



MINUTES

Working Group for Project A Bearsted Golf Club 5th September 2022 pm

Present:

Cllr Martin Broughton	BPC Councillor
Cllr Adam Powell	BPC Councillor
Cllr Mike Harris	BPC Councillor
Kim Martin	Representative of the Bearsted & Thurnham Tennis Club
Jackie Pearce	Representative of the Church Lane Allotment Garden
Hugh Byrne	Representative of the Church Lane Allotment Garden
Joanne Upton	Administrator to BPC

Apologies

1. Apologies and absence

Cllr Graeme Hannington, Cllr Jon Hughes

2. Questions raised at the public meeting

- 1) **Employees Interests, should employees declare interests?** The working group confirmed that this should be address by Full Council as this is not Project A related but acknowledged the legal advice that has been given to the Clerk which confirmed employees are not required to declare interests to the public as employees are not involved in any decision making.
- 2) **Why has Mr Ashness insisted that the donated land be used only for allotments and/or gardens? Why did BPC accept the land with these conditions?** The working group declared that the first part of this question can only be answered by the resident who donated the land. The second part of this question needs to be answered by Full Council.
- 3) **Was the land transfer legal, when the council made a resolution not to sign the transfer which was then signed and agreed in retrospect?** Cllr Broughton confirmed that the land transfer is legal, but that the question relates to whether the action of signing the transfer after a resolution was made to not sign it. The working group declared that this is for the Full Council to answer but acknowledged that we are awaiting legal advice.
Sub note, The Clerk advises that there is a misunderstanding of terminology. The land transfer was completed legally. What is believed to be in question is the land registration, for which BPC received legal advice to register the land after previously resolving not to. This matter was requested by two councillors to be brought back to Council in line with the standing orders, for legal advice to be considered and voted on. See appendix 1.
- 4) **Can the BPC afford Project A, has it been fully costed and can the project continue when funds are unknown and not yet obtained?** The project has not yet been costed, until they know what the project is going to consist of it cannot be costed. The working party feel there is still work to carry out prior to fully costing the project.

- 5) **Has soil analysis been done? Is the land suitable, will it be 10 years before it is usable as allotments?** Soil samples have not yet been carried out. (This was discussed and decided later in the meeting).
- 6) **Are the Council positive that there is a need for additional tennis courts?** Mr Martin confirmed that in light of recent discussions the tennis club has closed membership as of the 31st of August and are now only accepting Bearsted residents on to a waiting list and have now established an official waiting list with 2 members registered. He also noted that more Bearsted residents joined as members up to the end of August as a result of their awareness of Project A. Cllr Broughton declared that the Council cannot be certain there is a need for additional courts, and the working group agreed this is for the tennis club to answer.
- 7) **Are the Council positive that this project will not benefit people outside of the parish?** The new allotments will not benefit non residents as only residents can take on a parish allotment. If the land is handed back the working group cannot be certain that the land will not be of benefit to non-residents.
- 8) **Has the Council considered other sports facilities for the donated land? If the land is handed back can it be reoffered to BPC without the conditions? Can the terms be renegotiated with Mr Ashness?** Cllr Broughton confirmed that the council has not considered other sporting facilities for the donated land. He also advised that he had a meeting with Mr Ashness who confirmed he will not reconsider the conditions. Cllr Harris thinks this meeting should be held with the public, Mr Martin advised that he has also spoken to Mr Ashness and he will not attend a public meeting and will not renegotiate the conditions. Cllr Broughton confirmed for transparency he will discuss this meeting at Full Council.
- 9) **A new plot holder said she was not on the waiting list for a long period, why do BPC claim to have an extensive waiting list, why can't we see the names and addresses of those on the waiting list?** Answer given by the administrator - Several people that have been on the waiting list for longer have made the decision to wait until the outcome of Project A before taking on an allotment. Some have been offered a plot but declined at that particular time for personal reasons, so they go to the end of the list before being offered another plot. They have requested to remain on the waiting list and are entitled to do so. Previously allotment associations would have been given access to the waiting list. Since the introduction of GDPR we are not able to share personal data. The working group confirmed they were happy with this answer.
- 10) **Tennis Club pay £1 pepper corn rent per year yet allotment holders pay hundreds of £'s each year?** Answer given by the administrator – Tennis club rent the land at no additional cost to BPC, they cover all bills, maintenance, and insurance. Allotment holders pay a total of £32.39 (half plot) and £58.78 (full plot) per year. This includes rent, personal liability insurance and water. Listed separately below. BPC is liable for additional costs. Recent examples, broken tap £91 to repair, removal of wasps nests £100, claim for fuel for lawnmower £41.92, green bin £135 per year, clearance of 3 plots £500-£600 (awaiting consideration by full council), yearly allotment insurance.
Half Plot – Rent = £25.00, Public Liability insurance = £2.00, Water = £5.39 per year
Full Plot – Rent = £46.00, Public Liability insurance = £2.00, Water = £5.39 per year
The working party felt that money raised in rent should be spent on the allotments and will recommend that the Environment Committee should review where previous years rent has been spent.
- 11) **Will BPC refund the £300 spent on fertiliser this year? As it cannot be transferred to the new site?** Too early to answer this question, and again would

need to be decided by Full Council, these types of concerns would need to be addressed once it is decided if the project is going ahead and when. It would be more likely that new fertiliser may be provided to the new site rather than refunded.

