

Minutes of the Meeting of Full Council held in Rickards Hall on 28 October 2024 at 7:30 pm

Present: Cllrs. Angela Baker (*Vice-Chairwoman*), Sarah Compton, Michael Gemmell Smith, Carey Jacques, Alan Layland, Stuart McGregor, Vince Parker, Michael Stockdale, Jeff Streets, Bob Todd (*Chairman*)

In attendance: Town Clerk, Minutes Clerk, no members of the public and no press.

1 To Receive Apologies for Absence

Apologies were received, noted, and accepted from Cllrs Aldridge, Cummings, McArthur, Read, and Sumner.

2 Declaration of Interests or Predetermination

Cllr Compton declared a non-pecuniary interest in Items 10.2 and 10.6.3, advising that her role as an officer of the Rugby Club would end at its November AGM, and she had not been involved in either of the subjects to be considered. The Chairman accepted that she would not be voting on either of the items.

3 Public Questions and Statements

19:31 *The Chairman closed the meeting.*

None.

19:31 *The Chairman re-opened the meeting.*

4 To receive, adopt and sign the minutes of the Council meeting held on 09 September 2024 (2023-061/1-9)

Resolved: to adopt the minutes of the Council meeting on 09 September 2024, and that the Chairman should sign them as a true and accurate record; (2023-061/1-9).

5 To receive County and District Councillors Reports

5.1 County Councillor

County Councillor apologies noted - no report.

5.2 District Councillors

Cllr Morgan had sent his apologies for absence.

Cllrs Baker and Layland noted the ward boundary consultation and changes (item 12.4) could in future reduce the number of District councillors from 54 to 48.

6 To adopt the following reports/minutes of meetings

6.1 Planning Committee 16 September 062/1-2; 30 September 065/1-3; and Planning & Transportation 21 October 069/1-3

Resolved: to adopt the minutes of the Planning Committee meetings held on 16 September 062/1-2; 30 September 065/1-3; and Planning & Transportation 21 October 069/1-3.

6.2 Open Spaces Committee 16 September 063/1-7

Resolved: to adopt the minutes of the Open Spaces Committee meeting held on 16 September 063/1-7.

6.3 Emergency Planning Committee 23 September 064/1-3

Resolved: to adopt the minutes of the Emergency Planning Committee meeting held on 23 September 064/1-3.

6.4 Finance & Governance Committee 07 October 066/1-3; 14 October 067/1-2

Resolved: to adopt the minutes of the Finance and Governance Committee meetings held on 07 October 066/1-3; 14 October 067/1-2.

6.5 Forward Planning Steering Group 14 October 068/1-3

Resolved: to adopt the minutes of the Forward Planning Steering Group meeting held on 14 October 068/1-3.

7 To receive recommendations from the following Committees:

7.1 To receive recommendations from Finance and Governance Committee

7.1.1 To adopt the new Financial Regulations, and procurement procedures

The Finance and Governance Committee (7 and 14 October) had received and reviewed the proposed new Financial Regulations which are based on the National Association of Local Councils (NALC) new model regulations (April 2024), and had been adapted where appropriate to include Town Council procedures. Committee had viewed these twice and was satisfied to recommend to Council to adopt the new Financial Regulations. Committee had also reviewed the procurement procedures/levels of expenditure, which had been updated to reflect the new financial regulations and would be an appendix to the regulations. Members unanimously,

Resolved: to confirm and adopt the new Financial Regulations and procurement procedures/levels of expenditure.

7.1.2 To confirm the amended Standing Orders to reflect the new Financial Regulations - item 18 Financial Controls and procurement items a(v) and c from £25k to £30k

Committee had also noted and confirmed that the Standing Orders procedures for procurement needed to be updated to reflect the increased tendering level from £25k to £30k - to reflect The Public Contracts Regulations 2015, and new draft Financial Regulations. Members unanimously,

Resolved: to confirm the updates to the Sanding Orders to reflect the new Financial Regulations - item 18 Financial Controls and procurement items a(v) and c from £25k to £30k.

7.2 To receive recommendations from the Forward Planning Steering Group

7.2.1 To amend the Terms of Regulations so that the FPSG appoints a Chairman for the Council term (4-years) for continuity

As the Forward Planning Steering Group usually meets only annually, it agreed that its Chair should be appointed for the Council term. Committee recommend to full Council to support this, and to amend the Terms of Reference (TOR) accordingly, to state: The Chairman of the sub-committee is to be elected by the Committee at the first Committee meeting following the first meeting of the newly elected Council, in accordance with Standing Orders, and be in post for four years (Council term). Should the Chairman resign from post, their replacement will be elected at the next meeting of the Committee and will hold the post for the remainder of that Council term. Members unanimously,

Resolved: to confirm the recommendation to update the FPSG TOR, for the Chairman to be appointed 4-yearly in line with a Council term.

