

South Mimms Parish Council

Minutes of the meeting of the Parish Council held on Tuesday 13th September 2018 at 7.30pm at South Mimms Village Hall

Present: Councillor Yvonne Harverson Chair
 Councillor Paula Arnold
 Councillor Paul Binstead

 Mrs Julia Reading Locum Clerk

 Eight Members of the Public

The Chair opened the meeting by thanking everyone for attending.

85/18 APOLOGIES FOR ABSENCE

Apologies had been received from Cllr Mark Edwards. The absence of Cllr Andrew Brewster was noted.

86/18 DECLARATION OF MEMBERS' INTERESTS

Declarations of members' interests were noted from:

 Cllr Arnold in relation to Planning item 18/0806/MA
 Cllr Harverson in relation to Planning item 17/2509/CLE

87/18 MINUTES OF THE MEETING OF THE PARISH COUNCIL HELD ON 28th AUGUST 2018

The minutes of the meeting of the Parish Council held on 28th August 2018 were agreed as a true record and signed by the Chairman.

88/18 MATTERS ARISING

Post and Telephone Arrangements

It was agreed that since the Parish Council did not operate from its own office premises, a permanent address and telephone number independent of any Member's or Officer's home address was desirable for continuity. It was **RESOLVED** that the Locum Clerk would make arrangements to buy as Parish Council property a basic model of mobile phone, with call and texting options only, costing no more than £40.00. Ongoing costs would be trialled on a purely pay-as-you-go basis with the option of a GiffGaff monthly package of £5.00 (a maximum of £60.00 p.a.) available if usage proved high enough.

Members considered the annual subscription of £275 (plus re-claimable VAT) to a PO Box service provided by Royal Mail but felt that a cheaper solution should be explored. The installation of a post-box at the Village Hall was suggested and the Locum Clerk was asked to look into the viability of this option.

Purchase/installation of a defibrillator

Members noted an update on the which had been approved at an earlier meeting, Minute number 10/18. The Locum Clerk had found the relevant correspondence and had started an application through the British Heart Foundation. If successful a contribution from the Parish Council would be required of £600.00, of which £500.00 was already secured by a grant received from the Ward Initiative Improvement Scheme. The Parish Council would also have to pay the cost of community training.

Community Infrastructure Levy funds

The Chair confirmed that guidelines in relation to the distribution of the Community Infrastructure Levy (CIL) funds to parish and town councils had been received and the Locum Clerk would distribute these to all Members.

Any other matters arising not covered by this agenda

None.

89/18 UPDATED BUDGET SCHEDULE 2018/19

A revised Budget document was received and noted. This had been prepared by the Locum Clerk to take into account the changed circumstances after the resignation and departure of the former Parish Clerk.

90/18 GRANT APPLICATIONS

RESOLVED that an application from the Manager of the White Hart public house for provision of the annual Christmas Lunch for senior citizens be approved for payment of a grant in the sum of £300.00, and that this payment be included in the Schedule of Payments to be considered in Minute 91/18 below.

91/18 SCHEDULE OF PAYMENTS

RESOLVED that the following payments be approved:

Item	Payee	Amount	Cheque	Dated
Annual insurance premium	Zurich Municipal	£288.87	000292	13/09/2018
Locum clerk, part Sept expenses	Mrs J Reading	£17.51	000293	13/09/2018
Locum clerk, part Sept salary	Mrs J Reading	£255.00	000294	13/09/2018
Grant payment re Minute 90/18	J Hunnisett	£300.00	000295	13/09/2018

92/18 SCHEDULE OF PLANNING APPLICATIONS

Details of the following planning applications had been taken from Hertsmere Borough Council's website planning pages up to 12 September 2018:

1. Decisions awaited

18/1655/FUL, The Shire London St Albans Road Barnet Hertfordshire EN5 4RE, Erection of new green keepers building, *Awaiting decision, Validated: 17 August 18. No comment.*

