

CHARLTON HORETHORNE PARISH COUNCIL

Clerk: Ann Lee 3 Sparkford Road, Sparkford, Yeovil, BA22 7FA

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Minutes of Meeting of Charlton Horethorne Parish Council held on Tuesday 15 November 2023 at 19:30hrs

Present – Councillors (Cllrs)

Tim Archer (Chair), Pat Lynch Geoff McHugh, Roger Pipe, Roger Thornham

In attendance:

Cllr Nicola Clark, Ann Lee - Parish Clerk and 55 members of the public.

i) Public Open Session:

The Chair welcomed residents to the open session, acknowledging that there would be a separate open session for the Harvest Lane planning application that had been submitted. He explained that this application would be the focus of the agenda in the planning section of the Parish Council meeting and that there would be an opportunity for those present to speak for three minutes each on matters specifically relating to the application before Cllrs resolved to decide.

Matters asked by the public included: A request to update the Council Website.

Parish Council Meeting opened at 19.35.

23/49 Welcome from the Chair: The Chair welcomed Cllrs to the meeting.

23/50 To receive apologies for absence and approve the reasons given (LGA 1972 s85(1): Full Council attendance.

23/51 Declarations of Interest: The Chair invited Mr Fletcher Robinson to read a letter from the Countryside Charity for the Protection of Rural England. He was accompanied by Mr Peter Neil the President of the Sherborne and District Charity for the Protection of Rural England. The Somerset branch of Campaign to Protect Rural England is a company limited by guarantee, registered in England number 04755482.

Mr Robinson proceeded to read the letter:

“Dear Parish Clerk and Councillors,

We understand that two parish councillors, Cllr Archer and Cllr Lynch, have acknowledged that they own landholdings abutting the above application site. We are writing to ask whether, in those circumstances, they intend to declare prejudicial interests at the forthcoming parish council meeting on 15 November.

We think the right thing to do is to write to you in advance of the meeting to explain why we consider that they would have prejudicial interests, so that you have time to discuss and take advice before the meeting.

We should explain what we consider a prejudicial interest to be. The legal position is well established:

A personal interest is also a prejudicial interest if it is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it was likely to prejudice the member's judgement of the public interest.

We are fair minded persons who consider that, if the land ownership information is correct, Cllr Archer and Cllr Lynch have disqualifying prejudicial interests. We think that their ownership of the adjacent landholdings would clearly be a factor that might positively harm their ability to judge the public interest objectively. If the planning application were to be approved, it is obvious that this would affect the value of their landholdings, and hence their finances. It would be easier for them, or their successors in title, to obtain planning permission for development, whether as an extension to the consented scheme or for a separate scheme, or to sell the land at a premium to agricultural value.

Chairman

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We would like to emphasise that this letter is not an attack on the personal integrity of the two councillors. The law about prejudicial interests is concerned with the public perception of their actions, not whether they might consider that it is reasonable to participate and vote. In this regard it is irrelevant in law whether Cllr Archer and Cllr Lynch have a present intention not to sell their respective landholdings, or not to apply for a change of use.

As you know, the general rule in relation to prejudicial interests is that the two councillors should withdraw from the room whenever it becomes apparent that the matter is being considered, and should not seek improperly to influence the decision, including having any involvement whether before, during or after the meeting in drafting or discussing comments that the parish council may submit to Somerset Council following the meeting. May we please request that this letter be read out at the meeting, and be included in the minutes, so that our concerns may be on the record, and form the basis of a formal complaint to the Monitoring Officer should either of the councillors participate in the agenda item as described above."

Cllr Archer responded by stating that the Monitoring Officer at Somerset Council has been asked for advice on two former occasions and given the same response. He asserted that:

"At no point did she say that it was clear, as you say, that neither Cllrs should participate". He explained that her advice was that both should have already registered their interests and, that as a minimum these should be noted at the start of each meeting, which is what has been done.

Cllr Archer asked what the relevant facts were that Mr Robinson believed there to be?

Mr Robinson stated that both Cllrs had land abutting the development and that if this planning application is consented, then the value of the land owned by both Cllrs would rise.

Cllr Archer stated that this was an assumption and asked Mr Robinson to place a value of the land. Mr Robinson stated it was a reasonable assumption.

Cllr Lynch interjected and stated that he had an email from Angela Cox and recited the content of her email stating:

"I refer you to the Code of Conduct for Councillors, which list interests and talks about disclosable pecuniary interest. You must register and declare any disclosable pecuniary interest that relates to your public duties as required by the Code. One of the interests listed is land."

Cllr Lynch stated therefore that his interpretation of the rules differed from Cllr Archers. Cllr Archer reiterated that this has been done in prior meetings this stating:

"We have both registered our interest and acknowledged we have it, that much is clear".

Mr Robinson exclaimed that it didn't matter if they had registered the interest or not, that it was not relevant, it was also concerning the perception that the public had on a perceived interest.

