

- Worth Parish Council

Minutes of the General Purposes and Finance Committee Meeting March 11th 2019 commencing at 19.30 hrs

Present: Cllr Scott (Chairman) Cllr Hollands (Vice Chairman)
Cllr Anscomb
Cllr Gibson
Cllr Phillips
Mrs J. Nagy (Clerk) Cllr Dorey
Cllr Hitchcock
Cllr Webb
Four members of the public

91 Public Question Time

The Chairman welcomed all present to the meeting, then highlighted the housekeeping rules.

Mr Paul Budgen, representing the Copthorne Village Association wished to update the Committee on the legal challenge to the decision to permit Gypsy & Traveller proposals in Lower Hollow Copse.

The CVA are working with the Pot Common Protection Association, and together they attended a meeting with legal counsel at the Landmark Chambers in London. It appears that they have a reasonable chance of a successful challenge on five points. A pre-action protocol letter is to be submitted to MSDC accordingly.

Mr Budgen advised that it may be the CVA which act as plaintiff in the action, as this will ensure that any costs awarded against them will be capped.

The Clerk said that the Chairman of the Pot Common Protection Association had also advised that costs would be capped if it were the plaintiff and was this now incorrect? Mr Budgen said that he wanted to ensure that the Council would be willing to make any donation to the CVA rather than the Pot Common Protection Association.

Cllr Gibson asked if one the grounds to challenge was on environmental issues; yes, it is.

Cllr Gibson asked if it had been proved possible to run the proposed footpath to the Copthorne roundabout, as that was in question, he believed.

Mr Budgen advised that there is not sufficient land in WSCC ownership to run the path on the route described by the planning consultants in the application documentation. This had been queried at the MSDC Planning Committee meeting, and also with the planning officer subsequently; no response has been received.

Mr John Williams of the Pot Common Protection Association confirmed that they are working with the CVA. Landmark Chambers have advised that there are grounds to challenge on two substantial issues.

Discussion took place as to the predicted timetable of events which is dependent on various legal technicalities. For example, if a drawing is incorrect, this can be simply be amended and the application go back to the MSDC Planning Committee. The decision to permit triggers a six-week period at the end of which it will be known if legal action will commence.

Cllr Gibson warned that the challenge can be "rolled up" whereby the examination of whether there are grounds to answer, and how to address this can be conducted at the same time.

The Chairman asked if there was any information additional to that given by Mr Kosky, Chairman of the Pot Common Protection Association to the Planning & Highways Committee last week; there was not.

The Chairman thanked Mr Budgen and Mr Williams for their input; the Committee may wish to ask further questions later in the meeting, and he would consider raising Standing Orders to allow for this.

92 Apologies

Apologies were received and noted from Cllrs Coote and Lord

93 Declarations of Interest

Cllr Dorey declared a prejudicial interest in matters relating to supporting legal action against the District Council, as he is a District Councillor.

Cllr Hollands declared a personal interest in discussions relating to the purchase of a salt bin in King's Acre, as she lives in that area.

94 Minutes of General Purposes & Finance Committee

14th January 2019

These Minutes were deferred from the last meeting.

It was proposed by Cllr Hitchcock seconded by Cllr Phillips and agreed by all present that the Minutes of the General Purposes & Finance Committee meeting held on 14th January 2019 were a true and correct record.

11th February 2019

It was proposed by Cllr Anscomb seconded by Cllr Hollands and agreed by all present that the Minutes of the General Purposes & Finance Committee meeting held on 11th February 2019 were a true and correct record.

95 Chairman's Announcements

The Chairman reported that a drop-in session was held last Saturday at the Haven Centre in Crawley Down for residents interested in becoming a parish councillor. A similar session will be held in the South Room at the Hub, this Saturday, 16th March, 10 am to 12 noon. Councillors are invited to be on hand to answer any questions.

