

**MINUTES OF A MEETING OF BOURTON PARISH COUNCIL
HELD IN THE VILLAGE HALL AT 7.00PM ON MONDAY, 17TH DECEMBER 2018**

PRESENT: M Martin, M Chapman, P Williams, M Withers, I McVie, A Gillett, A Miller, G Miller, E Wynn (Clerk)

APOLOGIES: A Cattaway

ATTENDING: 40 members of the public.

19.24 APOLOGIES – AS PER ABOVE

19.25 OPEN FORUM

MW firstly opened the meeting by welcoming all the members of the public. MW then read the following statement: "I would like to thank you all for attending tonight's meeting and before we start I would like to deal with a couple of points, one of which is procedural. Members of the public can make any comments they may have during the public open forum. For fairness, I intend to open up Item 7, the complaint against the Council only to those persons who were signatories to the complaint, if, indeed, they are present this evening. The second item which I wish to raise concerns a letter of complaint that I have received concerning the conduct of certain members of the public who had attended the 22nd October meeting and supported the Sandways Farm site and who took it upon themselves to surround and berate in an aggressive manner another member of the public who had spoken about the siting of village halls. This sort of behaviour is totally unacceptable. Whilst people's opinions may differ on important issues, the normal rules of decent behaviour and mutual respect must be maintained".

- A MoP asked when the Factory Hill road would be re-opened and asked where they would stand legally if they removed the barriers. JM explained that because the safety barriers were still in place the road would remain closed until all work on barriers had been completed.
- A MoP said they had spoken to AC to find out if a penalty could be applied to the developer regarding the road closure but it would appear that the developer is still within set time limits for the closure.
- A MoP gave an update on Wildlife and Habitats. 1100 bulbs had been planted by 12 volunteers.
- A MoP said he had emailed Sean Dandy (C.Field Construction) re the JOWA and the MoP said the reply from S.Dandy seemed to imply that the Wildlife Group would not be involved in the future maintenance of the basin but rather a contractor would be appointed by C.Field to maintain it on an annual basis. Another MoP requested that the PC arrange a meeting with the construction company with a representative from the PC, current owner, adjacent homeowners in attendance. The PC will firstly speak to the NDDC planning department regarding the Section 106 to ascertain if any changes had been made and then a meeting would be arranged.
- A MoP said St George's School had given approval for The Bourton Bash to take place on the school field in 2019 and he asked if the parish marquee could be replaced or repaired? This will be discussed at another meeting.
- A MoP asked why the minutes of the meetings now referred to individuals as "a member of the public". The clerk explained for continuity and IM also added that following advice from DAPTC the PC had decided to refer to a "MoP" rather than name them individually.
- A MoP raised their objection to the East View Farm planning application. IM suggested that people who are key to this application may present their evidence during this agenda item. MW agreed.
- A MoP reported that they had received reports that the boardwalk on FP11 was extremely slippery and asked if chicken wire could be put on the timber. BS explained that the timber crossings were council-approved non-slip with a fixed grit surface on all the boardwalk sections. MC suggested that maybe the complaints were about the logs that were laid but he explained that these were only a temporary measure until the extra boardwalk was installed.
- A MoP wanted to register their disappointment that some of the core values of society had been put aside due to comments made by some individuals regarding the New Village Hall. They felt the comments were very divisive and that this issue had become our own mini Brexit and people should now look ahead to the future. Another MoP said they totally agreed with these comments and that they also had concerns about what has happened within the village regarding the site of the NVH. They said that they understood people's concerns re boundaries etc but that the Neighbourhood Plan stated, "selection of the site would be down to the Parish Council". The issue seemed to be the site and not the hall and that the village needed to work together otherwise it would not get a hall.
- A MoP reported that PCSO Vicky Levy had returned from her secondment.

19.26 DECLARATIONS OF INTEREST

AG said he had a personal interest as the applicant of planning application 2/2015/1315/OUT and as the landowner of Sandways Farm.

19.27 MINUTES OF THE PREVIOUS MEETINGS

The November minutes were agreed as an accurate record and signed by the Chairman.

