

**MINUTES OF THE MEETING OF THE SPECIAL PROJECTS COMMITTEE
HELD ON 27th FEBRUARY 2008 AT 10.30 a.m. AT HARTLEY LIBRARY, ASH ROAD**

Present : Cllr Mr L Abraham
Cllr Mr C Alford
Cllr Mr A Barnett
Cllr Mrs P Cole
Cllr Mr J Gaywood (Chairman)
Cllr Mr M Harris
Cllr Mrs A Oxtoby

In attendance : Mrs J Hoad (Clerk)
Cllr Mr J Minns
3 members of the public

1. Apologies for absence

Apologies had been received from Cllr Mr B Ramsay.

2. Declarations of Interest

Cllr Mrs A Oxtoby declared a personal interest under minute item 4 (a) and (b), "Hartley Wood – Village Green application", as her private residence bordered Hartley Wood. She considered her interest only to be personal as the discussions under minute item 4 (a) and (b) involved the Village Green application on the part of Hartley Wood owned by Southwark Council, which did not immediately border her land.

3. Minutes

RESOLVED: That, the minutes of the meeting of the Special Projects Committee held on 6th February 2008, be approved and signed by the Chairman as a correct record.

4. Hartley Wood – Village Green application

(a) The Committee considered a report on a meeting with Southwark Council held on 4th February 2008.

RESOLVED: That, the report be received and noted.

(b) The Committee received a report on the outcome of a meeting of the Regulation Committee Member Panel held on 21st February 2008 to determine the Parish Council's application to register the part of Hartley Wood owned by Southwark Council as a Village Green. The Panel had approved the officer's recommendation that the advice received from Kent County Council's Counsel be endorsed and that a non-statutory Public Inquiry be held into the case to clarify the issues.

The Committee noted that Southwark Council had objected to the application on the following grounds:

- Use of the land had not been "as of right" throughout the 20 year period, (1985 to 2005), due to the publication of a leaflet;
- Use had not been predominately by residents of the locality as the leaflet had been circulated in south-east London and people from that area would be likely to have visited the claimed land as a result of the invitation contained in the leaflet; and

- Use had not been by the residents of a defined locality as the boundaries of Hartley parish were changed in the early part of the required 20 year period.

The Committee noted that Mrs Sharp and Dr Roberts had raised objections to the Parish Council's application and that Dr Roberts had subsequently written supporting the officer's recommendation to refer the matter to a non-statutory Public Inquiry.

The Committee expressed its disappointment over Kent County Council's decision to refer the matter to a non-statutory Public Inquiry as it believed such action would be costly to the local Council taxpayer, both in the County of Kent and the London Borough of Southwark and considered such expense would be a waste of public money. The Committee considered the minor legal issues raised by Southwark Council in relation to the case could have been clarified by the parties involved, thus enabling the County Council to determine the application without the need to hold a non-statutory Public Inquiry.

RECOMMENDED: That,

(1) the Council be legally represented at the forthcoming non-statutory Public Inquiry into the Parish Council's application to register part of Hartley Wood as a Village Green and,

(2) the Special Projects Committee be authorised to determine and appoint the Parish Council's legal representative at the forthcoming non-statutory Public Inquiry.

RESOLVED: That, further discussions on the Council's case be deferred to later in the meeting and after the exclusion of the press and public, on the grounds that the likely disclosure of exempt information would prejudice the public interest by reason of the confidential nature of the business to be transacted.

5. Hartley Women's Institute Hall

The Committee received a progress on negotiations to transfer the Hartley W.I. Hall to the Parish Council.

Valuation

It was reported that an estimate of £650 plus VAT had been obtained from the District Valuer to provide two valuations in respect of the Hartley W.I. Hall, as set out below:

- Current market valuation of the freehold interest of the W.I. Hall for the purposes of being included on Hartley Parish Council's assets register. For asset valuation purposes the W.I. Hall would be classified as an "operational property" and an "existing use value" would be provided.
- Reinstatement cost for the property for the purposes of obtaining a building insurance policy.

RECOMMENDED: That, the expenditure of £650 plus VAT to provide two valuations, as set in a letter dated 18th February 2008 from the District Valuer, be authorised.