96 Correspondence

The Correspondence List was NOTED

97 Account & Financial Matters

Recommendation from the Planning & Highways Committee

The Committee is asked to consider whether to agree the recommendation of a £5000 donation towards legal costs to support a challenge against the decision of the District Council to permit DM/18/3525 for gypsy and traveller pitches.

Cllr Dorey declared a prejudicial interest in this matter, as he is a District Councillor, and the legal challenge is to be against the District Council. He left the room and took no part in discussion

Prior to discussion, the Clerk advised that the Council should not be financially involved in a legal planning challenge, as this was not considered best use of the Council's resources.

The Clerk's advice was NOTED.

Cllr Webb asked if the legal action was successful, whether the donation would be repaid. Cllr Phillips said that the intention was to put a condition on the donation that it would be repaid in the same proportion as the costs awarded.

Cllr Gibson was concerned about the timing of the donation. Issuing a pre-action protocol letter was less expensive than the proposed donation amount of £5000. If MSDC responds to the

letter, and makes appropriate corrections to the application, there may not be a legal action to take forward.

The Chairman suggested that the donation be deferred until this was known.

At this point, the Chairman proposed the suspension of Standing Orders to allow members of the public to speak. This was seconded by Cllr Hitchcock and agreed by all present.

Mr Budgen advised that the total cost of legal advice to date was in excess of the £5000 donation. Cllr Gibson pointed out that any donation would not be applied to legal advice to date, only that to facilitate a legal challenge. Mr Budgen agreed that if the case is to move forward, then that would trigger the donation.

Standing Orders were reinstated.

The Clerk advised that it was possible for the Committee to agree a donation with conditions attached, one of which being that monies would not be paid until legal action was confirmed.

It was agreed that a submission of the case to the High Court would be the trigger for the donation to be paid.

Cllr Phillips was of the opinion that the Committee should make a donation of £5000, as it has a responsibility towards its electorate. The MSDC planning meeting had been conducted appallingly in his view.

Cllr Hollands agreed.

It was proposed by Cllr Phillips, seconded by Cllr Anscomb, and AGREED by all present with the exception of Cllr Webb, who abstained, that under LGA 1972 s111 and LGA 1972 s222, a donation of £5000 would be made to the plaintiff, whether this be the Pot Common Protection Association, or the Copthorne Village Association, for legal action challenging Mid Sussex District Council's decision to permit DM/18/3525. This donation is subject to the following conditions:

- **That it will not be paid until the Pot Common Protection Association confirms that the legal challenge is proceeding through to the High Court**
- **That it will be used solely for legal advice and/or the costs of legal proceedings in relation to the challenge in the High Court to DM/18/3525 and not for any other purpose**
- **That should costs be awarded, i.e. monies repaid as a result of this legal action, the Council will be repaid in the same proportion.**

The Clerk was advised to correspond with the Pot Common Protection Association in the first instance, and to ensure that agreement to these conditions was made in writing to the Council prior to any donation being made.

The four members of the public thanked the Committee and left the meeting.

Request from RFO to transfer monies between accounts

It was proposed by Cllr Scott, seconded by Cllr Hollands and AGREED by all present that the RFO had authority to transfer up to £20,000 between bank accounts, as per Financial Regulations.

Request for purchase of salt bin for King's Acre

Cllr Hollands declared a personal interest in this matter, as she is resident in this area. She took no part in discussion.

It was proposed by Cllr Hitchcock, seconded by Cllr Webb that a salt bin would be purchased for the King's Acre estate for £104 + VAT, as WSCC has confirmed that it will fill the bin in future if it is listed on the Parish Winter Maintenance Plan

Update on investments

It has been previously agreed and Minuted that the Council would not invest any monies outside the current bank accounts until after Brexit due to the uncertainty of the financial markets. The RFO wished to ascertain at what point she should make enquiries to invest.

It was AGREED by all present that the Council would not make any further investments for the present time.

Cllr Gibson noted that MSDC had bought property in Burgess Hill for £6.5 million, and was hoping to make a £335,000 annual return, and perhaps the Parish Council could consider buying assets.