8 To receive reports and any recommendations from working groups; delegated reports; clerk's and officers' reports

8.1 To ratify the appointment of the Open Spaces and Administration Officer

It was noted Cllrs Baker and Layland had taken part in the selection process, along with the Town Clerk. Four candidates were interviewed, and the post had been offered to and accepted by Daniel Strugnell, to commence 03 December. Members unanimously,

Resolved: to confirm and ratify the appointment of the new Open Spaces and Administration Officer commencing 03 December.

8.2 Clerk's report

Members noted the Town Clerk's report and current activities, including:

Planning – Land South of Four Elms Road:The already approved outline planning application (340 dwellings, secondary school and scout hut), was being proposed by the developer for some changes to the site layout, and to increase the number of dwellings to 443. Following a public consultation and pre-application advice from SDC, the developer was expected to submit a revised plan fairly soon. The subject would be raised at the annual liaison meeting with SDC in November.

Land outside the old Police Station:having met with the Landowner recently, Council was now awaiting the legal paper which would be forwarded to the Council's solicitor to confirm before signing. The contractor had offered while equipment was on site, to clear and level the open space being transferred to the Council - for a sum of £650. However, this could not be accepted without the legal paperwork. However, Members were asked if the opportunity arose and the legal paperwork had been received, to confirm the expenditure for ground levelling works. Members unanimously,

Resolved: to accept the contractor's offer in principle, funding to be taken from the £5,000 Council had allocated for landscaping the area.

9 Draft Local Plan - update

Members noted there were no current updates.

10 Matters arising from the minutes for report and not elsewhere on the agenda

10.1 Community Warden: Four-yearly review and confirm the Council's precept commitment and contribution

Members were reminded of Council's decision in July 2019 supported a four-year financial commitment from the Precept to the Community Warden (CW) Partnership Scheme; but had asked for this to be reviewed every four years. The role had always been funded by the Council and a partnership, but with the reduction and withdrawal of some grants, the Council had agreed to increase its contribution of the Precept to ensure and secure this valued community position. Current other partners were Great Stone Bridge Trust (past couple of years they had increased their contributions, now £8k); West Kent Housing (£3.5k); Moat (£1k); funding from the Coldman Trust had not been received last year, but the CW had submitted a new application. The current 2024-25 Precept contribution was £10,555 (likely to increase slightly in the 2025-26 budget). After some discussion whether to keep to a four-year year review, or that annual consideration as already part of the budgeting process was sufficient, Members unanimously,

Resolved: to confirm continued commitment and budgeting from the Precept for the Community Warden role, and members were satisfied that it would be considered annually as part of the budgeting process.

10.2 Pavilion: To reconsider engaging an independent heating engineer to survey the heating and water heaters to provide a report with recommendations, and the expenditure of up to £800

At May Council meeting Members were asked to support the need for a new heating system at the Pavilion which the Rugby Club had said it would fund. At the time, it was noted that the Lease was not clear as to whose responsibility the heating was, and if the Club was to fund and install a new heating system there would need to be a Licence for Alteration and a Deed of Variation. Council had supported the Club's request and instructed its solicitor (see agenda item 10.6.3 update).

Communications were understood that this was going to be a new heat pump system.

At the same time Council considered the Club's request to install new heating (May), Council considered if it wanted to engage its own heating engineer and obtain its own survey report with recommendations, prior to any changes that the Club wanted to make to the heating; the expenditure for this would have been between £400-600. Members had decided that this was not necessary at that time. The Club advised in July that they would have contractors on site in July and the Head Groundsman met with them to discuss the location of the external units (as requested by Council).

In an email to the Town Clerk in July, the Club Chairman asked if "there is any scope for the Council to directly assist with some of the costs associated with the refurbishment". In the Clerk's e-mail reply it was explained that such expenditure would need to be considered and budgeted, but advised that the Club could consider a possible CIL application. The Clerk also raised issues with the Lease and discussions with solicitor.

