

FOUR MARKS PARISH COUNCIL

**Minutes of the Extraordinary meeting of the Full Council
Held on Wednesday 3rd May 2023, commencing at 7.00pm
At Four Marks Village Hall, Lymington Bottom, Four Marks**

MEMBERS PRESENT:	Cllr Janet Foster (Chairman) Cllrs Sally Duncan (arrived 7.18pm), John Hammond, Frank Maloney, Reg Pullen, Mike Sanders, Allen Smith, Anne Tomlinson, Cllr Bryan Timms and John Davis
IN ATTENDANCE:	Sarah Goudie, Executive Officer (EO) Jo Tsigarides, Deputy Clerk. Seventy one members of the public
APOLOGIES:	None

23.67 APOLOGIES AND APPROVAL OF ABSENCES

There were no apologies.

23.68 OPEN SESSION - PUBLIC PARTICIPATION

The Chairman read a statement (attached as appendix one).

Resident one, representing a group of households from Lily Road commented that there are concerns that this planning application is being rushed through. They also commented that the latest plans show a footpath from Beech Grove through to the new building. They reminded the Council that this path is classified as 'unadopted' meaning that the residents pay for its maintenance and upkeep. There are concerns that the management company/residents would be liable should there be an accident due to the increased footfall.

The resident also noted that they were not invited to a specific consultation for residents that would be most affected by the building, although they consider themselves to be in that category. There were also concerns over the impact on wildlife.

Cllr Foster responded by informing the resident that insurance implications were being investigated. Cllr Timms also observed that Highway issues would be a major consideration in the planning process.

Resident two questioned the appropriateness of holding an EGM so close to the election on the 4th May 2023 and was informed that in accordance with the Local Government Association guidance, even contentious planning applications should go ahead. The Local Government Act 1972 does not prohibit the Council from holding an EGM during the pre-election period.

Resident three stated that they were in favour of the new facility, stating that it would be welcoming to those outside of the village as well as providing facilities for residents. They considered that the building would future proof the village and cater for the expanding community.

Resident four questioned why funding had not been dedicated to improving the current facilities in the village, such as the Village Hall which they considered needed modernising and updating. They also expressed concern over whether the relocation of the children's play area would have a detrimental impact on the Benians Pavilion due to patrons being unable to use the bar whilst letting their children play at the same time.

Cllr Maloney, whilst declaring an interest by virtue of being a Trustee of the Village Hall, commented that the Village Hall has received several grants from various sources including the Parish Council for building improvements.

Resident five discussed the plan to keep the Scout hut in situ and stated that they have always supported an improvement to the Scout hut but that they felt the new facility was not suitable and that it did not honour the green space.

Resident six, in the capacity of a representative of the Scout group, advised that they are awaiting the renewal of the ground lease for the area that the Scout hut is on and that their current appraisal is that the existing building will last for the next twenty-one years. They explained that the Scouts had tried to secure funding to improve their building and were advised not to proceed with the planning application.

Resident seven commented that whilst they are not opposed to investment in the village, when they came to a consultation, they did not feel that they were provided with adequate information. They were also asked whether the car park would be 'pay and display' as they were concerned about overflow traffic filtering out to the surrounding roads and developments.

They also asked about the legal status of the Recreation Ground land regarding the Fields in Trust covenant. It was asked that the document detailing the exact area covered be made public. This was also supported by resident eight.

Cllr Foster replied that there are no-plans to make the car park 'pay and display', and that Council meetings are always open to the public and that the community building has been continually discussed and considered. She also confirmed that investigations were being made with legal representatives regarding the Fields in Trust Deed. The EO, in response, to the query on the Fields in Trust covenant advised on recent communications with the Fields in Trust, however the EO's account was challenged by 3 members of the public.

Resident nine queried the financial aspect of the project and Cllr Tomlinson gave comfort about the structure of the interest payments, decreasing over time.

Resident ten reference the emerging Easts Hampshire District Local Plan and whether consideration had been made to Four Marks becoming a 'tier two' village. Cllr Sanders explained that the calculation of the tier system would attribute one point to the new facility and that it does not depend on the size of the building. etc.

Resident eleven commented that although legally, an EGM may be permissible, they did not consider that morally it was right to hold the meeting so close to the election. They also questioned the transparency of the Council and stated that uploading all of the revised planning documents with twenty-four hours' notice was unacceptable. They also advised that they are a Trustee of the Village Hall, and that the facility is completely self-sufficient and not a financial burden on the village.

Resident twelve, secretary of the Four Marks Football Club, asked about potential anti-social behaviour in the car park and whether there were intentions to light the area. Cllr Tomlinson replied that low level lighting ~~would~~ could be installed.

