Selkirk reported that the axe used on the Macey's Meadow trees had been found.			
268.2	Community Payback – the nomination form had been received from T&MBC and WMPC was invited to consider submission(s). It was suggested that this be forwarded to Mr Doyle for Macey's Meadow possibly.	Clerk	√	
268.3	Licensing - The Farmhouse – members were asked to consider a response to the proposed changes to Premises Licence (deadline for comments 20 May 2016) Mr Selkirk commented that complaints had in general been received from residents when there had been live music played late at night. Mr Stevens commented that one of the contributory factors was the fact that the garden was detached from the main premises.			
	It was agreed that Mr Stevens draft a response, to be circulated to members and once agreed to be submitted to T&MBC by the Clerk on behalf of WMPC.	PS/ Clerk	✓	
	[agreed response is appended to these minutes – Appendix 2]			
16/	CASUAL VACANCIES			
269.1	Notification had been received from T&MBC that the vacancy arising from the resignation of Mrs Catherine Lane might be filled by co-option as no election had been requested			
269.2	It was noted that the vacancy arising from the resignation of Ms Hazel Marlor had been notified to T&MBC			
	Members agreed to defer advertising the vacancies until notification had been received that both vacancies could be filled by co-option. It was agreed that applicants would be assessed by a panel consisting of: Mrs Dean; Mr Harriott; Mr Selkirk.			
16/ 270	CRICKET CLUB LEASE			
2.0	Mrs Dean expressed concern about the lack of map. This would be considered at the next meeting of F&GP (16 May 2016). Clerk to note.	Clerk	✓	

16/ 271	OFFICE LEASE			
211	Mrs Dean reported that this was now a seven-year lease with a rent review three-yearly. This would be considered at F&GP (16 May 2016). Clerk to note.	Clerk	✓	_
16/ 272	COPY FOR DOWNSMAIL Mrs Javens agreed to undertake preparing the bi-monthly copy (which had previously been prepared by Ms Marlor). The Clerk provided Mrs Javens with a copy of the timetable. It was noted that Ms Marlor had prepared the copy for submission in May so that Mrs Javens would need to provide copy for submission by 11 July 2016. The usual practice had been for Ms Marlor to send a draft to the Clerk; once agreed the Clerk had submitted copy to Downsmail and copied Mrs Dean into the submission.	LJ		
16/ 273	ACCOUNTS FOR PAYMENT totalling £3,517.00 were approved. It was noted that payments totalling £8,995.00 had been approved at quorate meetings since the previous Full Council.			
16/ 274	FUNDING INFORMATION Receipt was noted from KCC of Inside Track no. 236 (already circulated to members)			
16/	MATTERS FOR REPORT			
275.1	Amenities Committee – receipt was noted, for information, of the approved minutes of the meeting held on 4 April 2016 Mr Stevens reported verbally from the meeting held on 4 May 2016: • Lime Tree on land West of Age Concern – Liz Guthrie at T&MBC had received representations from residents about the state of the tree – v. expensive to prolong its life for only a couple more years – so obtaining quotes for felling it – not unsafe at present			
	Mrs Dean commented that the Churchyard Management Agreement might need amendment to take into account the financial changes at T&MBC			
	Mr Stevens reported that he had had an informal meeting with the Chairman of Kings Hill PC: there might be funding available from other parishes who use the WM Churchyard for burials.			
275.2	Highways, Transportation & Streetlighting Committee – Mr Bullard reported from the meeting held on 25 April 2016:			
	 Streetlighting – Mr Ken Bonner had been appointed to carry out maintenance/repairs Six-month break clause Mr Bonner had provided an inventory for comparison with WMPC's 			
	Parking Charges – Mrs Dean reported that T&MBC had introduced parking charges in the WM car parks from 3 May 2016. Mr Selkirk reported that WMPC had challenged the validity of the decision notice and the accuracy of the minutes of the T&MBC meeting.			
	Mr Harriott stressed that WMPC needed to ask regularly how much income is generated by charges and penalties; WMPC needs to ensure that this income is used within WM.			
	The Clerk was to write to Ms Julie Beilby (Chief Executive, T&MBC) asking if the decision would be called-in, possibly necessitating the suspension of T&MBC's Constitution. If this were not the case then WMPC members wished to know the reasoning. [* subsequent to the meeting the following response was received from Ms Beilby:	Clerk	✓	*
	"Dear Carole, I am writing in reply to your letter dated 11 May 2016, requesting further consideration of a call in to Overview and Scrutiny Committee in respect of			

the introduction of the car parking charges in West Malling Short Stay Car Park.