19.28 ACTIONS ARISING FROM THE MINUTES

19.28.1 Notice from the Land Registry re an application for Registration of a Person in Adverse Possession re land adjoining 16, New Close, Bourton. **ACTION: AC has emailed MW re this and will send to the Clerk for information**

19.28.2 Defibrillator Checks. **ACTION: Clerk to make monthly checks.**

19.29 REPORTS BY THE DISTRICT AND/OR COUNTY COUNCILLOR

PW reported that the unitary council comes into effect on 1st April 2019, this will mean all District Councils will cease to exist as of 31st March. The top tier of new Dorset Council officers has been announced with Aiden Dunn as Executive Director for Corporate Development; Jonathan Mair as Executive Director for Legal and Democratic Services; Sarah Parker as Executive Director for Children Services and John Sellgren as Executive Director of Places. PW said there were concerns about the lower tiers not being selected until April or May and that the current planning areas would be reduced to only three areas. Legal clarification is being sought on issues such as local plans. The new Dorset Council elections are to take place on 2nd May. MW asked if more input would be sought from Parish Councils now that the planning areas were to be reduced. PW said the same rules as now would still apply. IM asked if the new council would go to area offices for decisions and PW said he believed that South Warks House in Dorchester would still be the "hub".

19.30 COMPLAINT RECEIVED AGAINST THE PARISH COUNCIL

MW read out a response to the complainants:

Dear Mr Bailey,

I refer to your notice of Complaint against BPC dated 9th November 2018, which is also signed by nine other Bourton residents.

I also refer to the response sent to you by the Clerk dated 22nd November 2018 confirming that BPC will be following the Model Complaints Procedure contained in the Good Councillors Guide in dealing with this matter. It says that BPC will include the matter on the agenda for the forthcoming meeting on 17th December and address the complaint then, having first offered to meet with you to try to resolve the matter

It was disappointing that your group decided not to respond to BPC's offer to have a face to face meeting to try to clear some of the points raised in the complaint and if possible resolve the matters raised. In the absence of such meeting I thought that you may find it helpful to have some information as to how BPC view the complaint, which it is taking very seriously.

As I understand the substance of the Complaint, it is that (1) the motion put forward and voted on to choose the Jubilee site was not on the agenda for the meeting on 22nd October which was in breach of BPC's Standing Orders. In the absence of such Motion, the vote taken was, therefore, invalid, and (2) that several councillors supporting the choice of the Jubilee site pre-determined their views and their votes, this being against the Local Authorities Association guidance.

In consequence of the above, you ask that BPC accept that the vote on 22nd October was improperly conducted and keep the choice of sites open pending more detailed information on both sites and much fuller consultation of the Bourton electorate.

Dealing firstly with the motion not being included on the agenda. Notice of BPC's intention to hold a vote on site selection at the 22nd October meeting was given in the minutes of the previous meeting in September. Whilst the minutes list the item as "Motion" it is clear that this was, in fact, a proposal, evidenced by the final comment in the minute which was "I NOW ASK FOR A SECONDER TO THIS PROPOSAL". Having given written notice in the previously published September minutes and having listed "New Village Hall" on this agenda, BPC was properly able to put forward this proposal under its Standing Orders.

There is one further comment in the Complaint and this was that the Chairman read out a prepared statement giving the result of the voting thus providing evidence that the decision was pre-determined. This is inaccurate. The proposal read out was drafted earlier by councillor McVie for councillors to consider and, in his draft, there was a blank space for someone to fill in once councillor's preferences were known and they had publicly provided reasons for their view. In reading out this proposal, I then added Jubilee site in the blank space having listened to councillors' preferences and proposed the resolution as the Council or any councillor is entitled to do for an agenda item under its Standing Orders.

On the second claim that councillor's views and their voting was pre-determined, this is also not true. The amount of details provided to councillors and members of the public, including a 30-page briefing document, meant that this issue is very complex. It is BPC's view that councillors are entitled to make notes before a meeting to ensure that their thoughts are orderly and complete on a complex matter like this. Their notes are therefore evidence of preparation, not pre-

determination. Having listened to all of the discussions in the public open forum, councillors read from their notes as they saw fit. They may or may not have made amendments having listened to the discussion in the open forum.

It should also be remembered that BPC is only a Statutory Consultee on the Sandways Farm application and that any determination of this application will be made by the LPA, North Dorset District Council.

The offer to meet with your group remains and should you wish for this to happen please contact the Clerk, so arrangements can be made.

