

KIDMORE END PARISH COUNCIL

Minutes of a meeting of the Parish Council held the Diamond Jubilee Pavilion, Gallowstree Common Recreation Ground on Wednesday 21 July 2021 at 8.00pm and concluded at 10.10pm.

Present: Dr C D Aldridge (Chairman), T M Perchard (Vice-Chairman), Prof J W Almond (from Minute 3.05), J M Ducker, A P Harland, Ms S Matthews, I G C Pearson.

Also present: P H Dragonetti (district councillor).

Apologies for absence were received from A Whyles.

3.01 MINUTES

The Minutes of the meeting held on 23 June 2021 and of the special meeting held on 1 July 2021 were taken as read, confirmed and signed as a correct record.

3.02 REPORT OF DISTRICT COUNCILLOR

Mr P H Dragonetti, the district councillor for the Kidmore End & Whitchurch ward, spoke to his report, which covered

- Restart grants, for businesses affected by the Covid-19 pandemic restrictions;
- the Oxfordshire Plan 2050;
- a review of his Council's planning enforcement function;
- the change to his Council's procedures for reference of planning applications to the Planning Committee;
- the impact of the recent planning appeal decision in Sonning Common.

Mr Dragonetti answered a question about the District Council's proposed new headquarters' building.

3.03 OPEN SESSION

During the Open Session, which was extended to 20 minutes with the consent of the Council,

- Mr A Bowley of The Hamlet, Gallowstree Common set out his objection to the siting, and extension, of the cricket practice nets at the east corner of the Gallowstree Common Recreation Ground;
- Mr M New, the Hon Treasurer of Kidmore End Cricket Club, apologised that the cricket practice nets had been extended without first seeking the consent of the Council;
- Mr A R R McAslan expanded on his complaint about the special meeting of the Council held on 1 July 2021;
- Prof J W Almond of Chalkhouse Green expressed his interest in serving as a parish councillor.

Mr McAslan advised that he was recording the proceedings of the meeting.

3.04 MEMBERSHIP OF THE COUNCIL

The Council was reminded that Mr J A Swift had resigned as a Member of the Council on the rising of the Council's meeting on 23 June 2021.

The Clerk reported that Mr A R R McAslan had resigned as Member of the Council, by e-mail, on 26 June 2021.

The Clerk advised that he had given notice of the vacancies for the office of parish councillor caused by the resignations. He had been advised by the District Council's Returning Officer that no requests had been made for elections to fill the vacancies, and that it was, therefore, open to the Council to fill the vacancies by co-option.

Professor J W Almond of Chalkhouse Green had, by e-mail, provided some biographical details, which details had been circulated to each Member.

RESOLVED: 1 That Mr J A Swift be thanked for his service to the community as a Member of the Council since May 2008.

2 That Prof J W Almond be co-opted, in accordance with Section 89 of the Local Government Act 1972, to fill the vacancy for the office of parish councillor caused by the resignation of the late Mrs S G Hall.

(Prof Almond, being present, signed a declaration of acceptance of office, and joined the meeting.)

The meeting was adjourned for 20 minutes, to enable Members to view the cricket practice nets at the eastern corner of the Recreation Ground (see Minutes 3.07 and 3.15(iii))

3.05 APPOINTMENT OF OFFICERS, SUB-COMMITTEES AND REPRESENTATIVES

(cf 1.06/21) In the light of the casual vacancies mentioned in Minute 3.04 above, it was

RESOLVED: 1 That Prof J W Almond and Ms S Matthews be appointed as Members of the Plans Sub-Committee.

2 That consideration of other vacancies be deferred to the next meeting.

3.06 FORMER TELEPHONE KIOSK, CANE END

(cf 1.08/21) By e-mail, Harland Decorating Services, who had been awarded the contract to repaint the former telephone kiosk at Cane End, had withdrawn from the contract. The Council recalled that there had been a second contractor who had quoted for the work.

RESOLVED: That the contract to repaint the former telephone kiosk at Cane End be let to Caversham Decorator, in the sum of £650.

