

# KINGS CAPLE PARISH COUNCIL

Annual Meeting of the Parish Council held at The Old School  
at 7.30pm on Thursday 23<sup>rd</sup> May 2024

**Present:**

**Parish Cllrs:** Adrian Harvey (Chair), Pam Apperley (PA), Mark Barry (MB), Janice Gardiner (JG), Tim Over (TO)

**Also in attendance:** Cllr Barry Durkin, 6 members of the public and Mrs Chris Bucknell (Parish Clerk)

**1. To Elect a Chairman/Sign Declaration of Acceptance of Office**

In the absence of the Vice Chairman, Cllr Barry was asked to conduct the election of Chair. Cllr Adrian Harvey was proposed by Cllr Over and seconded by Cllr Apperley. All were in favour and Cllr Harvey was duly elected Chair of Kings Caple Parish Council and signed his Acceptance of Office form in front of the Clerk.

**2. To Elect a Vice Chairman/Sign Declaration of Office**

Cllr Barry was proposed by Cllr Apperley and seconded by Cllr Over. All were in favour and Cllr Barry was duly elected Vice Chair of Kings Caple Parish Council and signed his Acceptance of Office form in front of the Clerk.

**3. To Receive Apologies for Absence – Russell Nunn (RN), Jim Petter (JP), Harry Waymouth (Highways)**

**4. Declarations of Interest**

**a. To Receive Declarations of Interest - none**

**b. To Approve any Written Requests for Dispensations**

There were no requests for dispensations.

**c. To Re-adopt Code of Conduct and Standing Orders**

These had been circulated to all Councillors in advance of the meeting. The Clerk noted that Herefordshire Council had produced a Guidance Note on Respect under the Councillors Code of Conduct and it was expected that this would be built into the Code of Conduct in due course.

**Resolved:** To Adopt the Code of Conduct and Standing Orders without change.

**5. To Confirm other Officers, Committees and Working Groups**

|          |                                                                  |                                                                                                             |
|----------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>a</b> | Finance Working Group                                            | Cllrs Adrian Harvey, Tim Over and Parish Clerk                                                              |
| <b>b</b> | Footpaths Co-ordinator                                           | Cllr Pam Apperley                                                                                           |
| <b>c</b> | Planning Working Group                                           | Cllrs Adrian Harvey, Tim Over, Mark Barry                                                                   |
| <b>d</b> | Balfour Beatty/Highways Liaison                                  | Cllrs Adrian Harvey, Pam Apperley, Russell Nunn, Tim Over and Jim Petter who will work with Harry Waymouth. |
| <b>e</b> | Environment Working Group                                        | Cllr Gardiner (Chair), Cllr Petter, Cllr Apperley                                                           |
| <b>f</b> | Website/Social Media                                             | Cllrs Pam Apperley and Parish Clerk                                                                         |
| <b>g</b> | Emergency Co-ordinator                                           | This would be deferred until Cllr Petter was present                                                        |
| <b>h</b> | GDPR/Data Monitor                                                | Cllr Mark Barry                                                                                             |
| <b>i</b> | Parish Council Representative on Old School Management Committee | Cllr Pam Apperley                                                                                           |

## 6. To Accept Minutes of the Regular Meeting of the Parish Council held on 28<sup>th</sup> March 2024

**Resolved:** The minutes were confirmed as a true record and signed by the Chair.

## 7. To Receive Brief Verbal Reports

### a. Ward Cllr Barry Durkin

The April and May Ward Reports had been circulated to all Councillors in advance of the meeting.

Cllr Durkin presented a summary of some of the key points:

- There had been an important announcement from the Government on the future of the River Wye, consisting of a nine point plan over a period of ten years with 35 million pounds for improving the quality of the river.
- The Council's cabinet had taken the decision for an early termination of the Highway contract with Balfour Beatty, which had been maintaining roads and open spaces for the council since 2013. The contract required a two-year notice period to be given; so the current contract remained in place until 2026. The Council will be working on a new operational model with a mixture of in-house and out-sourced delivery of services "because the current contract does not allow the council to deliver its longer term requirements and aspirations".
- Herefordshire County BID Team, who promote tourism in the county, had presented to a tourism conference held in Hereford. All tourism businesses with a rateable value over £12,000 were to pay a supplementary rate which would be ringed fenced for the Herefordshire BID team to use to fund tourism promotion and support.
- Herefordshire Council was in the early stages of developing a new Local Transport Plan (LTP) for the County. The LTP will set out what, where and how the Council intended to invest in transport in Herefordshire with the aim of boosting the economy, preserving the environment, and fostering social inclusion.
- Herefordshire Council have allocated £38.4m toward the maintenance of highways for this financial year. This figure being made up from the usual allocation of funding from council's capital and revenue budget and grants received from the government. From 2025 onwards there will be an additional £10.6 million allocated.
- In Hereford City a government grant of 541K will be used to upgrade traffic signals. Improvements will replace in-road vehicle detection with more modern and reliable above ground options which will be more efficient. The improvements will allow interaction and coordination among the major City routes including the A49 which is controlled by the Highways Agency. Cllr Durkin said he felt the A49 through the city was an issue and because of this the administration was pushing for a southern link road.
- The lease for Hereford Football Club had been extended until 2070 with a plan to refurbish the north stand and to enhance the surrounding area by building accommodation and shopping outlets.