18/0750/FUL, A1 Shooting Ground Barnet By-pass Road Borehamwood Hertfordshire EN5 3GZ, Demolition of existing buildings with the shooting ground and erection of hall of remembrance, new access ways, improved access from A1, new access across land at golf driving range, lawn graves areas and car parking for 30 cars for a change of use from shooting ground/driving range to burial ground., *Awaiting decision, Validated: 11 May 18. No comment.*

2. Decisions published

18/0646/FUL, Arlingham House St Albans Road South Mimms Hertfordshire EN6 3PH, Insertion of additional windows and doors to north east and north west elevations and creation of new roof terrace from existing flat roof (as amended by plans received 26/06/2018)., *Grant permission, 3 September 18*

18/0923/CLE, Land Adjacent To Oak Villa Wash Lane South Mimms Hertfordshire, Continued use of land as a Construction Business (Certificate of Lawful Development - Existing), *Refuse to Grant Certificate, 22 August 18*

18/1213/HSE, The Cottage Annex New Grange Blanche Lane South Mimms Hertfordshire EN6 3PA, Retrospective application for 1 No. front dormer, 1 No. rear dormer and single flue chimney stack to West elevation, *Grant permission, 9 August 18*

18/1369/LCN, Welcome Break Truck Stop Welcome Break Service Area St Albans Road South Mimms Hertfordshire EN6 3QQ, Application for a new premises license, *Raise no objections, 7 August 18*

18/0801/ADV, St Giles C Of E Primary School Blanche Lane South Mimms Hertfordshire EN6 3PE, Installation of non illuminated post mounted aluminium sign. (Application for Advertisement consent), *Grants consent, 5 July 18*

18/1084/LCN, Welcome Break Service Area St Albans Road South Mimms Hertfordshire EN6 3QQ, Application for a new premises license, *Raise no objections, 21 Jun 18*

18/0787/ADV, Pizza Express (Formerly Known As Ed's Easy Diner) Welcome Break Service Area St Albans Road South Mimms Hertfordshire EN6 3QQ, Installation of 2 No. internally illuminated fascia signs and 1 No. internally illuminated totem sign (Application for Advertisement Consent), *Grants consent, 14 Jun 18*

17/2509/CLE, 8 St Giles Avenue South Mimms Hertfordshire EN6 3PZ, Continued use of detached outbuildings for business use. Certificate of Lawful Development (Existing), *Refuse to Grant Certificate, 13 June 18*

17/2403/FUL, 93 - 95 Blanche Lane South Mimms Hertfordshire, Demolition of existing rear out-houses, erection of single rear extensions and creation of new side access to provide entrance to no. 95 Blanche Lane together with a new canopy over and side gate, new windows and doors and associated internal alterations to facilitate the existing properties into 2 x 2 bed cottages. (Revised drawings submitted - 27/03/2018 and 30/4/2018)., *Grant Permission, 18 May 18*

18/0806/MA, 34 Blackhorse Lane South Mimms Hertfordshire EN6 3PS, Application for a non-material amendment to allow for changes to ground floor arrangement and fenestration following the grant of planning permission ref 17/0531/HSE, *Approval, 17 May 18*

18/0704/LCN, Pizza Express (Formerly Known As Ed's Easy Diner Welcome Break Service Area St Albans Road South Mimms Hertfordshire EN6 3QQ, Application for a new premises license., *Raise No Objections, 26 April 18*

18/0213/FUL, Dancers Hill House Dancers Lane Barnet Hertfordshire EN5 4RX, Conversion of Dancers Hill House into three flats (1 x 2 bed, 2 x 3 bed) to include single storey rear extension, front basement terrace and bridge, alterations to fenestration, internal layout and landscape. Two storey side extension to detached Cottage, single storey rear extension to Potting Sheds and construction of glass link to Cottage to create one 4 bed dwelling to include alterations to fenestration and internal layout to both., *Grant Permission, 12 April 18*

18/0214/LBC, Dancers Hill House Dancers Lane Barnet Hertfordshire EN5 4RX, Conversion of Dancers Hill House into three flats (1 x 2 bed, 2 x 3 bed) to include single storey rear extension, front basement terrace and bridge, alterations to fenestration, internal layout and landscape. Two storey side extension to detached Cottage, single storey rear extension to Potting Sheds and construction of glass link to Cottage to create one 4 bed dwelling to include alterations to fenestration and internal layout to both.(Application for Listed Building Consent), *Grants consent, 12 April 18*

93/18 ANY OTHER BUSINESS

None.