3.07 GALLOWSTREE COMMON RECREATION GROUND – CRICKET PRACTICE NETS

(cf 1.09/21) In a letter, Mr A Bowley of The Hamlet, Gallowstree Common, asked 4 questions about the cricket practice nets at the eastern corner of the Gallowstree Common Recreation Ground, and related matters. His e-mail, although sent before the last meeting, was received too late to be considered at that meeting. The questions were:

Can the Council confirm when the extension of the nets will be dismantled?

What can the Parish Council do to ensure that local parishioners feel confident that their interests are at the forefront of any decisions made by the Playing Fields Committee in the future?

How can the Parish Council ensure that no further work will be carried out on our Parish owned recreational ground without proper consultation with the Parish Council and its parishioners?

How are the Parish Council going to ensure that all meetings and finances around the pavilion and the recreational ground are open to the public and above all are transparent?

In addition, Mr Bowley asked 6 questions specifically of Mr I G C Pearson, in his role as Chairman of the Kidmore End Playing Fields Committee. Members indicated that they expected Mr Pearson or the Committee to reply to those questions.

RESOLVED: That the Clerk draft responses to Mr Bowley's 4 questions, to be circulated to Members for comment.

3.08 CANINE FAECES

(cf 1.10/21) RESOLVED: That consideration of the report by Mr A R R McAslan and Ms S Mathews on dog fouling be deferred to the next meeting.

3.09 GOVERNANCE ARRANGEMENTS

(cf 1.11/21) RESOLVED: That consideration of the report by Mr A R R McAslan on governance arrangements be deferred to the next meeting.

The meeting was interrupted from the public gallery during this item.

3.10 TEMPORARY ROAD CLOSURES

(cf 1.16/21) With an e-mail, an officer of the County Council gave notice of the temporary closure, under the Road Traffic Regulation Act 1984, of Tokers Green Lane, Kidmore End from 24 to 27 September 2021, for pole replacement work.

3.11 TOKERS GREEN POND

(cf 1.23/21) Members noted that details of the proposed site for a bench to be installed at Tokers Green pond were awaited.

3.12 COMMUNITY INFRASTRUCTURE LEVY – PROPOSED PROJECTS

(cf 1.24/21) The Council considered a report, updating it on progress with the investigation of the identified possible projects on which to spend the Council's share of the Community Infrastructure Levy, a matter deferred at the last meeting.

Mr I G C Pearson and Mr J M Ducker drew attention to the information in the report about the provision of a defibrillator at the Diamond Jubilee Pavilion and the extension of the footway in Horsepond Road, Gallowstree Common. In the light of that information, it was

RESOLVED: That the following projects be not investigated further:

- the provision of a defibrillator on an outside wall of the Diamond Jubilee Pavilion, Gallowstree Common;
- the extension of the footway in Horsepond Road, Gallowstree Common, westward to Cane End.

3.13 NEIGHBOURHOOD DEVELOPMENT PLAN

(cf 2.02/21) The Senior Planning Policy Officer (Neighbourhood) of the District Council advised, in an e-mail, that her Council was satisfied that the submitted Neighbourhood Development Plan was valid, and that the consultation, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, would commence in the week beginning 26 July 2021.

3.14 FINANCE

(i) Balances

The Clerk reported that balances at the bank totalled £31,470.73.

(ii) Accounts paid

It was reported that, as a matter of urgency, and in accordance with Financial Regulation 5.2, the Chairman had approved the following payments on 1 July 2021:

Treemendous – Works to trees at Kidmore End pond	£425.00
W J Hatt Ltd – New water trough at Gallowstree Common allotments	£1506.40

RESOLVED: That the action of the Chairman be approved and confirmed.