### b. Update on Hills Ford Stages 2024

A licence had been granted by the Motor Sports Association (MSA) Governing Body, for this rally to go ahead in September although amendments had been made to the route following representation from the Parish Council. The Council were still open to those considered as being negatively affected, to make further responses relating to the route proposed within their Parish and the views of their residents – especially those situated on the proposed route and residents and Parish Councils were encouraged to put their concerns in writing.

**8. Communication with Parishioners****a. Annual Parish Meeting 2024**

This would take place on 18<sup>th</sup> June at 7.00 pm in The Old School and would focus on the development of a new 20-year plan for the county.

**9. Open Time – To Note Matters Raised by Local Residents Relevant to the Parish**

A resident who could not attend the meeting had written to the Parish Council expressing concern about the speed of cars driving past the school. It was agreed that the Parish Council would formally write to Cllr Durkin requesting that a 20 mph Traffic Regulation Order (TRO) be put in place outside the school (along the U71004 as far as the junction with Caple Avenue. It was also suggested that a 30 mph limit should be sought as follows: along the C1262 as far as the junction with the U71005 and along the U71005 as far as the Old School, this had been talked about on a number of occasions and it was agreed that this would be the subject of a separate TRO. **Action:** AH/Clerk

A resident stated that in 4 months' time the 10-year review of the planning application granted to Mr Cockburn was due in September. Appeal Decisions APP/W1850/A/13/2206633 dated 11/08/2014. Cllr Harvey said that technically Mark Tansley and Scott Lowe (Herefordshire Council Planning Team) should ensure this happened. Amongst other things this would be a review of the positioning of the polytunnels. It was agreed to pass concerns to Cllr Durkin and to ask him if the historical records had now been found. **Action:** AH/Clerk

Cllr Apperley expressed concern about debris on the C71005 by Milditch which had been caused by the vehicles involved in the beet harvesting. It was noted that while contractors were carrying out the work the onus for compliance and health and safety still lay with the owner of the land, Nigel Roper. It was agreed that Cllr Apperley would compose a letter to be sent to Mr Roper by the Clerk. **Action:** PA/Clerk

**10: To Consider Planning Matters****a. To Consider New Planning Applications and Agree Comments**

| Reference Number | Application                                                                                                                   |
|------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 241293           | 10 Caple Avenue, Kings Caple – proposed side extension on first floor above garage, rear extension on ground floor and porch. |

This application had only been received on the morning of the meeting and it was felt this did not allow enough time to look into the detail and consider the application appropriately. It was therefore agreed that the application would be considered by the Planning Working Group and a suggested comment sent to the Parish Council for approval and submission between meetings.

**b: To Note any Decisions/Notifications Received**

| Reference Number | Application                                                                                                                                                   | Decision          |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 233175           | Land at School Field – application for approval of reserved matters for the erection of up to 7 dwellings with associated works (outline application 202913). | Awaiting Decision |

Cllr Durkin reported that Ed Thomas, the agent, had been in touch with him and has recognised the flowing water issue which will be looked into. This was a reserved issue which would come up soon.

### c. To Consider any Other Planning Issues and Updates

**Report on Local Plan Consultation** – Cllr Harvey had submitted a response on behalf of Kings Caple Parish Council and would circulate the Regulation 18 statement, which was a 93-page document. Cllr Harvey had looked at the headings and considered only 7 needed to be focused on: Policies AG1/2/3/4 and 5, which dealt with rural settlements, BC1 which dealt with housing mix and HSC2 which covered infrastructure and particularly how this was related in time in proposals to develop housing. This response would be put on the website, in its entirety or a link put on to direct people Herefordshire Council website. **Action:** AH/Clerk

**Update on Neighbourhood Development Plan** – following the last Parish Council meeting Cllr Harvey and Cllr Barry had attended a meeting with the Planning Team who were working on the 2021-41 Local Plan. Samantha Banks (Neighbourhood Planning Team Leader), who was in post at the time had now moved on and Karla Johnson and Siobhan Riddle (Principal Planning Officers) were now dealing with the strategic side of the plan.