The Council now have the following proposal to consider: "Having carefully considered the substance of the complaint and having given the above responses, does the Council believe that its voting procedure on site selection at the October 22nd meeting was properly conducted?"

Proposer: MW; Seconder: IM; AG: Abstained; GM: Objected; agreed by all other councillor's present.

MW then gave the complainants the opportunity to speak. One of the complainants explained that there was a lot of anger and upset in the village after the October meeting with an image felt by many that 5 councillors had told 500-plus plus villagers where the new hall would be. It was the complainants' view that a wider consultation of the village was and that a referendum was now needed. They said that the whole community would have to live with the decision on the site of the new hall and they felt this decision should be made by the village. MW asked the complainants if they were absolutely sure that the village wishes the Sandways site and if all those people were quite clear on the proposed site of the hall, i.e. at the bottom of the field rather than where the old barn stands now? PW then asked that the letter which was distributed through the village be referred to. IM said: "I, on behalf of the parish council, would like to clarify and correct a couple of points made in the recently hand delivered letters to properties in the village from the group identifying themselves as the Democratic Site Selection. I have assumed every household had received one of these letters. Can I ask the public present have you all received the groups letter dated 4th December 2018?"

THE MAJORITY INDICATED THEY HAD BUT A NUMBER OF RESIDENTS INDICATED THEY HAD NOT. COUNCILLOR McVIE EXPRESSED HIS SURPRISE THAT ALL RESIDENTS HAD NOT BEEN INCLUDED AND COUNCILLOR WILLIAMS ADDED THERE SEEMED TO HAVE BEEN A SELECTIVE APPROACH TO WHICH HOUSEHOLDS WERE PROVIDED WITH A LETTER. COUNCILLOR McVIE STATED THIS WAS DISAPPOINTING AND MUCH LIKE THE PETITION UNDERMINED THE VALUE OF SUCH AN EXERCISE.

IM continued: "The letter or flyer is dated 4th December 2018 and initially refers to the consultation meetings held by the Village Hall Trustees and that the parish council had in effect ignored the views of supporters of the Sandways site and ignored a petition. This is not the case the councillors considered all the information they were provided with including the items referred to in the 4th December letter. Councillors had also been provided with an extensive Briefing Paper dated October 2018 provided by the village hall trustees and all the information provided to the council was placed on the village website for everyone's information, should they be interested. It was for each individual councillor to consider the mass of information provided and weigh these which each councillor did.

Secondly there is a reference to the hall trustees having 'fallen in line' with the parish council. This is not the case they are the people responsible for the progress and delivery of a new village hall and had previously confirmed that they were happy with either site. It is the village hall who have provided the information to the council who considered this as part of their decision making. The trustees have also provided a suitable response to the article in the village news confirming their position and view on delivering a village hall at the Jubilee site. The comments made about the trustees is unfair and unfounded. All of them are hardworking, conscientious and such comments does them a disservice.

In reference to 'being no rush to make a decision', many villagers have clearly expressed, for a long time, a view that they wish the project to move forward and are frustrated with the time taken to arrive at this point. In terms of greater detail this was always an issue that frustrates all involved as both landowners and/or their agents could only provide indicative views of their proposals.

It is interesting that the 4th December 2018 letter states that the group are 'not campaigning for either of the sites' but in the previous version of their letter or flyer it clearly stated they were campaigning for the Sandways site. The council though are pleased to see this clarification and would leave it to individuals to form their own view on this".

AT THIS POINT THE COMPLAINANT STATED THAT THE EARLIER FLYER WAS NOT ONE SENT BY THE GROUP NAMED ON THE 4th DECEMBER LETTER. COUNCILLOR McVIE STATED THIS WAS NOT HOW A NUMBER OF RESIDENTS UNDERSTOOD THE CASE TO BE, BUT, MISTAKES HAPPEN AS THEY CAN DO IN ANY GROUP OR ORGANISATION INCLUDING PUBLIC BODIES SUCH AS COUNCILS.