Resident thirteen, whilst not objecting to the new facility, questioned how the building would meet environmental targets without requiring multiple modifications in the future. They also referenced the sale of the land surrounding the Village Hall, commenting that this was a missed opportunity for an extension and improvement in this area. They also had been speaking to several people in the village who reported that they did not know about the size and burden of the new building.

Cllr Pullen addressed the comments about the environmental impact, and reassured the resident that the intention is for it to be fully sustainable.

Resident fourteen referenced a point made by the Chairman about obtaining additional green space to the Councils portfolio. Cllr Foster informed them that the Council are in negotiations with the EHDC Estates team regarding the adoption of the parcel of land adjacent to Pine Road, Four Marks.

Resident fifteen questioned the environmental implications and read a prepared statement.

Resident sixteen stated that they had previously expressed concerns over nesting bats in the proposed vicinity and that they are worried about anti-social behaviour at the car park.

District Councillor May discussed the limitations of the Village Hall and noted that the facilities had not been suitable for large meetings in his experience. He advised the public that once the planning application had been submitted, that they would have ample time and opportunity to submit comments onto the planning portal and that some perspective should be taken on what the business being transacted at the meeting really meant.

Cllr Maloney asked when the CIL funding would be available and was advised by the EO that it will need to be requested, then made available. It was clarified that these funds cannot be used for another project but that once the planning application is submitted, the plans can be altered, and the footprint and design could be changed but not the position or location, a new application would need to be submitted.

Cllr Sanders observed that the community building is needed to serve the growing population and that with further development likely, it would be a necessary improvement to the current infrastructure.

There being nothing further to raise, the Open Session concluded at 8.10pm, Standing Orders were applied.

23.69 DECLARATIONS OF INTEREST

Cllr Maloney declared an interest in Agenda item 4, however it was agreed that it would not be inappropriate to vote.

23.70 Approval to submit planning application for the new Community Building as per the circulated documents.

Cllr Timms commented that due the high level of development in the area, they community deserved the CIL payment. Cllr Pullen noted that the funding would be lost if the community project does not go ahead.

Cllr Hammond read a statement explaining his position on the motion and that he would be abstaining from the vote.

Cllr Smith asked exactly when the planning application would be submitted and the EO replied that once a minor labelling error to a document had been rectified that the plans would be sent.

On the proposal of Cllr Timms, which was seconded by Cllr Pullen, it was resolved by majority to:

Approve the submission of the planning application for the new Community Building as per the circulated documents.

(In favour – Cllrs Foster, Tomlinson, Timms, Sanders, Duncan, Davis and Pullen, Against – Cllr Maloney, Abstention – Cllrs Hammond and Allen)

23.71 NEXT MEETING:

The next meeting will be the Annual Meeting of the Full Council, Wednesday 17th May 2023 at the Village Hall, at 7.00pm.

23.72 The Chairman closed the meeting at 8.25pm.

Appendix One

CHAIRMAN'S STATEMENT OF FACT delivered at EGM 3 May 2023 by Cllr J Foster

Good evening, ladies and gentlemen and welcome to this extraordinary council meeting called due to the deferral of the same Agenda item at the previous council meeting in order to give Councillors longer to peruse all the planning documents.

I am going to read out a statement of facts that will cover as many areas as possible and as a response to the various queries raised over the last few weeks. Once this has been read, and if your question has not been answered, you will have an opportunity to ask that question during the public open session and receive a response if appropriate. This statement of facts will be attached to the Minutes for future reference.

I ask for your respect and allow the statement to be read without interruption or comment.

Tonight, is the culmination of many years of work. Starting back in 2010/2011 with an idea from a former councillor who wished to provide a safe and warm space for the youth of the village. The scout group were then asked if they would like to work together with the Council and following a meeting in the former Windmill pub between both parties the project got underway. Unfortunately, once planning was granted, and the funding that should have come to the Council was 'redistributed' to the Alton Sports Centre, the Council were no longer able to continue. The Scouts took over the project, and began actively fund raising, and a second planning application was submitted with a changed proposal. In 2018 the scouts approached the parish council advising them that they could not raise the funds for the building and as a result would not be renewing their planning application and asked the council to consider taking back the project. Thus, began version 3, and where this council is now.

Over the past 12 years, three separate parish councils, with different sets of councillors, have all been involved in this project, as well as other members of the community who have spent a huge amount of time researching current usage, looking at what the village could currently not provide, what was needed, and what could potentially be offered. Various members of the working groups spent time visiting different community buildings in similar locations to Four Marks, looking for ideas, seeking advice and learning from their experiences.

- **Does the Council have the right (mandate) to do this? YES.**

The Council is an incorporated body established by legislation. Local Councils have a range of specific statutory powers which allows them to finance activities that flow from the exercise of their discretionary powers and legal obligations.