At the March meeting Cllr Harvey had reported on the decision to reduce the number of rural settlements and that Kings Caple would become an open countryside village with no presumption of development of market housing once new plan takes effect. This meant that the existing NDP, which outlined a responsibility to deliver a certain number of sites, was no longer valid and there was a need to develop a new plan. Cllr Harvey did not feel the Parish Council had the resources to undertake this work and suggested that a small Steering Group be founded which would work with a professional planner, who would be given a strict remit and whose work would be closely overseen.

This was not an immediate issue as the new County Plan would need to have reached Regulation 18 and the view of Cllr Harvey, as well as Karla Johnson, was that action was not needed until at least mid 2025, by which time the new County Plan would have gained enough weight to determine the parameters of an NDP.

### **Decision on application 240624 – Land East of Pennoxstone Court**

This was an application to discharge the 5-year green infrastructure plan and Cllr Harvey took the view that it had been discharged on only part of the considerations (Ecology) and had not included the Landscape Report. This had been confirmed in correspondence between the Ward Councillor and Herefordshire Council Development Manager and the matter was now with the Enforcement and Development Manager for action.

Cllr Durkin left the meeting at this point

## 11. Environmental Working Group

### a. Report from Working Group Meetings and Updates on Community Events

A copy of the minutes of the May Environment Meeting had been circulated to all Councillors in advance of the Parish Council meeting. The Plant Swap had raised £50.54 in donations (£41.54 after refreshments were paid for) and was well received. There was a plan in place for events going forward and it was felt that the group had been successful in increasing its reach in the community by putting on a range of events. The Wildlife Camera was currently being trialled and would then be available to loan to residents.

### b. Concern Regarding Loss of Habitat

Cllr Gardiner stated that under the 2021 Environment Act public authorities (including Town and Parish Councils) must consider what they can do to conserve and enhance biodiversity. Kings Caple Parish Council does not own land, so can only carry this out through working with landowners and raising awareness of good practice through the Environment Group. Residents had raised concern about the timing of work to the hedgerows by the crossroads, the road also having been closed for a

number of days. Whilst people understand that management work may need to be carried out, hedges should not be cut in the bird breeding season (March and October), apart from minimal work for health and safety reasons. A member of the public who owned the land in question said they had been affected by the recent wet weather and had not been able to get the machinery near to the boundary until now, stating that Harry Weymouth (Highways Officer) had been included in discussions about this work.

Cllr Gardiner said she felt the key was communication and the timing of the work, letting people know what was taking place and why and suggested that a workshop could be arranged to cover this.

**c. To Consider and Approve any Proposed Actions and Expenditure**

It was proposed that batteries and a charger be purchased for the Wildlife Camera.

**12. Financial Matters**

**a. To Receive a Report from the RFO - Current Account £21,993.11**

Income since the March meeting

£1,215.46 - VAT Reclaim 01/04/23 to 31/03/24

£3,192.00 - Herefordshire Council Lengthsman Grant 2023/24

£4,000.00 - Precept Part 1

**b. To Approve Payments made since March Meeting**

| Payment | Expenditure                                       | Amount  |
|---------|---------------------------------------------------|---------|
|         | Bank Charges – 2 months                           | £16.00  |
| BACS    | Zurich Insurance 2024/25                          | £206.08 |
| BACS    | Information Commissioners Office                  | £35.00  |
| BACS    | Trail Camera for Environment Group Amazon Invoice | £39.99  |

**Resolved:** All payments noted and Approved

**c. To Approve Payment of Outstanding Invoices**

| Payment | Expenditure                   | Amount |
|---------|-------------------------------|--------|
| BACS    | Anthony Halls, Internal Audit | £65.00 |

**Resolved:** Payment noted and Approved

**d. To Re-adopt Financial Regulations and Financial Risk Assessment**

These were last adopted in May 2023 and had been circulated to all Cllrs in advance of the meeting.

**Resolved:** To Re-adopt the Financial Regulation and Risk Assessment without change

**e. To Approve Annual Governance Statement**

This shows compliance to financial procedures and safeguards and had been circulated to all Cllrs in advance of the meeting.

**Resolved:** To Approve the Annual Governance Statement and this was duly signed by the Chair and the Clerk

**f. To Note Internal Auditors Report**

A copy had been circulated to all Cllrs in advance of the meeting. The Internal Auditor reported that the annual accounts were accurately recorded and correct, saying that the accounts were very well presented with explanatory notes where necessary.