IM continued: "Finally the comments concerning the whole village needing to be consulted has ignored the obvious hard work done by the village hall trustees during their highly publicised consultation exercises earlier this year. It should also be noted that the council's understanding was the advice the trustees had sought out was that the method of consultation used was the most balanced in terms of providing sufficient information to individuals that enabled them to make balanced observations and comments that were considered as part of the parish council decision as a statutory consultee within the planning process and to meet the requirements within the neighbourhood plan, all of which has been explained during the process leading up to and including the previous council meeting". MW referred to, as an example to a recent critical letter in the local press which contained inaccuracies and asked councillor MC to comment. MC said that that one particular letter was referring to a previous time and situation before the Neighbourhood Plan was

set up. This had meant that past discussions and comments had been superceded and were no longer relevant. The decision on the Sandways Farm outline planning application could not have been approved by the parish council both for the reasons stated in its letter to NDDC as statutory consultee but also because the Neighbourhood Plan states the following , in Policy 5 (c), **The land for the village hall and amenity space, as specified in criterion (b) above if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the Parish Council as part of a S106 agreement or similar legal instrument.** No such agreement or transfer has taken place. A complainant said he had lived in the village for many years. He said this was a controversial issue and people must conduct themselves in a civilised manner. He went on to say that he had never been involved in the VH Trustees but felt that the selection process was flawed and that the PC made a decision that didn't reflect the majority of the residents. He said the PC had endorsed both sites in the NP and he thought that to have two possible sites so that the developers were in competition with each other. He proposed that both sites remain a possibility as it has not been an informed choice by the village and that costs should be obtained for both sites. MW explained that the PC were not throwing out the Sandways site and he read a statement from the NP. A complainant mentioned the recent planning application for a bungalow on land belonging to Sandways Farm and MW explained that this was a renewal of an original application made by MW when he owned Sandways Farm. PW said he was involved in the site selection before the NP and he explained that the Jubilee site was originally ruled out by NDDC planning officers due to landscape issues but subsequently, during the NP process, NDDC determined that landscape issues did not rule out the Jubilee site. Another complainant said that fundamentally the whole village needed to be consulted. MM explained that the NHP stated the decision for the selection of the new village hall would be made by the Parish Council and this information had been in the public domain for a long time. MM said that said that the determination of the site by the Parish Council had been in the Village Plan so had been in the public domain for several years. No objection to this was ever made until the Parish Council determined in favour of the Jubilee site - it was only then that issue of determination by the Parish Council was raised as undemocratic. A complainant asked why spend money on a public consultation? MC explained that the money obtained from the Lottery Fund was to support a consultation for the needs and content of a new village hall. MC said that 133 people came through the doors for the 2 sessions, both of which were well publicised. A total of 85 people made comments and MC believed that the PC had gone through a cost effective and vigorous process to get to this point. A complainant asked if the PC had got any figures for costs and MC explained that it wasn't a simple yes or no answer as it is not possible to go into a funding environment if there isn't a solid basis to find the funding. MW read an email that was on the NDDC Planning Portal and from this email it was clear that the person who had written it believed that the proposed new village hall was to be placed where the old barn currently stands and not down the bottom of the field and MW said that this could indicate that many others in the village thought the same. MC explained that the PC are not looking to the developers for the costings of a new hall and that part of the Section 106 agreement would be to install services to the site and then it would be down to the PC to fund the building of the hall. MW asked if any of the other complainants had any further comments and at that point two MoP tried to make comments and MW again explained that this agenda item was for public comment only for those who were signatories to the Complaint against the Council. Their requests were thus denied.

19.31 NEW VILLAGE HALL

MC said he had been asked to become a Trustee of the New Village Hall which he has accepted. The Hannam Trust are in the process of completing surveys and data gathering.

19.32 PLANNING

19.32.1 Applications received

2/2018/1588/HOUSE **Proposal:** carport **Location:** The Yard, New Road, Bourton, Dorset, SP8 5AB (Deadline for comments: 18th December 2018). **No objection.**

2/2018/1632/LBC **Proposal:** install 8 no. replacement windows. **Location:** 1, Rose Cottage, New Road, Bourton, SP8 5BE (Deadline for comments: 22nd December 2018). **No objection.**

2/2018/0952/FUL **Proposal:** erect 1 No. dwelling, form vehicular access. **Location:** East View Farm, New Road, Bourton, SP8 5BQ (Deadline for comments: 23rd December 2018). **Object – original objections to be reiterated to NDDC.**