(iii) Accounts for payment

RESOLVED: That the following accounts, listed in the schedule under Financial Regulation 5.2, be approved for payment:

David Woodward: Design for print – Amended PDFs (NDP)	£685.00
Dr C D Aldridge – Course fee (reimbursement)	£38.93
South Oxfordshire District Council – Emptying dog hygiene bin	£107.64
Kidmore End Playing Fields Committee – Hire of Diamond Jubilee Pavilion for meetings	£48.00
R F Penfold – Salary net of Income Tax	£146.00
HM Revenue & Customs – Income tax deducted	£97.33

(iv) Budget monitoring

The Council noted a report of the Clerk showing expenditure, up to 30 June 2021, against the approved budget for 2021/22. The report showed a predicted overspend at year end of £737, excluding capital payments and if the Council otherwise spent in accordance with the budget.

3.15 CONSULTATION ON PLANNING MATTERS

(i) Decisions

The Council noted that the applications for

proposed single storey front extension to replace existing porch, removal of existing chimney and construction of new chimney proposed pitched roof over existing single storey rear extension at Woodlands, The Hamlet, Gallowstree Common;
outline application for erection of 1.5 storey dwelling, including, access at Kano, Wood Lane, Kidmore End;
conversion of existing garage to home office, enclosure of existing car port to form utility room and creation of new garage and remodel existing porch at Pengerran, Chalkhouse Green Road, Kidmore End;
addition of new garage at The Corner House, Russell Road, Tokers Green;
2 storey side and rear extension, single storey rear extension, new porch and detached double garage and workshop at Trees, Wood Lane, Kidmore End

had been permitted conditionally and that the application to demolish part of existing dwelling and garage and erect new dwelling at Oldfield House, Horsepond Road, Gallowstree Common had been withdrawn.

By e-mail, a planning officer of the District Council had explained why officers of that Council recommended that outline permission should be granted for the proposed development at Kano, Wood

Lane, Kidmore End. Subsequent to the grant of permission, Mr J Havers of Wood Lane, Kidmore End had requested the Head of Planning of the District Council to “call-in” the application, so that it was determined by the Planning Committee and had stated that his solicitors believed that the action of the District Council, to grant permission under officers’ delegated powers, warranted judicial review. Mr Havers had sent a copy of that request to the Council, asking, in an e-mail, that the Council support his request that the planning permission be revoked. Members observed that the District Council was unlikely to revoke the permission it had granted.

(ii) Action of Plans Sub-Committee

RESOLVED: That the action of the Plans Sub-Committee in respect of the following applications, as set out in the register of action, be approved:

2 storey side and rear extension, single storey rear extension, rear porch and detached double garage and workshop at Trees, Wood Lane, Kidmore End;
construction of new single-storey ancillary home office at Kees, Chalkhouse Green Road, Kidmore End;
exterior pool at The Old Dairy, Tanners Lane, Chalkhouse Green;
certificate of lawful development for change of use from agricultural to residential garden space of land to rear of Holly Tree Farm, Kidmore Lane, Kidmore End;
variation of approved plans for erection of 2-storey 3-bedroom dwelling to rear of Yew Tree Cottage, Horsepond Road, Gallowstree Common;
proposed 2 storey infill extension, plus first floor extension to replace dormer and internal alterations at Thurlestone, Elm Road, Tokers Green.

(iii) Applications

The Council considered an application referred to it since the last meeting.

RESOLVED: That the following comments be made on the application for variation of conditions to allow extension of nets to 20m and provision of additional cricket practice facilities (retrospective) at Gallowstree Common Recreation Ground, for Kidmore End Cricket Club “The Council regrets that this is a retrospective application. It has no objections to the application, providing that a condition is imposed about the times of use of the facilities, to mitigate noise and other nuisances for immediate neighbours. The Council assumes that the conditions imposed on the original (2000) application will be maintained”.

(iv) Tree preservation order

With a letter, the District Council’s Head of Planning enclosed a copy of the South Oxfordshire District Council (Kidmore End Area) Tree Preservation Order number 21S13, covering trees of whatever species on land associated with Orchard Cottage, The Hamlet, Gallowstree Common, which order had been made on 14 July 2021.