There are two routes available through which a call in can be achieved. These provide options to those seeking to achieve a call in. One being the request of the Chairman of Overview and Scrutiny Committee, currently Cllr Allan Sullivan. Cllr Sullivan has corresponded on this point direct by e-mail on 10 May, in which Cllr Sullivan was clear that he was "satisfied that there had already been full and detailed scrutiny given to the proposals by Members before they were approved". This is the judgement that he rightly applies as Chairman of O&S, not merely a "personal view" as you suggest. It is clear that Cllr Sullivan did not support a call in and would not have acceded to the request from the Parish Council at any point in time.

The second provision to secure call in is by request from three Members of the Overview and Scrutiny Committee. I am aware that the parish Council pursued this approach as well, but were unable to secure support from three members of O&S.

Turning now to your request that a call in to Overview and Scrutiny is now accepted, if necessary by suspending the Constitution. There are limited provisions for the suspension of the Constitution, which are set out in Article 16:

"16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law. 2 Carole D'Silva Clerk to West Malling Parish Council 23 May 2016
- (b) **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The Rules specified in Part 4 of this Constitution may be suspended in the following circumstances:
- (i) where it is considered appropriate in order to facilitate the conduct of meetings or the discharge of the Council's functions, or(ii) in cases of urgency, on the advice of the head of the paid service, monitoring officer or chief finance officer."

Your letter suggests that you wish me to advise the Council to suspend the rules of Constitution to allow a call in out of the normal time frame. The decision has been made by Cabinet on, 22 March (Decision No D160032CAB), published on 23 March with a call-in deadline of 5pm on Friday 1 April and has now been implemented.

The Chairman of O&S has confirmed that he did not and would not have called in decision, and given that you were unable to secure 3 Members of O&S willing to support a call in, I cannot find any case of urgency on which I would be able to advise the Council to suspend the Constitution. Yours sincerely

CHIEF EXECUTIVE

275.3	Planning Committee – the draft minutes of inquorate meeting held on 19 April 2016 were			
	received.			
	Church Centre – Mr Selkirk reported that the Parochial Church Council had decided to place it on the market.			
	Lobster Pot – meeting with the developer arranged for Wednesday 11 May 2016, 7.30pm on site			
	Mill Yard – meeting with Bedlars Holdings and architect arranged for Tuesday 31 May 2016, 6pm @ 9 High Street			
275.4	Macey's Meadow Advisory Committee – the draft minutes of the meeting held on 13 April 2016 were received.			
275.5	Malling Society – the report from their Secretary Mrs Barbara Earl is appended to these minutes (Appendix 3)			
	Mrs Dean reported that there had been no progress regarding separate electricity meters at The Twitch.			
	It was agreed that the Clerk contact the Trustees of the Clout regarding better tables & chairs.	Clerk	✓	
	Mr Selkirk reported that he had some contacts about import duties regulations (referring to Mrs Earl's report)			
275.6	Christmas Lights Committee – Mrs Jane Marshall had indicated that she would not be able to undertake the arrangements in future so there was a possibility that there would be no event/display in 2016.			
275.7	Tonbridge & Malling Borough Council – it was noted that the date of the Parish Partnership Panel meeting had been changed to 18 May 2016 (from 16 June 2016) and would deal primarily with financial matters The Clerk reported that she had submitted suggested agenda items as agreed at Full Council – [minute 16/208.8 refers]			
275.8	KALC/NALC/ACRK – receipt was noted of KALC Parish News April 2016			
16/ 276	MEETING DATES			
	Amenities Committee – Monday 13 June 2016 (concentrating on Churchyard) Finance & General Purposes Committee – Monday 16 May 2016 @ Clout Highways, Transportation & Streetlighting Committee – Monday 20 June 2016 @ Clout Planning Committee – Tuesday 17 May 2016			
	Macey's Meadow Advisory Committee – Wednesday 29 June 2016 CCTV Meeting – Tuesday 7 June 2016, 4pm @ WM CEP School Document Review Group – Wednesday 1st June 2016, @ Clout			
16/	REPORT OF BOROUGH COUNCILLORS			
277	Report from Borough Cllr Mrs Luck is appended to these minutes (Appendix 4)			
16/	REPORT OF COUNTY COUNCILLOR			
278	Cnty Cllr Mrs Dean reported:			
	Rules for allocations of grant funding has changed – in future must be for safety-related projects			