Legal costs

The Committee was advised that, provided the transfer of the title proceeded in a straightforward manner, the Council's solicitors fees would be approximately £500 plus VAT and any disbursements, which were estimated to be £220 for Land Registry fees, £150 for a Local Land Search fee, plus other minor disbursements for Land Registry searches. The Council's solicitor had confirmed he would be contacting the solicitors acting on behalf of the Hartley W.I. to confirm whether they had been instructed by the Hartley W.I. and to enquire about their fees in respect of the transfer. The Council's solicitor had advised that there would be no liability for Stamp Duty Land Tax.

RECOMMENDED: That, the expenditure to meet the Council's solicitors fees and any disbursements in respect of the transfer of title of the Hartley W.I. Hall to the Parish Council be authorised.

Building repairs

The Committee was advised that a list of building repairs had been prepared and that it was intended the said repairs, funded by the Hartley W.I. would be undertaken before the transfer of title was completed.

RESOLVED: That, the transfer of title of the Hartley W.I. Hall to the Parish Council be referred to the Finance and General Purposes Committee for consideration.

6. Affordable Housing

At the last meeting of the Council it was resolved that, (1) Hartley Parish Council support the idea of a joint venture to provide affordable housing and (2) Fawkham Parish Council be requested to invite a representative from the Rural Housing Trust to attend a meeting with the three Parish Council's to provide advice on how to progress the matter

It was reported that Fawkham Parish Council had been advised accordingly and that to date no further response had been received.

RESOLVED: That, the matter be deferred.

7. Gorse Wood

The Committee was advised that the West Kent Housing Association intended to progress the proposed development schemes in Caxton Close and Porchester Close in April 2008. The reason for the delay was due to current heavy workload and staff shortages.

RESOLVED: That, the matter be deferred.

8. Northfield

The Committee examined the Northfield Management Committee's Constitution and Standing Orders, and the general principles, aims and objectives of Hartley and Ash-cum-Ridley Parish Councils regarding Northfield.

The Committee noted that one of the aims and objectives of the two Parish Councils was the provision of junior football pitches in accordance with the planning permission and that any variation to the general principles had to be agreed by the two Parish Councils. Whilst the Northfield Management Committee's Standing Orders defined the procedure to be adopted in the event of a tied vote at Management meetings, the Committee noted that there was no mention in either the Constitution or the General Principles on the means by which any disputes between the two Parish Councils should be resolved. The Committee considered this matter should be addressed in consultation with Ash-cum-Ridley Parish Council.

The Committee questioned the role of the New Ash Green Village Association, particularly the requirement to obtain the agreement the New Ash Green Village Association on all proposals regarding Northfield, as the Committee felt this could be already be accommodated within the terms of the lease.

The Committee considered it would be good practice for the aims and objectives regarding Northfield to be reviewed on a regular basis.

RECOMMENDED: That, (1) Ash-cum-Ridley Parish Council be invited to meet with Hartley Parish Council to review Northfield's general principles, aims and objectives and the Northfield Management Committee's Constitution, with a view to clarifying the means by which any disputes between the two Parish Councils should be resolved and, (2) it be suggested that the representation from the two Parish Councils

should be confined to the Chairmen of the Parish Councils, plus one other member from each Parish Council and the Clerks.

9. Exclusion of the press and public

RESOLVED: That, under the Public Bodies (Admissions to Meetings) Act 1960, the press and public be excluded from the meeting during consideration of minute item 10, “Hartley Wood – Village Green application” and minute item 11, “New Burial Ground”, on the grounds that the likely disclosure of exempt information would prejudice the public interest by reason of the confidential nature of the business to be transacted.

Members of the public left the meeting at 11.40 a.m.

10. Hartley Wood – Village Green application

The Committee discussed a number of legal issues in relation to the case and considered a number of options to publicise the non-statutory Public Inquiry.

11. New Burial Ground

The Committee was advised of the current position regarding the modification of the covenants on Manor Field through the Lands Tribunal.

RESOLVED: That, the report be noted.

12. Date of the next meeting

To be confirmed.

The meeting closed at 12.30 p.m.

Signed:.....
Chairman

Date:.....