The Club had since submitted a CIL application for funding for the heating, and included in that application funding to replace two large hot water heaters, the total cost of the project now being in the region of £98k. The CIL application it indicated that Council had "approved the works of the heating system, in replacing with air conditioning units" and now asked for consideration to replace the boilers and gas heaters. The CIL application was for a considerable proportion of these costs. However, there remained the questions 1) the legal right to carry out the works as the Club had not engaged with the solicitor over the Licence of Alteration and Deed of Variation; 2) the water heaters were a new addition to the project; 3) any works that are carried out under the Council's duties (as Landlord), have to follow the Council's own procurement procedures.

Referred to in item 10.6.3, it is not clear if a new heating system had been installed, but the CIL grant application would indicate not, and that the Club had installed two air conditioning units as a more cost efficient solution in the main Clubhouse. In view that the Club now suggested the water heaters also needed changing, the Clerk recommended that the Council should engage its own professional for an independent report; estimated cost up to £800. After some discussion it was, Members unanimously,

Resolved: to support expenditure of up to £800 for Council to engage its own heating engineer to survey the heating and water boilers, and make recommendations; also to issue a letter of instruction to the Club to halt its proposal (as Council understood it to be) for the new heat pump system until the Council had its independent report and the solicitor had advised further; and meanwhile to arrange a meeting with the Council's Lease Negotiation Group.

10.3 To receive an update on unauthorised access onto Council Open Spaces

10.3.1 Recreation Ground

Members noted there had been one potential new gate reported which was being investigated. A routine audit would be carried out over the coming months. Any unauthorised gates would receive letters. Currently, there were no matters outstanding on this with the solicitor, so this would be referred back to Open Spaces Committee to monitor.

10.3.2 Stangrove Park

Members noted that during the spring tree survey it was noticed that a resident had created an unauthorised gated access at the rear of their property and the boundary of Stangrove Park (Council registered land), gaining access directly on to Stangrove Park. This prompted an audit of gates, and found there were eight others. Letters had now been sent to all. Two gates had been blocked, one had confirmed that they would remove the gate but had asked for some additional time, two are with West Kent Housing (WKH). There had been two letters of objection received. Advice had been taken from the solicitor, including that residents would need to prove uninterrupted access, and a response (from the Clerk) is currently being drafted. Members had no questions.

10.4 Project for new Market Archway at Market Yard car park access road

10.4.1 UK Shared Prosperity Fund (via SDC) funding: Update on project for the Market to utilise the access road from the High Street creating an additional space and new archway

Council meetings in May, July and September had received updates on the project for a new archway to promote the market in Market Yard car park, with the works funded through the UK Shared Prosperity Fund (via SDC). The Community Warden had obtained quotes and designs, but unfortunately they had exceeded the UKSPF funding (up to £15k). However, he had been able to obtain further quotes (having contacted five blacksmiths), and the costs were within the UKSPF allocation.

Members noted that as the car park is in a Conservation Area and the sign potentially falls under advertising regulations, a planning application would need to be submitted, but the confirmed contractor and design needed to be included in the application. Other aspects/costs of the project include the ground installation of the archway and new removable bollards along the access road, thus providing the potential to utilise that space on market days.

The relocation of the streetlight (approved Council July and September) was due to be carried out in November.

Members had no questions.

10.4.2 To confirm the preferred contractor for the archway

Members considered three quotes and designs from contractors (A,B and C) to confirm their preference, so that the planning application could proceed, and details and costs finalised to submit to Sevenoaks District Council (SDC) and the UKSPF to secure the funding. The Clerk declared that contractor C was known to her. Due to the time left for claiming the grant, the application needed to be submitted to SDC this year (2024). The three contractors were given the same brief, but only C had included costs for archway installation, and as yet officers had not been able to obtain a separate quote from A and B for this aspect. Also to be considered and added to the below, would be the costs for the addition of removable bollards on the access road. Contractors:

A: Archway cost only £12,500 plus vat (£2,500) plus costs for groundworks and installation

B: Archway cost only £8,385 plus vat (£1,677) plus costs for groundworks and installation

C: Archway cost, ground work and installation £8,645 plus vat (£1,729)

Members noted contractor C would also be able to source removable bollards if needed (estimated three bollards at this stage); awaiting quote. Members unanimously,

Resolved: to appoint contractor C (Eric Lamprell) to carry out the project for the design and installation of the new metal Market archway and bollards along the access road.

10.5 Remembrance Sunday 10 November 2024

Members noted arrangements and timings for Remembrance Sunday events on 10 November, both for the morning parade and wreath laying service at the War Memorial and the afternoon church service. These had been published on the website, Facebook, Council's noticeboards and newsletter. Councillors were asked to attend both, and to confirm attendance to the Community Warden. They were advised that the SDC Council Chairman and the Deputy Lord Lieutenant would be present.