16/ 279	CORRESPONDENCE was received as detailed on the separate sheet		
	There being no further business, the Chairman thanked members for attending and closed the meeting at 9.40 pm		
	Signed		
	Date		

Parish council

West Malling Council, monthly update for APRIL 2016

Crimes of note

Robbery

- Outside a Jewellers shop on the High Street a male was Robbed of his car keys by another male who then stole his car that was parked beside him.
- The offender has been identified by police.
- Investigation is on-going.

Burglary

- A house on Townhill was Burgled, entry was gained via a kitchen window and
- an amount of Jewellery and other items were taken .
- Investigation is on-going.

Owner in charge of Dangerous Dog

- A family home on Ewell avenue, child playing with family dog, the Dog bit the child on the arm.
- Owner identified.
- Investigation is on-going.

Criminal Damage

- Norman Road cricket pavilion
- A external electric socket had been deliberately smashed and broken overnight.
- No lines of Enquiry.

Criminal Damage

- Ewell Avenue, a ground floor window outer pain was found severely cracked and damaged.
- No lines of Enquiry.

Criminal Damage

- It was reported that a number of youths had been seen chopping down tree's in Mace's Meadow orchard, 5 tree's were in fact damaged or chopped down by youths with an Axe.
- These youths were seen committing the act and a number of witnesses have come forward to speak to police.
- Investigation is on-going.

Criminal Damage

West Malling Village Hall, a smashed window was found in the Hall, but no person was

seen or heard committing the damage ,no entry had been gained.
No lines of enquiry.

Anti-social behaviour and other incidents of note

ASB has been constant this month and a number of Criminal Damage offences have been recorded, investigations are still on –going.

Updates of previous reported issues

Crimes of a serious nature may not be disclosed as it may effect an investigation



WEST MALLING PARISH COUNCIL

Kent Rural Community of the Year 2012

9 High Street, West Malling, Kent ME19 6QH

Telephone: 01732 870872

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Clerk to the Parish Council: Carole D'Silva

20 May 2016

Licensing Services Gibson Drive Kings Hill West Malling Kent ME19 4LZ

Dear Sirs

Re: Premises License Application in respect of The Farm House Public House, 97-99 High Street, West Malling, Kent, ME19 6NA by Heritage Taverns Ltd of 74 College Road, Maidstone, Kent, ME15 6SL

We write to submit representations in respect of the above application.

Members have been approached by a number of local residents wishing them to make representations on their behalf.

We would first wish to highlight the following facts:

- A number of interested bodies, including the Chamber of Commerce and the Parish Council are very keen to promote West Malling as a destination for all of the family. We support responsible licensing practices which enable our 15 licensed premises to co-exist alongside numerous residential properties situated beside, between and above them.
- The Farmhouse is situated in the centre of West Malling, in close proximity to a large number of residential properties, as well as a number of other licensed premises;
- The premises have significant open areas to the rear of the main building, including a courtyard with tables and chairs, covered beer garden and outbuildings now including a cocktail bar sales area;
- The pavement to the front of the premises is very narrow, with parking bays separating the pavement from traffic;
- The premises are situated adjoining the short-stay car park with a wide access gate to the public car park;
- The premises are also in close proximity to a number of sensitive sites, including the grounds of St Mary's Abbey which comprises a contemplative community of nuns who retire in the early evening and rise in the early hours. There are also residential facilities for periods of retreat available to non-residents.

In accordance with the licensing objectives set out in Part 2, section 4(2) of the Licensing Act 2003 we would wish to make the following observations in respect of the application and the facts above:

1. The prevention of crime and disorder

• Residents would wish to see the sale of alcohol restricted to the hours of 1100 to 2300 on all days in order to minimise the likelihood of disorder and noise arising from the excessive consumption of alcohol, particularly after 2300. We have had a number of issues in other establishments where they have been the only one open for refreshment after 2300 and disorder arising as a result;

- Residents have reported a number of incidents where police and/or ambulances have been called to the premises as the result of disorder. They would wish to see door supervisors being a mandatory requirement of the licence on Friday and Saturday nights, which must cover all entrances and exits to the premises, the bar and the outside courtyard and covered beer garden; and
- Residents would wish to see CCTV being required for the whole site, including all outside areas, exits on to the short-stay car park and on to the public highway.