(v) Reading Golf Club

(cf 1.15(v)/21) It was reported that Reading Borough Council’s Planning Applications’ Committee was due to consider the application to develop that part of the Reading Golf Club course within the Borough at a meeting that evening. Officers were recommending the Committee to refuse permission for the development.

(vi) District Council procedures

The Council noted an update from the District Council advising that, with effect from 15 July 2021, the previous “trigger” arrangements, in respect of the consideration of some planning applications, would

resume. If a parish or town council objected to a “minor” application which the planning officer was minded to recommend was approved, the application would automatically be referred to the District Council’s Planning Committee for determination.

(vii) Housing land supply

(cf 3.10(xi)/19) The update mentioned in Minute 3.15(vi) above confirmed the District Council’s stated position that its current land supply was 5.33 years for the period 2021 to 2026, notwithstanding the decision by an inspector in a recent planning appeal to accept the lower figure put forward by appellants.

(viii) Oxfordshire Plan 2050

(cf 5.11(v)/20) By e-mail, the Chairman of CPRE Oxfordshire drew attention to an event, organised by the CPRE and the Oxfordshire Neighbourhood Plans Alliance, about the Oxfordshire Plan 2050, to be held, virtually, on 19 August 2021. In another e-mail, the Oxfordshire Plan Team advised that the Oxfordshire Infrastructure Strategy had opened for consultation on 16 July 2021. The strategy was intended to provide a framework for the principal authorities in the County to establish strategic infrastructure investment priorities.

3.16 CHILTERN AREA OF OUTSTANDING NATURAL BEAUTY

(cf 10.19/19) In a letter, the Chief Executive of the Chilterns Conservation Board reported that Natural England had published its new Landscapes Designations Programme. This included plans to explore a “boundary extension” to the Chilterns Area of Outstanding Natural Beauty (AONB), an action which the Council had long supported, as it had previously resolved to seek the inclusion of the whole of the Parish within the AONB.

3.17 OXFORDSHIRE ASSOCIATION OF LOCAL COUNCILS

The Council noted an update for members published by the Oxfordshire Association of Local Councils in June 2021, with particular reference to paragraphs about the provision of fibre Broadband to village halls, proposals for new parliamentary constituency boundaries, Her Majesty the Queen’s Platinum Jubilee, and training courses for councillors.

3.18 FORMAL COMPLAINT

By letter, Mr A R R McAslan, of Tokers Green Lane, Kidmore End, submitted, on behalf of the Keep Kidmore End Green Group, a formal complaint summarised as

- the Council gave inadequate notice to the public of the special meeting held on 1 July 2021;
- the public were given insufficient access to that meeting.

A draft response, written by the Clerk, had been circulated to Members prior to the meeting, the material content being recorded in the Appendix hereto.

RESOLVED: 1 That the complaint by Mr A R R McAslan be not upheld.

2 That the letter drafted by the Clerk be endorsed and sent to Mr McAslan

The meeting was interrupted from the public gallery during this item.

3.19 FOOTPATH 16 – TREE

In e-mails, Mr M Skinner of Wyfold Road, Wyfold advised that he had arranged, at his own

expense, for surgery to be undertaken on an ageing oak tree adjacent to footpath 16, on unregistered land, as he feared the tree posed a potential danger to passers-by. Mr Skinner indicated that he would welcome contributions towards the cost of the work.

RESOLVED: That Mr Skinner be thanked for his public spirited action in arranging the works to the tree.

3.20 PLANNING APPEAL IN NEIGHBOURING PARISH

The Clerk to Sonning Common Parish Council attached, to an e-mail, a copy of a letter from the Chairman of that Council to the District Council urging that Council to seek judicial review of the decision of the inspector, to allow, on appeal, development of land at Little Sparrows (between Blounts Court Road and Widmore Lane), Sonning Common for 133 continual care retirement units, with communal ancillary care facilities. The Clerk to Sonning Common Parish Council hoped that his Council enjoyed the support of the Council in this request.

RESOLVED: That the request of Sonning Common Parish Council be supported.