94/18 PUBLIC QUESTION SESSION

The Chairman of the St Giles Friendly Association (abbreviated hereafter to Chairman SGFA) identified himself as an interested person relating to planning application **17/2509/CLE**.

The Chairman SGFA produced a copy of an email sent by South Mimms Parish Council to Hertsmere Borough Council on 2 March 2018, i.e. the day after the Parish Council's meeting on 1st March. He pointed out that he considered the contents to be a) factually incorrect and b) written in a manner implying that the views expressed were not drawn from the objections raised by members of the public attending the 1st March meeting and were thus to be construed as the direct views of the Parish Council. The Chairman SGFA also queried whether following the meeting on 10 May, when some

support for the applicants had been expressed by members of the public, the Parish Council had delivered an updated consultee response to Hertsmere Council as had been promised.

Chairman SGFA alleged on behalf of the applicants that the Parish Council's status as a consultee had carried a large amount of weight in leading the Borough Council to its published decision to *Refuse to Grant Certificate* and that as a result the applicants had suffered distress and the potential loss of their business activities.

In considering these statements, and during the ensuing discussion, which included a number of queries to the Parish Council about its conduct and practices, the following responses were made:

1. The clerk who had written the email of 2 March was no longer employed by the Parish Council. It was confirmed that the clerk would have independently undertaken the response to Hertsmere Borough Council on behalf of the Parish Council as part of the normal delegated duties of the role.
2. The Parish Council agreed that the summary written in the email of 2nd March to Hertsmere Borough Council failed to make it clear that the views expressed were made by members of the public at the 1st March meeting. It was further agreed that the inclusion of the phrase within that email, "not lawful", was not contextual with the Parish Council's purpose which had been to convey the opinions of members of the public made known at the meeting of 1st March. These effects were unintended and in no way made maliciously, and the Chair offered, on behalf of the Parish Council, a sincere apology to the applicants.

In a personal opinion only, the Locum Clerk offered a supposition that the phrase "not lawful" might have been employed in the email of 2nd March 2018 as it was terminology consistent with the Borough Council's usage in its description of the application: *Continued use of detached outbuildings for business use. Certificate of Lawful Development (Existing)*.

3. The Locum Clerk pointed out that the responsibility for determining the grounds for granting approval or otherwise of permission rested with Hertsmere Borough Council who, as the planning authority, were committed to delivering objective decisions based on a full range of data gathered throughout the whole process.
4. It was confirmed that the Chair had declared an interest at all meetings at which the planning application 17/2509/CLE had been mentioned or discussed, and had not taken part in any discussion of the case at any meeting prior to 13 September.
5. The Chair, as a neighbour to the applicants, was likely to have held a personal opinion on the planning application but had demonstrably not sought to discuss the matter with other Members, nor attempted on behalf of the Parish Council to influence the outcome.
6. Notwithstanding the unintended lack of attribution in the Parish Council's email of 2 March, the contents described only those views made known at the public session of the meeting held on 1st March 2018. Minute 31/18 of that meeting showed that to be the case, which the Chairman SGFA acknowledged.
7. There was no process or provision whereby Parish Council Members would have been able to speculate on what other views might have been put forward should any supporters of this application have either been present on 1st March, or formally directed their views to the Parish Council in writing before the meeting. Nor was there any duty or obligation for the Parish Council to solicit or canvass views to counterbalance those received at that meeting.
8. The Parish Council agreed that at a later meeting on 10 May 2018, other representations were made during the public session, with four members of the public known to have spoken in support of the application. The Parish Council's records do not show whether this number included either or both of the applicants themselves. An undertaking was made on behalf of the Parish Council to inform Hertsmere Borough Council's Planning Department of this new information, minuted 60/18. The Chair produced a message dated 11 May 2018 on a mobile phone showing that this had been actioned, despite a suggestion from Chairman SGFA that no further communication had been sent by the Parish Council.