**Resolved:** Internal Auditors report noted

**g. To Note Annual Return**

This document shows the summary of accounts against 2022/23 and had been circulated to all Cllrs in advance of the meeting, together with the Explanation of Variances.

**Resolved:** To Approve the Annual Governance Statement and this was duly signed by the Chair and the Clerk

This, together with the notice of Public Rights, would be placed on the website, Facebook and noticeboard.

**Action:** PA/Clerk

**h. To Approve Certificate of Exemption from External Audit**

All Parish Councils with an annual income of less than £25,000 are exempt from an External Audit.

**Resolved:** To Approve the Certificate of Exemption from External Audit and this was duly signed by the Chair and the Clerk

**Action:** Clerk

**i. To Note Budget for 2024/25 against End of Year 2023/24**

This had been circulated to all Cllrs in advance of the meeting.

**j. To Re-Adopt the General Power of Competence**

The Clerk reiterated that Parish Councils which had 2/3 of its Councillors elected (albeit in a non-contested election) and a qualified Clerk could adopt the General Power of Competence, which means that they can spend money on anything an individual can, provided it is legal, without having to identify a specific Power or Act. It was confirmed that Kings Caple met these requirements.

**Resolved:** To Re-Adopt the General Power of Competence

**k. Update on Internet Provision at The Old School**

Cllr Nunn was not at the meeting but had sent an update saying that he had been in contact with Airband and they were offering a fibre connection with a 150 download and 50 upload speed, free survey, installation and router, 24 month fixed price with 4 months free and a 30 day cooling off period. The cost would normally be £40 per month for a business but Cllr Nunn said the company were willing to offer the service for £30 for the Parish Council.

**Resolved:** To go ahead with the installation of the internet service as per Cllr Nunn's recommendation

**13. Highway and Public Rights of Way****a. Update on Review of Roads in the Parish**

- i. **Plastic Farming Waste** – this issue had been raised with Neil Cockburn. There was a need to check if the situation has improved.
- ii. **Overhanging Trees** – this item was deferred until Harry Waymouth was present
- iii. **Paving to the Post Box and Telephone Box** – this item was deferred
- iv. **Report on Lightfields Ditching Work** – Harry Waymouth had been in discussion with Penny Brandram Jones regarding the Lightfields ditching work and it had been agreed that this would take place under certain conditions. The Clerk stressed that even if the Parish Council commissioned the work in partnership with the landowner, all the liability remained with the Landowner who had Riparian Responsibilities.
- v. **Cattle Grid Work Cancellation** – the planned work to the cattle grid had been cancelled due to increasing concerns regarding liability of the Parish Council to fund such work.
- vi. **Lengthsman Maintenance Work** – this item was deferred until Harry Waymouth was present. Cllr Nunn had sent an email requesting that the gullies/drains on the corner by Hill Cottage be cleared out as part of the planned work.
- vii. **Neighbourhood Watch** – this item was deferred

**b. To Receive a Report on Footpath Maintenance.**

Notification had been received of a PROW Grant from Herefordshire Council and Cllr Apperley would work with the Parish Council to put together an application, with the aim of making the footpaths more accessible with the addition of more gates. The bridge on KC3 would also be addressed to make it safer and more accessible.

**Action:** PA/Clerk

**c. To Note any Defects to be reported to BBLP and any other updates**

There were no further reports

**14. Liaison with Agricultural Holdings****a. Pennoxstone Court**

There currently had been no liaison meetings this year.

**b. S&A Produce**

Cllr Harvey noted that Jim White, Technical Director of S&A, had phoned him to report that S&A had handed the lease for the remaining asparagus areas to Cobrey Farm of Walford, who would operate the areas for the current year, and possibly 2025 if the diminishing yields justified this. When all cultivation ceased, S&A would be responsible for removing any remaining irrigation. Cllr Harvey noted the asparagus harvesting with Cobrey was from vans with a very small team and much less intrusive than the S&A operation had been.

**15. To Note the Information Sheet (May 2024) and any other updates**

**Resolved:** The Information Sheet was noted. There were no further updates

**16. To Raise Items for the Regular Meeting of the Parish Council (no discussion)**

There were no further items

**17. To Note Date and Time of the Regular Meeting of the Parish Council**

The Regular Meeting of the Parish Council would take place on Thursday 25<sup>th</sup> July 2024 at 7.30pm in The Old School. Note: this was subsequently cancelled. The next meeting is 26<sup>th</sup> September 2024.

The Meeting closed at 9.30 pm



Signed .....

Chairman of Kings Cuple Parish Council

Date 26<sup>th</sup> September 2024