3.21 NEIGHBOURHOOD DEVELOPMENT PLAN STEERING GROUP

The Council noted a report (21/22 - 8) by Ms S M Biggs, on behalf of the Neighbourhood Development Plan Steering Group.

3.22 PLAYING FIELDS COMMITTEE

The Chairman of the Kidmore End Playing Fields Committee reported, orally, on the meeting of the Committee held on 14 July 2021. The Committee had discussed the draft revised constitution, which, it was envisaged, would be adopted by the Committee at its meeting in September 2021. The Committee was hoping to secure a range of regular hirers for the Diamond Jubilee Pavilion, with effect from the Autumn. CCTV had been installed at the Recreation Ground, and was in operation, some material having already been supplied to the Thames Valley Police.

3.23 KIDMORE END PARISH ROOM

The Council considered a report (21/22 - 9) by the Chairman on the future of the Kidmore End Parish Room, the lease for which expired at the end of 2022. In that report, the Chairman suggested the purchase of an information sheet from Action with Communities in Rural England (ACRE) called "Parish council help for village halls".

RESOLVED: That a copy of the information sheet be purchased

3.24 VENUE OF MEETINGS

Arising from Minute 3.23 above, the Council considered the venue for its meetings from September 2021 onwards. Notwithstanding the relaxation of the restrictions imposed in response of to the Covid-19 pandemic, Members felt that the Parish Room would be too confined for a well-attended meeting, especially for persons who might be cautious about attending crowded events. Members favoured, therefore, the continued use of the Diamond Jubilee Pavilion, although they recognised that there was a premises' licence, under the Licensing Act 2003, in force in respect of the Pavilion. Use of such premises was not permitted by paragraph 10 of Schedule 12 of the Local Government Act 1972, unless no other suitable room was available free of charge or at reasonable cost.

RESOLVED: That, as no other suitable room is available, meetings of the Council between September and December 2021 inclusive be held at the Diamond Jubilee Pavilion, Gallowstree Common Recreation Ground.

3.25 MEETINGS, CONFERENCES ETC

Ms S Matthews advised that she had attended a conference on historic buildings.

The Chairman and Mr A P Harland reported on a virtual demonstration they had attended about a software package – Scribe - which, inter alia, offered a premises' booking facility.

3.26 EXCLUSION OF PUBLIC

RESOLVED: That the public be excluded from the meeting, pursuant to Section 100A(4) of the Local Government Act 1972, during consideration of the following item on the grounds that exempt information, under paragraphs of Schedule 12A of the Act shown below, would be discussed:

Item	Paragraph
Gallowstree Common Recreation Ground – purchase of land	3

3.27 GALLOWSTREE COMMON RECREATION GROUND – PURCHASE OF LAND

(cf 10.24/21)The Council answered points raised by solicitors acting for it in respect of the purchase.

APPENDIX

RESPONSE TO COMPLAINT BY MR A R R McASLAN

As you know – you were a Member of the Council at the time – the Kidmore End Neighbourhood Development Plan (NDP) Steering Group passed the current draft of the Plan to the Council on 17 June 2021. The Council decided, at its meeting on 23 June 2021, to arrange a special meeting to consider its next actions in respect of the NDP. The date of 1 July 2021 was selected for that meeting.

I sent the summons and agenda for the special meeting to the Members of the Council and the County and District Councillor, by e-mail, at 00.06hrs on 25 June 2021. I asked relevant Members of the Council to print off the agenda, and post it on the noticeboard in each settlement in the Parish.

The Chairman of the Council posted the agenda on the noticeboards at Cane End, Chalkhouse Green, and Gallowstree Common and on the remnants of the board in Kidmore End, during the morning of 26 June. Incidentally, she has photographic evidence of this. The Vice-Chairman posted the agenda on the noticeboard at Tokers Green on the afternoon of 26 June.

You point out the requirements of Paragraph 10 (2) of Schedule 12 of the Local Government Act 1972, in short, giving 3 clear days' notice of a meeting, excluding Sundays etc, in a conspicuous place in the Parish. The Council is of the view that that requirement was met.