There are several legal powers that enable the Council to carry out their functions and at the election in 2019, the Council by way of having more than two thirds elected Councillors and a clerk with a sector specific qualification, qualifies the council to use the General Power of Competence (GPOC), which allows the Council to do anything an individual can do.

Even if we have not got the General Power of Competence the Council have powers under the:

Ancillary Power. -Local Government Act 1972, Section 111. Power to do anything that will facilitate be conducive to or incidental to the discharge of its powers and functions.

Some examples related to the current project:

Power to provide and maintain parking places for bicycles etc.

Borrowing money

Car Parks

Conference facilities

Public buildings and village halls

Recreation, power to provide and contribute to a wide range of recreational facilities in or outside of the council's area.

Sports and Recreational facilities- Local Government (Misc. Provisions act 1976 s.19

To continue

- **The build cost of the project.**

When the project moved forward in this direction in 2019 indicative costs for a 1250sqm facility were between £2m-£2.5m. This Council is fully aware that the unprecedented events over the last 3 years (Pandemic, Brexit, Ukraine war etc) have had a detrimental effect on the economy and the building cost has escalated to between £2.95M to £3.275M. Further funding has already been sought to cover the deficit, currently awaiting decision. However, it has always been the case that the project would not start if the funding was not there.

The estimated total costs being depicted locally of over £4m is the **total** project cost, including consultants, landscaping, resurfacing, kitting out of the new facility. However, most of the ancillary costs can be funded by grant streams, CIL and specified S106 developers' contributions, all of which have already been identified, down to providing the disabled toilets, and a lottery funded youth worker for the proposed youth club. **However, none of which can be applied for without planning permission in place.**

- **The Public Works Loan Board (PWLB – Government Loan)**

The Council indicated that a £1m government loan would be required to bridge the gap of funding required to build costs. The PWLB is the mechanism by which the Government loans funds to other government organisations to provide community facilities. The Council are fully aware of the increase in interest rates (currently 5.11%), and therefore the amount borrowed would need to be reduced for the repayment rates to be affordable.

However, when the loan is drawn down, the interest rates at the date of draw down is the amount payable for the term of the loan, whether 5 years or 50 years. There would be no increase in payments over the term.

- **The precept – the Parish Council’s portion of Council Tax**

The precept was increased on a Band D property last year by £15 per annum to ensure that the Council could afford repayments on a loan if taken out. This year the precept was only needed to increase by £3 per annum to cover the increased utility costs. The amount of precept afforded to the Community project of the £174,830 precept collected is just under 20% ie. £16.45 per household per annum (32 pence per week).

The money collected last year for this purpose and not spent has been put in a specific ear marked reserve and if the project does not go ahead, the money will go back into general reserves, and with council approval used for other projects.

- **Loss of green space**

Although it is acknowledged that the new building will result in a small loss of open green space, this location retains the most amount of green space than any other suggested location. *However, the Council are in the process of taking ownership of additional green open space, currently with the legal team, which will compensate for its loss.*

- **Why are we moving the play area?**

The architects suggested moving the play area because it is surrounded on 3 sides by moving vehicles, sometimes 4. Some of the equipment is at end of life and needs replacing, the surface areas under some equipment needs relaying, and the fence due to the constant misuse and vandalism needs repairing most weeks and needs to be replaced. The fact that you cannot see over the top, encourages and hides inappropriate behaviour. Therefore, it makes sense to spend the funds required on an upgraded play area and move it to the safer location at the same time. It has been suggested that the children of the village could design the new facility which would be community inclusive.

It has been noted that there may be an issue with stray footballs, but this would be addressed at the time of design.

- **Why are we having to provide additional car parking and using the children’s play area?**

When there is an event at one of the facilities at the Recreation Ground, cars are literally strewn everywhere, there is no constructive method of parking, and as the planning application requires identification of 104 car parking spaces, including disabled, cycle storage and electric charging points, to serve both the new and existing facilities, moving the children’s play area allows provision for a structured, but sympathetically landscaped car parking facility.

- **The Village Hall. What is the knock-on effect to Village Hall users?**

The Village Hall remains popular and is being adequately maintained and used. It cannot be enlarged due to the restricted car parking provision. The Council will continue to support the Village Hall Committee by way of grants, and no current users of the Village Hall have indicated their wish to use the new facility so there should be no reduction in income. The proposed facility at the Recreation Ground may not be suitable for some events that the Village Hall currently hosts.