Post meeting note: - the Locum Clerk has since the meeting seen a copy of the Case Officer's delegated report which confirmed that the Parish Council's updated consultation response of 11 May had been received and included in the range of information available to Hertsmere Borough Council in coming to its decision.

9. The applicants were entitled to appeal Hertsmere Borough Council's decision and one of the applicants, being present at the meeting, confirmed the intention to do so. This would open a further consultation process in which the Parish Council would be invited to participate among other consultees.
10. Chairman SGFA requested a retraction of the part of the Parish Council's Minute 31/18 concerned with 17/2509/CLE, which was refused on the grounds that the Minute had been properly approved by Members as an accurate record at 1 March 2018 and thus formed a legal record. However Members agreed that cross referencing notes could be appended to all Minutes in which application 17/2509/CLE was discussed or mentioned.

It was **RESOLVED** that arising from the discussion points in connection with planning application reference 17/2509/CLE:

- i. The Parish Council's Minutes for 13th September 2018 would refer to Minute 31/18 in making it plain that the views represented to Hertsmere Borough Council on 2nd March 2018 as part of its consultation process were those of members of the public and should have been attributed as such;
- ii. A letter would be sent to the applicants apologising for the mistaken and unintended impression, given by email on 2nd March to Hertsmere Borough Council, that the Parish Council had adopted as its own the views expounded by members of the public on 1st March;
- iii. All Minutes would be cross-referenced for clarity;
- iv. A report would be sent to Hertsmere Borough Council summarising and explaining the extent of the Parish Council's involvement during the consultation period;
- v. The Parish Council would ensure that its response as a consultee in any appeal process would clearly and unambiguously represent all public opinions that had been made known at its public meetings.

95/18 DATE OF NEXT MEETING

~~Noted that the date of the next meeting of the Parish Council was scheduled for Thursday 4th October 2018.~~

*Post-meeting alteration: **The meeting previously scheduled for 4th October has been postponed to Thursday 25th October 2018.** The meeting next due, for Thursday 1st November, will likewise be moved to later in the month; the date, together with a schedule of dates for January 2019 and beyond, will be agreed at the October meeting. Routinely no meeting is held in December.*

96/18 CLOSED SESSION

The Chair called to move to a closed session of the meeting for the matters set out in minute 97/18 and 98/18 below as they were likely to concern discussion of a named individual.

RESOLVED That in view of the confidential nature of the business about to be transacted, it was advisable in the public interest that the press and public be temporarily excluded and they were instructed to withdraw.

Eight members of the public departed.

97/18 HUMAN RESOURCES MATTERS

South Mimms Parish Council had received advice from a Human Resources consultant recommended by Herts Association of Parish and Town Councils in relation to queries raised by a former employee. These concerned alleged events occurring after the leaving date, as well as a

suggestion that the Parish Council had failed to honour some clauses set out in the terms and conditions of employment. A fact-finding meeting had been offered with reference to the Parish Council's Complaints Policy and was in course of being arranged at a mutually convenient date. A report of the outcome of the meeting, with any options available for addressing any unresolved issues, would be submitted for the Parish Council to consider its response.

98/18 INTERNAL INQUIRY

Some financial discrepancies had come to light over the summer and a report from an internal inquiry was discussed. It was **RESOLVED** that the Locum Clerk would make a report to the police on behalf of the Parish Council.

The meeting closed at 9.15 p.m.

Chairman Date