You mention that the agenda for the meeting was not published on the Council's website within the above timetable. Of course, the legislation predates the widespread availability of the World Wide Web. I included a request in my e-mail, mentioned above, sent on 25 June 2021, for the Webmaster to publish the agenda on the Council's web site. Due to a very regrettable oversight, I failed to include the Webmaster in the distribution of that e-mail. This was very unfortunate, as the Council's ambition is that agenda for meetings appear on the website as early as possible.

As you will know, the Webmaster is a volunteer. She sets her own priorities – she is not an employee of the Council. However, as soon as she became aware of it, she posted the agenda on the website, on 29 June. This unfortunate delay, entirely attributable to my error, does not affect the Council's compliance with the legislative requirements.

You may recall from your time as a councillor that the legislation allowing virtual meetings of local authorities – the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panels)(England and Wales) Regulations 2020 – expired on 6 May this year. The Government has not renewed that legislation, so meetings now have to be held physically.

The Council's assumption, when it decided to hold a special meeting, was that that meeting would be held in the Diamond Jubilee Pavilion at the Gallowstree Common Recreation Ground, a building which it owns. The meeting on 23 June was held there. In order to satisfy the restrictions imposed in response to the Covid-19 pandemic, the doors to the veranda were left open, members of the public addressed the Council from the open doorway, and observed the Council's meeting from outside. This was expected to be the case for the special meeting on 1 July 2021. Incidentally, I am not aware of any complaints from the public about the meeting on 23 June, which was well attended.

However, the Pavilion was not available, as a cricket match had already been arranged for the evening of 1 July. The Council has previously discounted a return to the Parish Room in Kidmore End for its meetings, whilst restrictions remain in place, as the premises are too small for the Council, let alone visitors, if social distancing is to be observed. Therefore, the Chairman was pleased to secure use of the main hall at the Kidmore End School for the meeting. The Chairman, Vice-Chairman and I decided that the meeting would operate in the same way as the meeting held on 23 June, abiding by the arrangements

requested by the School, eg that attendees in the meeting demonstrate negative lateral flow tests within the previous 48 hours, social distancing etc.

Members of the public were, therefore, requested to observe the meeting through the open doors of the hall. The public address system available in the school was not deployed as it had not been expected to be necessary, and, unfortunately, no-one from the public gallery complained about not being able to hear the proceedings of the meeting until after the meeting had ended: the Council was not aware of that difficulty.

The Council acknowledges that the facilities for observers of the meeting were not ideal. With the benefit of hindsight, they could have been better. However, given the constraints on the meeting because of the laws requiring physical meetings and the requirements for social distancing etc in place on 1 July, the Council considers that it made reasonable arrangements for public admission – at no time, for instance, during the meeting were the doors to the hall closed.

For those reasons, the Council decided that it could **NOT UPHOLD** your complaint against it.

Turning to the remedies you seek, as there was a quorum of Members present, the Council will not declare the decision it took, to submit the NDP as presently drafted to the District Council, as “null and void”. Such a declaration is, as I am sure you appreciate, a matter for the courts.

KIDMORE END PARISH COUNCIL

PART 2 MINUTES OF THE MEETING OF THE COUNCIL HELD ON 21 JULY 2021

3.28 GALLOWSTREE COMMON RECREATION GROUND - PURCHASE OF LAND

(cf 10.25/21) Caversham Solicitors Ltd, who were acting for the Council in connection with the acquisition of the narrow strip of land between the Recreation Ground, Gallowstree Common and New Copse, passed on 2 further responses from the vendors' solicitors regarding the fencing of, and a restriction on, the land.

Members discussed the issues.

RESOLVED: That Caversham Solicitors Ltd be advised:

- a the Council will extend the existing post and rail fence on the north western boundary of the Recreation Ground across the land to be acquired; and
- b the Council will accept the compromise suggested by the vendors – consent would be required from the vendors for any structure to be erected on the land – provided that the requirement for consent will be personal to Mr & Mrs A K Martin, and while they are living at Lovegroves Barn.