2/2018/1649/FUL **Proposal:** change of use and conversion of stone barn to 1 no. residential dwelling. **Location:** Old Farm, West Bourton Road, Bourton, SP8 5PF (Deadline for comments: 27th December 2018). **No objection.**

2/2018/1650/LBC **Proposal:** change of use and conversion of stone barn to 1 no. dwelling (Class C3) and carry out associated external and internal alterations. **Location:** Old Farm, West Bourton Road, Bourton, SP8 5PF. (Deadline for comments: 27th December 2018). **No objection.**

2/2018/1689/HOUSE **Proposal:** Erect 1 No. single storey garden studio including associated landscaping. **Location:** Yilbury, New Road, Bourton, SP8 5BD. **No objection.**

Proposer: IM, Seconder: MM, Abstention: PW, agreed by all other councillors' present.

19.32.2 Bourton Mill

JM reported that she had been to the site today and said that the road would not be opened before Christmas. There seem to be constant modifications to the supporting wall for the safety barrier and hopefully a final alteration will be approved on Wednesday when Pete Wareham will be in the office. The railings have been made but were not yet cut to size. When the final measurements have been agreed they will be cut and sent off for galvanising, which takes about 3 weeks. This delay will obviously interfere with Wessex Waters plans to work in Bridge Street as both roads cannot be closed at the same time.

19.33 FINANCE

19.33.1 Accounts to be paid

E Wynn	December wages: £403.62 (net) £20.50 (expenses)	£424.12 (BACS)
PM Cowell	Inv 1623 £183.60; Inv 1624 £152.40; Inv 1625 £60.00	£396.00 (BACS)
Major Firbank	Mileage: £22.50; Copy Shop: £3.60	£26.10 (cheque)

19.33.2 Accounts received – none.

19.33.3 Grants and Donation Applications – none.

19.34 WILDLIFE AND HABITATS

See Open Forum.

19.35 HIGHWAYS

AG reported that he was still working on building a case for a reduction in the speed limit through the village and had been in contact with Julie Watts, a principal engineer at Wiltshire CC. MC reported two near misses with vehicles speeding around the corner on the entrance to West Bourton road. AC had previously sought to get some sort of physical barrier installed but AM said long vehicles such as trucks wouldn't get around them. IM said AC had also arranged for an engineer to look at the issues approximately 3 years ago. IM gave a brief report on the highway signs in the village and there were one or two that DCC will need to consider for replacement and IM will also ask DCC look at the signage on Church Track to improve the safety for road users were selfish motorists ignore the existing one-way road signs.

19.36 NOTICEBOARDS

A MoP had reported to the Clerk that the village noticeboards were looking tatty and needed replacing. It was agreed that the boards were still in good condition and just needed a refurbishment. ACTION: Clerk to find out who did it last time and get a quote before the next meeting.

19.37 FOOTPATHS

A MoP reported that a stile was broken on AM's land and AM said he would attend to this.

19.38 COMMUNITY SAFETY

SW reported that the group had recruited an enthusiastic new volunteer to the group, making a total of 10.

19.39 CORRESPONDENCE

19.39.1 Objection received to planning application 2/2018/0952/FUL

19.39.2 Letter of thanks to the PC from St George's Church LCC for the grant of £400.

19.40 PARISH COUNCIL IT EQUIPMENT

A laptop and relevant software will be purchased before the next meeting.

19.41 DATES OF MEETINGS FOR 2019

These were decided and will be published in the noticeboards and on the website.

19.42 ANY OTHER BUSINESS

19.42.1 Councillor Vacancy

An email had been sent to the Electoral Services from a MoP to ask why the vacancy hadn't been publicised by the PC. MW explained that because this vacancy had occurred within six months of the May 2019 council elections the PC had followed directions received from NDDC and had decided not to advertise the vacancy for this short period.

19.42.2 Precept

PW asked about the precept and the clerk and IM said this is something that would begin once the request from NDDC was received, which would likely be in the next few weeks.

19.42.2 Grit Bins

AM asked the clerk to contact DCC regarding filling the grit bins.

DATE OF THE NEXT MEETING

Monday 21st January 2019 at 7.00pm in the Village Hall.

MW closed the meeting at 9.27 pm

Chairman:

Date: 17th December 2018

Note: The minutes will be reviewed and formally ratified by the BPC on 21st January 2019

DRAFT