- 12) **Bearsted residents are the biggest stakeholders why do we not have a representative on the Project A working group?** The working group contains councillors, members of the CLAA and the Tennis Club and Cllr Harris stated that the councillors are representative of the residents and elected to represent them.

3. Questions raised by CLAA

- a) **Following the public meeting and resident's feelings should Project A continue?**

The working group discussed handing the land back and starting from scratch or hand the land back and not proceed in any form. Further work and information should be completed, including soil samples and costing the project and what funding and grants are available to understand if the project is viable, so that a package can be put to Full Council to decide whether to proceed with a full public consultation. It needs to be determined whether the benefits outweigh the upheaval it will cause. Cllr Harris confirmed he will put to Full Council that Project A should not continue. This is not the recommendation of the Project A working group. Mrs Pearce advised that the CLAA had conducted a confidential vote, asking if plot holders wanted to move. She advised that all current allotment holders responded, the result was 23 wanted to remain, 3 wanted to move and 3 refused to vote.

- b) **What guarantee on length of tenancy will be given to the allotment holders that remain on the current site?**

Discussion took place regarding the length of tenancy for the plots that remain on the current site. It will be recommended to Full Council that the remaining plots are available for 10 years.

- c) **What will be included on the tender? How will this be advertised and approached?**

This is yet to be determined, once the scope of works has been decided and agreed upon. 3 tenders would be required.

4. Correspondence

- a) Bearsted & Thurnham Society

The working group acknowledges that some members of the society do not support the current proposal, but the final design/proposal has not yet been determined.

- b) New Concept 2022

1)The working party could not agree on the number of additional plots in comparison to the existing allotment site, so this will be put forward by the CLAA and confirmed by the Parish Office.

2)Regarding the legal transfer which has been answered above. The employee's responsibility to declare an interest has already been discussed.

3)Cllr Broughton stated that it is unlikely that BPC will sell the land, as this has been voted on previously on other parish owned land.

The administrator is to prepare a response to emails and the working group will review and confirm.

- c) Questions for the Full Council 13th September

1) Why was the new plan only revealed at the meeting? It was decided that was the best way to communicate the information.

Why is there no scale on it? Standard CAD drawing provided to BPC

Why is it almost illegible? Clarity was lost due to digital compression when reducing the size to print A3.

Why was the presentation so long, so small and factually flawed? The presentation intended to answer many issues and questions that were raised. Apologies there was an error on the presentation which has been corrected and will be displayed on our website.

The project has not been finalised yet and voted on by Full Council

2) The presentation was designed to answer the pre-asked questions, as many people sent in the same or similar questions.

3) Employees do not need to declare interests to the public as they do not make decisions.

4) Relating to the councillors biographies, there is no set requirement for this to be updated, but several have updated and the rest are in the process of being completed.

5) Not every decision will benefit every member of the parish. The working party and Full Council will need to decide if the benefits to the community as a whole, outweigh the upheaval and whether the benefits justify the cost. This cannot be determined until the project has been fully costed. In turn the costing cannot be completed until we have agreed a final design/proposal. BPC and the working group held the public consultation and the public meeting in order to address issues raised by residents and are constantly reviewing and amending the project in order to achieve the most benefits with the least amount of upheaval.

6) The Environment Committee is to look into what allotment funds have been used for in the past. The working group will recommend to the Environment committee agree that money from rent should be spent on the upkeep of the allotments for example fixing fences.

7) The working group agreed that the requirement of the Tennis Club cannot be answered by the Council or working group and that the Tennis Club should compose a response.

8) Soil samples are required before any considerations can be made.

9) The project has not been costed yet, we are unable to provide evidence of the waiting list due to GDPR regulations.

10) Until the project is costed we are unable to comment if the costs are in the region of £200-£300k.

11) We are unable to change the past but we are striving to be inclusive and transparent going forward.

12) The idea of a community garden with nature trail and insect garden is already a feature within the Woodland Trust.

Cllr Broughton left the meeting at 14:26

- d) Further representation on Project A
Mr Byrne mentioned that an MBC Councillor asked whether BPC had had a formal planning meeting, the working group will need to finalise the designs before it can go for a formal meeting.
- e) Last Wednesday Public Meeting
Questions have been covered in the meeting.

The Administrator advised that Cllr Hannington has offered to take the soil samples as he has done this many times before. The CLAA will research the options available for soil sampling and submit their suggestions to the parish office before this is proposed to Full Council. The CLAA have requested to have a representative present when the soil samples are taken.

5. AOB

No other business.

6. Next meeting date

TBC

Meeting completed at 14:35
Appendix 1.

Mon 19/07/2021 12:42
From: Whitehead Monkton
To: Erin Sugden
Cc: Michael Bollom

Hi Erin,

The Transfer has been legally completed and the Council are obliged to arrange for it to be registered to enable the agreed restriction referred to within the body of the document to be noted against the title register.

The land has been legally transferred and so delaying registration would not avoid costs as it would have to be legally transferred back to Mr & Mrs Ashness by way of a separate Transfer Deed in any event.

This is a risk to the Parish Council as they would not be notified of any third-party interest that could be registered against title to the land. Indeed, it would be perfectly possible for the land to be transferred to another person/entity. This would certainly not be a route that we would recommend and I would strongly suggest that the Council proceed to enable registration of the land at Land Registry without further delay.

Kind regards.

Whitehead Monkton
Legal Executive