Cllr Archer stated that he had a Covenant on the land that would influence the land value. Mr Robinson said he was not aware of this and asked what the Covenant entailed. Mr Archer stated that he regarded these things as sensitive. Mr Robinson stated that a Covenant could be lifted in Law and furthermore, be bought out suggesting this was a material fact. He went on to state that having no intention to sell was irrelevant; likewise, only having a small part of a person's overall wealth was irrelevant. He concluded that its all about the public's perception and emphasised that CPRE would make a formal complaint to the Monitoring Officer and if the complaint was upheld the whole of the meeting would be considered unlawful.

Mr Robinson cautioned Cllr Archer, stating that the Monitoring Officer can tell you what the law is, but she cannot tell you to do the right thing. Cllr Archer replied:

"She has explained the rules as they sit, and I have taken them as she says.
It is down to the judgement of a Councillor ultimately as I understand.

Chairman

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I know the position slightly better than you do (Mr Robinson). I conclude that the test is not just about whether it makes a difference to me. It is about whether it makes a greater difference than to the majority of those affected".

Declarations of Interest Declared:

Cllr Archer declared that he owns a neighbouring field abutting the Harvest Lane development with a Covenant on it.

Cllr Lynch declared that he owns land abutting the Harvest Lane development and had a pecuniary and prejudicial interest. He stated that he had written to the Monitoring Officer at SSDC in December 2022 and again in October 2023 giving the same reply: that as a minimum a Cllr must declare their personal interest and that the rules are legally binding and that it is an offence and prosecution can occur if this is found wanting. Cllr Lynch also stated that he is aware that people in the village believed he had a pecuniary interest and prejudicial interest and would therefore not be participating in decisions relating to the Harvest Lane development. The Clerk advised that as such, Cllr Lynch would need to leave the room whilst these discussions took place. Cllr Lynch agreed.

A member of the Public asked if Cllr Archer was going to remove himself from the debate and decision like Cllr Lynch because he believed Cllr Archer had a prejudicial interest. Several other members indicated that they similarly agreed urging Cllr Archer to reconsider his position legally.

The Clerk called order and formally as the Proper Officer if Cllr Archer was going to leave the meeting or remain in the meeting. Cllr Archer stated to the Clerk that he was going to remain and participate in the Harvest Lane planning decision, declaring he did not believe he had pecuniary or prejudicial interest in this planning application.

23/52 To approve the minutes of the previous meeting (LGA 1972 sch 12, para 41(1))

The PC RESOLVED: To approve the minutes of the meeting held on the **13 September 2023** as a true and accurate record of the meeting. **Proposed by Cllr Archer, Seconded by Cllr Pipe Approved Unanimously**

23/52i Cllrs Reports

i) County & District Councillors Reports

The Chair invited Cllr Nicola Clark to provide her November report. Cllr Clark reported that the financial position of the Unitary Council has been in the press recently and that the Council have declared a financial emergency. Costs have escalated and the Council is predicting the budgeted gap to be c£100 million pounds. With the general fund reserves at just under £50M, the Unitary Authority does not have the ability to fund services, and this could lead to the declaration of a S114 (Bankruptcy notice) unless urgent corrective action is taken. The financial position is mainly driven by soaring costs for providing statutory services including Children and Adult Social Care. Inflationary pressures have pushed the average cost of care to exceed £800 per week. The Council is reviewing all its commercial property assets which will include selling buildings and land as part of its recovery plan. Cllr Clark encouraged the Public to attend meetings to question and learn more.

Cllr Clark stated that she visited the school a couple of weeks ago to learn about the traffic issues, drop off and pick up points. She stated she was trying to work with Highways to identify sensible solutions to resolve the challenges faced without having a detrimental effect on the village.

The Chair thanked Cllr Clark for attending the meeting and indicated that her report would be posted on the PC website.

ii) The Chair agreed to post all reports on the Parish website for the public to read at their leisure.

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23/53 Matters to report from previous meeting None to report.

23/54 Planning applications for decision

At Cllr Archer closed the meeting to facilitate the opportunity for an open session for the public at 19.57. Cllr Lynch withdrew from the meeting at this point.

Cllr Archer closed the Open Meeting at 20.45

Application Number	Proposal	Applicant Details
23/02275/Hybrid	Land between North Road and Harvest Lane, Charlton Horethorne. Hybrid mixed use planning application comprising: 1. Full application for 28 dwellings, 665 sqm of commercial space use Class E(g), public open space, allotments, drainage, landscape, and ancillary works. 2. Outline planning permission with all matters reserved bar access for an additional 3 self/custom build dwellings. Location between North Road and Havens Lane, Charlton Horethorne Sherbourne, DT9 4NS	Oliver Hoskins Estates LTD

Cllr Clark interjected and reminded Cllrs that this application was by its scale classed as a major application under the scheme of delegation from the Council, and as such, the application would be put before the Planning Committee for determination should the officer recommendation not agree with the divisional members or the Parish Councils. Consequently, the PC decision was an important consideration.