It was agreed that this was a matter for the new Council to decide after the elections.

Purchase of grounds maintenance tools

The RFO advised that the Copthorne groundsperson had advised that his strimmer was at the end of its useful life; in addition, he had requested a long reach hedge trimmer to assist in his duties. Initial costs were likely to be around £550 per item.

It was AGREED by all present that the RFO had delegated powers to spend up to £1500 on the purchase of a replacement strimmer and a long reach hedge trimmer, these to be battery operated if possible.

Financial information

Details of expenditure against budget, payments, earmarked reserves and bank balances are included in this meeting pack, as at 28th February 2019.

The Chairman asked if Councillors had any questions. Cllr Gibson queried cost code 4720 Crawley Down Neighbourhood Plan as this appeared to be over budget. The RFO advised that the Neighbourhood Plan Administrator salary costs have been allocated to this code; these will be vired out at year end to the general salary code for incorporation into the annual return.

Councillors NOTED this information

Total receipts for February 2019 of £4678.64 excl. VAT
Total payments for February 2019 of £15,458.80 excl. VAT,
Bank Balances as at 28th February 2019 £285,982.42 of which
Earmarked reserves of £113,663

Councillors NOTED and APPROVED the financial information supplied to 28th February 2019 as a true and correct record of the Council's financial affairs.

Having attended a Turners Hill Parish Council meeting, Cllr Gibson queried the legal requirement to have six months reserve, and whether this should be six months of expenditure or of budget.

The Clerk advised that there is no legal requirement to hold six months reserves. However, the level of reserves is checked by the Internal Auditor, and the Council is required to formally note his advice and act accordingly; such information submitted as part of the Annual Return.

Indeed, his advice that the level of reserves was on the high side had prompted the Council to off-set some of the 2019/2020 budget with monies from reserves in order to reduce the precept.

There is debate as to whether the reserves should be six months of expenditure or of precept; either would suffice as long as the Council made an allowance for reserves. The Clerk advised that due to financial constraints, some councils had little or no reserves.

The Clerk's advice was NOTED.

98 Council Premises and Land

Closure of Burleigh Way Car Park

The CDRA has requested that this car park is closed on Good Friday, 19th April between 9am and 1pm to allow for setting up registration desks for the Easter Egg Hunt.

It was AGREED by all present that permission to close the car park was refused as the Committee does not want to limit parking for residents using the shops, and perhaps attending the event itself.

It was suggested that the stalls be set up outside the shops as in previous years, or on the Green.

Allotments

Security at the allotment site was to be an agenda item at this meeting. However, a member of staff being on sick leave, the minutes of the last allotment meeting are still being finalised. It would seem that the Sub Committee decided that the installation of CCTV cameras may not be cost effective.

The Clerk proposes to put allotment security on the Full Council agenda once the views of the Allotment Sub Committee are confirmed.

Councillors NOTED this information.

Damage to light columns

The Clerk reported that two street lights were hit by vans on the same day.

Column 3 in Newlands Park in Copthorne was damaged by a van; the driver's insurance company has been in contact and has asked for costs to be passed on.

Column 3 in Beech Gardens in Crawley Down was damaged by a van which is un-taxed and un-insured, reported by a resident. The Clerk contacted the company whose logo is on a side panel of the van, to be told they sold it 2 years ago, and have had several reports of incidents in the interim. The police advised them it was off the road.

The Clerk has reported the van on the DVLA website and has reported the incident to the police. She has supplied a statement to the police collisions unit.

The Council's insurance company is aware of both incidents.

Councillors NOTED this information.

Cllr Gibson asked about the lighting column knocked down by a car; the Clerk will chase the company that is pursuing the claim on the Council's behalf for an update.

99 Items for Future Inclusion on the Agenda

There were no suggestions for a future agenda

100 Date of the next meeting

The date of the next meeting is Monday, 15th April 2019, after the Planning & Highways Committee meeting

Meeting closed at 8.33 pm

Chairman: _____

Date: _____