2. Public safety

• Residents see no reason why customers to the premises should be allowed to congregate on the pavement to the front of the property at any time, forcing pedestrians, particularly those in wheelchairs or with pushchairs into oncoming traffic the other side of the parking bays. Residents would wish to see the license prohibit drinking to the front of the property and for door supervision to be a mandatory requirement on Friday and Saturday evenings in order to enforce this.

3. The prevention of public nuisance

• As a result of the premises being in a residential area, there is a concern from residents that the proposed hours may cause a public nuisance as a result of arriving and departing taxis, dispersing groups and music being played late into the evening. They would wish to see all licensable activities cease no later than 2300 on any night, with no provision for late night refreshment.

4. The protection of children from harm

• The short-stay car park which adjoins the premises is used for the local school walking bus. Residents are therefore concerned as to the potential impact of the premises being open for the sale of alcohol from 0800 on any day.

Yours faithfully

Carole D'Silva Clerk to West Malling Parish Council

MALLING SOCIETY REPORT TO WMPC 09.05.2016

- 1. Please accept apologies from Molly Potts and Eileen Vago.
- 2. Molly Potts has asked me to thank you for confirming our concerns about cleanliness and various comforts at The Clout. If WMPC feels mindful to approach the Trustees over various issues, please can the PC suggest the purchase of more better quality chairs with padding to be available for Hirers?
- 3. With regard to the refurbishment of the Town Sign, Molly Potts is awaiting an estimate for same from Victoria Pataky and Andrew Protheroe. This will be forwarded to WMPC once available.
- 4. Molly Potts understands that a separate meter for electricity was to be installed at The Twitch Heritage Centre last October. Is there any progress in this respect to the knowledge of WMPC?
- 5. The monthly local history Talks continue to be a great success. David Thornewell's talk on "Old Larkfield" on 16th March 2016 attracted our very best recorded attendance. His talk was superb.
- 6. Six Malling Society Members are making a return visit to the Municipality of Baigneux-Les-Juifs in Burgundy between 26th May 4th June 2016. This "Friendship" started just over a year ago and has been most successful. Upon Trudy's suggestion the Malling Community Choir has formed a similar association with The Municipality and The Malling Society has assisted in recommending Kentish Traders to offer goods for sale at The Mayor's newly created Market/Fair in Baigneux-Les-Juifs. Please see the email below from Lesley Polley, one of the Municipal Councillors, dated 1st May 2016, the day after the first event:

Difficult to find the words to describe just how successful the fair was yesterday.! Our little English stall of beers from Canterbury Brewers, Chutneys from Great Preservations and chilli products from Kent Chilli was thronged with people all day, wanting to sample everything and the feedback was more than positivethe local shop now wants to have a permanent English stand and stock these particular products so we will be looking into import regulations and duties etc. My goodness Barbs, as we have said once or twice, from little acorns

The Malling Society has purchased a complete pictorial folder about the history of the evolution and construction of The Town Sign from Victoria Pataky to present to The Municipality and wondered whether WMPC might also wish to purchase something for the Municipality which can be taken by our Members on their visit as a gesture in appreciation of "The Friendship"?

Barbara Earl

West Malling Parish Council 9th May

Councillor's Report

Launch of borough- wide consultation on fairer charging of council tax, Monday 9th May for a six week period. A special meeting of the parish Partnership Panel has been arranged for Wednesday 18th May. Information for the members of the public on dedicated webpage, 8.000 flyers have been produced and these will be available from public venues around the borough. Sharon Shelton Director of Finance & Transformation will be e-mailing the parish clerks and chairman to alert them to the consultation which will start next week.

Recycling banks, mechanical problems with the 2 Lorries, will be up and running soon as possible

Somebody supper glued the slot up in the parking meters in the car park, hoping to find the culprit from the CCTV. West Malling has had its name in the papers again, putting the Town on the map.

Farmhouse Licensing, they are applying for a new license to cover all the premises inside and outside, the Pizza Shack