The Clerk reminded Cllrs that matters of material planning consideration included the layout; density, risks associated with flooding, sewage and pollution, overlooking and loss of privacy, overshadowing and loss of light, access, traffic generation and highway safety, the impact on the local economy, the design appearance and material submitted in the application, the impact on the street(s); impact on buildings, conservation areas and heritage listed buildings, ancient monuments, adequacy of parking, noise, small, landscape contamination; loss of trees, the accumulative impact on the village and past planning history or appeal decisions of the site and in its locality. In addition, the importance and relevance of Central Government Policy with National Planning Policy Frameworks and Planning Practise Guidance. Cllr McHugh added the impact on the school and the impact of 18months – 2 years of construction traffic.

Cllrs Pipe and Thornham wanted to record that from their point of view everyone on the PC had approached this application in good faith, striving to get as much insight to reach a conclusion.

Cllrs proceeded to consider the application. All Cllrs stated that the main positive element to the proposal was the proposed provision of affordable housing as well as smaller properties that would provide for younger people to be able to stay here or be able to afford to buy and return to this village community. Similarly, Cllrs wanted to be able to encourage increased footfall in the much-appreciated village pub and store. Cllrs recognised that the development could also potentially enhance the viability of the school.

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Cllrs expressed concerns about the commercial units as they were not in keeping with the village needs. 46 desks with 46 potential drivers and four conference rooms, with visitors and deliveries felt disproportionate to the allocation of 13 parking spaces.

Cllrs voted: 2 Cllrs objected to the application, 1 Cllr abstained and 1 voted in favour of the application.

Cllr Lynch was invited to return to the meeting at 20.55

20/03404/OUT	Land at Cider house Farm, Sigwells, Sherbourne Dorset, DT9 4LN Outline application some matters reserved for demolition of existing agricultural buildings and erection of 5no.C3 dwelling houses	Mr and Mrs V Norman
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Proposed in favour of the application by Cllr Archer, Seconded By Cllr McHughs. Unanimously carried

23/02502/FUL	Land At Ciderhouse Farm Sigwells Sherborne Dorset DT9 4LN Proposed change of use and conversion of an agricultural building (originally built as an airfield fire station) for use as a single private dwelling, with associated curtilage and the erection of a garage	
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Proposed in favour of the application by Cllr Lynch Seconded by Cllr Pipe. Unanimously carried

23/55 To consider participation in Somersets Community review Project.

Cllrs unanimously agreed to consider participating in this in the future when the outcome of Harvest Lane was full understood.

23/56 Finance Matters To approve the cashbook and bank reconciliation to the 9 November 2023

The clerk reported that the transfer of RFO from Julie Ferguson remains challenging as the transfer from NAT West to Lloyds is still in progress.

Nevertheless, the Clerk was able to report that the Nat West Bank Business Current Account shows transactions to the end of August for £15,845.34 and on the 10 November the balance was £14,035.01.

In addition, the Nat West Bank Business Reserve Account now has interest paid so increasing the balance to £3,536.96. The accounts were signed by Cllrs Pipe and Thornham.

23/56 To Report payments made since the 31 August 2023

Date	Recipient	Amount
31 October	PCC	£500
19 October	Pinnacle Accountancy	£45.60
19 October	Milbourne Port Computing	£306.97
	Total	£852.57

23/57 To approve the payment schedule for November 2023

Payment schedule Proposed by Cllr Archer Seconded by Cllr Pipe Unanimously carried.

Payee	Particulars	Amount
STAFF	SALARY	£700.00 ACCRUED since July 23 - November
MILBOURNE COMPUTING	Domain name retention	£ 72.00
HMRC	PAYE	£140.00
PINNACLE	PAYROLL FEE	£ 45.60

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SALC	SUBSCRIPTION	£180.43
CHVH	HALL HIRE	£ 52.00
Jimmy Flynn	WEBSITE PROVISION	£100.00
TOTAL		£1290.03

- 23/58** **To consider a grant proposal for £500 towards the Parish Magazine.**
The Chair asked that the applicant at the last meeting to complete the form located website. **Cllrs agreed to support a grant of £200. Proposed by Cllr Pipe, seconded by Cllr Thornham, unanimously carried.**
- 23/59** **To receive progress on the new PC bank account with Lloyds.** The Clerk reported that all forms had been completed. Bank switching would take place imminently.
- 23/60** **To approve quote for the replacement of posts and chains bordering the Village ACTION Green Cllr McHugh** Ongoing – awaiting quotes but the PC may need to consider costs as like for like replacements could be as much as £10,000.
- 23/61** **To receive Councillor report’s Cllr Clark.** Noted in section 23/52i
- 23/62** **To receive Police Report from Mya Greenfield** None received.
- 23/63** **Items for the next agenda** Budget preparation
- 23/64** **Date of next meetings** 22 January 2024 Village Hall 7.30 and 4th March 7.30

Meeting closed at 21:45

Ann Lee
Parish Clerk

Chairman

Date