10.6 Leases: to receive updates on the progress of:

10.6.1 Forge Singers new lease

The new drafted lease had been sent in December 2023; Council May 2023 (agenda item 11.7.1). The solicitor had heard from the Forge Singers in July 2024, and nothing since. They had said that as a small community club based in Edenbridge, not a registered business, or charity, they were not

comfortable signing a Lease. Details had been reported to Council September meeting, at which Members considered the options: to continue with the Lease as the best viable option in the name of an individual or group of individuals, or the Singers establish themselves as a registered entity, or the Council serves Notice. Members discussed; one Member suggested advising them on becoming an unincorporated organisation. The recommendation was to invite the Forge Singers to a meeting with Cllr Baker and the Town Clerk. Two emails had been sent and there had been no response from the Forge Singers.

Having advised the solicitor that Council would be inviting the Singers to meet, they advised:

As an unincorporated organisation they would still not be a legal entity and would still not be able to enter into a lease as "Forge Singers". The Lease must be held in one of four ways:

1. By all the members in their individual names
2. By some of the members as trustees on trust for all of the members
3. By some of the members as trustees on trust for the purposes of the organisation, or
4. By all the members subject to their contractual rights and liabilities to each other as set out in the association's rules.

If there is still an impasse, then Council may need to consider serving notice to terminate their occupation and propose new lease terms.

In view that the Forge Singers seemed reluctant to cooperate, the Council may be left with having to serve notice to them. Members expressed a reluctance to do this, but needed to make the position clear, and

Resolved: that Cllr Layland would call the Forge Singers' contact and arrange to meet, with the Town Clerk, Cllr Baker and himself.

10.6.2 Eden Valley Museum Lease renewal

Cllr Layland declared a non-pecuniary interest, being a Museum Trustee.

The Eden Valley Museum Lease was due for renewal in March 2025; this had been reported through Council meetings May, July and September. The Solicitor had been liaising with the Museum which was in the process of registering as Charitable Incorporated Organisation (CIO) - Eden Valley Museum Trust CIO. As this was a separate entity, Council cannot simply renew the existing lease.

The Solicitor had prepared a draft new Lease which would be presented to the councillors on the Leases Group, to raise questions and confirm the details. The recommended version would be presented to Council at December or January meeting.

Currently the draft Lease had been prepared on the basis of Assignment then Renewal. This option was quicker, and would Assign the current lease to the CIO once created, and then grant the Renewal to the CIO on 1 April 2025. The Trust would also need to deal with the registration of the Assignment at the Land Registry to ensure that the Leasehold Title was held in the correct ownership. Members had no questions at this stage.

10.6.2.1 To confirm the duration of the new Lease

The existing Lease was drawn-up for a period of 25-years (to 31 March 2025). Members unanimously,

Resolved: to confirm the same term, from 1 April 2025 up to and including 31 March 2050.

10.6.2.2 Rent review periods

The existing Lease set out rent review dates on the fifth, tenth, fifteenth and twentieth anniversary of this Lease. This Lease states that, "On each rent review date, the rent may be increased to the market rent if that is higher than the rent applying before that date. The Market rent is the rent which a willing tenant would pay for the property on the open market...." However, Council tended to use the RPI or CPI rate to increase for that review year (considered with all fees and charges and applied 1 January or 1 April). This will be raised with the Lease Group.

Rent review could be annually (as with some other Leases and most fees and charges), two-yearly or maintain every five-years. Members unanimously,

Resolved: to have the new Lease to review the Museum rent annually.

10.6.3 Rugby Club licence for alterations and deed of variation

Agenda Item 10.2 refers to the matter of the heating and water tanks.

Council in May approved the Lease to be amended to accommodate and clarify the arrangements for a new proposed heating system, as requested by the Rugby Club. The Council's solicitor had contacted with the Club in July regarding a Licence for Alteration and Deed of Variation, but had only heard from them when they initially acknowledged the first email, and heard nothing since. Without the Licence of Alteration and Deed of Variation being resolved, the Rugby Club would not have the legal right to carry out any works, and there had been uncertainty who is responsible for the heating.

The Council's solicitor has advised after reviewing the Lease: *I noted that the tenant was only responsible for internal repair and cleaning, whereas the main and structural parts of the property are the Council's responsibility. I would think that this includes the heating system as it is such an integral part of the property. We were considering the Deed of Variation to put this squarely in their responsibility, however as we have never heard back from them, I would suggest that the heating system would be for the Council to remedy.*

Projects which the Council manage have to follow its procurement procedures, and for a project the size proposed by the Club would need to put to public tender. The Clerk advised that she had e-mailed the Club the previous week and was awaiting acknowledgement. If the heating had not been installed, the Clerk recommended that the Council instruct the Rugby Club to stop with any of its plans (as per Agenda item 10.2), and for Council to proceed with its own investigations and consider the impacts on its budgets and maintenance plans.

If the Club had installed the heating, the Clerk suggested that the solicitor issues the Deed of Variation to cover the heating part (or air conditioning units as it would appear from the CIL application) and that Council instructs the Club not to proceed with any further works until the Lease Group had met with the Club to discuss the issues, and Council had carried out its own survey (item 10.2). In view that a) the Club had not responded to communications; b) Council did not know what works had or hadn't been carried out; c) that the project initially to install a heating system had expanded without seeking Council confirmation, in line with the decision under Item 10.2 Members referred back to item 10.2, reiterating,

Resolved: to instruct the Rugby Club to halt any proposed work. That the Council would obtain further clarification on the heating and hot water issues; and the solicitor to be kept in the loop and to continue taking advice.

10.7 To receive an update of the approved Council and Committees Meeting schedule for 2025

Members received an updated version of the Council and Committees Meeting schedule for 2025 as there had been a couple of errors on the schedule previously approved at the September Council meeting.

Resolved: to accept the corrected schedule of meetings.

11 OTHER BUSINESS including items referred from Committees for decision

11.1 To receive a request from the Edenbridge Community Christmas Associate (ECCA) to wavier the hire fees for Rickards Hall for its Christmas event on Saturday 30 November (hire from evening 29 November and all day and evening 30 November)

The Edenbridge Community Christmas Association (ECCA) requested Council to consider allowing them to use Rickards Hall free of charge for its Christmas Extravaganza event on Saturday 30 November; this would include the evening of Friday 29 November and all day/evening 30 November. Members were advised that Rickards Hall was one of Council's few income sources,

and other potential bookings had already been turned down. After some discussion, and noting that the window for the Council's Community Grant applications had already closed, and in support of this community event re-launching after missing a year Members unanimously,

Resolved: to allow ECCA free hire of Rickards Hall for its community event 2024 from evening Friday 29 November through to mid-night 30 November. However, future Hall hire would be charged at the normal hiring rates, but the group could, if it decided to, submit a grant application to cover the hall hire costs, to be considered under the the Council's annual community grants programme.

11.2 Pavilion: To approved the expenditure of £4,797 plus vat, for a new replacement Submersible Pump (sewage pump)

Members were reminded that a routine service last year found a low reading to earth on the pump, and as this was the sewage pump the advice was that it would need to be replaced. In September 2023 Council paid for a replacement pump, cost £4,797.

Last month, the engineer attended for the regular service to the single foul water and surface water combined system. On arrival he found the sewage chamber at high level, controls not in automatic mode, and removed the pump and inspected visually. He found evidence of a foreign object having gone through the pump which had dislodged the impeller, and possible water inside pump. Electrical tests completed, the running current was satisfactory but the pump had failed its insulation resistance test, possibly due to water ingress into the pump caused by the dislodging of the impeller and recommended to replace the failed pump. Cost for the replacement sewage pump £4,797 plus vat. Members

Resolved: to confirm the expenditure of £4,797 plus vat, for a new replacement Submersible Pump (sewage pump).

12 Consultations

12.1 Kent SEND Strategy 2025-2028 - closing date 11 November

Noted.

12.2 Proposed Main Modifications to the Kent Minerals and Waste Local Plan 2024-39 - closing date 28 November 2024

Noted.

12.3 Creating a Safer Future Together, Kent and Medway Fire and Rescue Authority, Community Risk Management Plan and Survey 2024 - closing date 18 January 2025

Noted.

12.4 The Local Government Boundary Commission for England - Sevenoaks District reduce from 54 to 48 councillors - closes 20 January 2025

District Councillors Baker and Layland confirmed that details of possible Ward changes, and how it might affect Edenbridge, were still awaited. Members,

Resolved: to include the item on December Council's agenda for discussion.

13 To receive reports from councillors who have attended meetings of outside bodies

Members noted that Cllrs Baker and Layland had attended a Citizens Advice on-line meeting.

14 To consider any press releases

None.

15 Matters for future agendas

None.

16 Date of next meeting - 09 December 2024

Noted.

Meeting closed at 8.40pm.