- **The Benians Pavilion. Why are we not enlarging the Benians Pavilion?**

The Benians Pavilion serves a valuable purpose, supporting the local teams with changing facilities and bar for the locals. You cannot have a youth orientated building in the same facility, and it would be restrictive to youth groups even to have a building adjacent to a licensed bar. The building was not built structurally able to support a second floor. The Benians Committee are still berating the parish council for not building a big enough facility some 30 years ago, a valuable lesson learned for the provision of any new facility. The committee are insistent on the parish council moving out, yet not supportive of a facility that would enable this to happen. The parish council would continue to subsidise the pavilion.

- **Concerns with the increased use of the junction with Brislands Lane.**

The Council are painfully aware of the issues with the Brislands Lane junction and Lymington Bottom and meet with Highways on a regular basis and continue to work with them on a solution to this issue. There are regular meetings and surveys now being carried out in a bid to improve junction layout. In addition, we are working with highways to improve pedestrian access to the school and the drainage at Five Lanes End.

- **A Community Engagement event was promised, why has it not been held?**

The Council agreed to hold an additional engagement event to give everyone the opportunity to view the plans submitted and ask further questions before they submit their response on the planning portal to the application. This was scheduled for 26th April to coincide with the Annual Parish Meeting but was cancelled due to the contested election. However, I would very much hope that the new council will honour this and allow this to take place, particularly if they are considering a parish poll.

- **The Scouts. What if the Scouts cannot afford to use the new building?**

As was previously mentioned the scouts came to the council and asked them to take on the project, and to clarify, at no time did the council suggest they did not renew their planning permission, in fact it was the council that reminded them it was due to expire.

The Scouts had indicated back in 2018 that they would like to use the new building, and therefore the scouts have been consulted on a regular basis, and the internal plans have been changed completely, solely to ensure their safeguarding requirements are met. Conversations have taken place on finance, whereby the scouts told the project group what they thought they could afford to pay. The indicative costs in the draft business plan are for casual hirers, not block bookings by regular users which would be negotiated separately, and likely to be much less, however the scouts have been regularly reassured that it would not ever exceed what they are currently paying now for their own facility. It is disappointing that this information has not been shared. Should the scouts choose not to use the new building, for any reason, other user groups have indicated they would be keen to have additional evenings.

To sum up and thank you for listening to me;

This Council only wanted to achieve what was best for the community as a whole and hope that the new council will continue in that vein. This Council understands that there are people against this project for various reasons, but this should not stop the project moving forward, whilst there are still those in favour. Nothing will be lost by submitting the planning application, and it could yet be refused. However, there will be a huge amount lost if it is not. The funding is reliant on the planning application, and its submission brings a timely conclusion to this Council's term and over 5 years of work.

The new Council will be in place on 9th May, their first meeting will be on 17th May, with an Annual Parish Meeting currently scheduled for 31st May. That will be the right time to see how the community want to progress this project and suggest that a parish poll should be conducted to establish whether the council should progress or not, and this can only be requested at the Annual Parish Meeting. The result of which although not binding, would give the newly formed Council an idea of the community's preference. If the result is overwhelmingly against a new facility, then the Council should not proceed with the project. However, if there is sufficient support, then the new Council should honour that support.

If the new Council choose not to move forward with a parish poll and decide to stall or stop the project, this Council please asks that all the research and work that has been carried out by so many individuals over the last 11 or so years, is at least given due consideration before dismissing it outright and losing all the funding that has been allocated to this project.

The community needs investment and encouragement to grow and provide a future for not only the youth of the village but the whole community.

APPENDIX 2

DATED 31st July 1968

NATIONAL PLAYING FIELDS

ASSOCIATION

- and -

FOUR MARKS PARISH COUNCIL

DEED OF COVENANT

restricting use of land to that of a
Playing Field and Children's Playground.



DEED made the thirty first day of July
 One thousand Nine hundred and Sixty Eight BETWEEN THE

NATIONAL PLAYING FIELDS ASSOCIATION incorporated by Royal Charter whose office is
 situate at Number 57B Catherine Place in the County of London (hereinafter called
 the "National Association") of the one part and THE PARISH COUNCIL of Four Marks in
 Hampshire (hereinafter called "The Council") of the other part

WITNESSETH that in consideration of the sum of Eighty Pounds paid by the
 National Association to the Council towards the cost of lay-out and equipment for
 the purposes of organised games and Children's Playground on the land hereinafter
 mentioned (the receipt of which sum the Council hereby acknowledges) The Council
 hereby covenants with the National Association and its successors in title or assigns
 that it will use ALL THAT piece or parcel of land situate in Erislands Lane Four
 Marks aforesaid and more particularly described in a Conveyance dated the Tenth day
 of August One thousand Nine hundred and Sixty Four and made between June Elizabeth
 Curwen of the one part and the Council of the other part as a Public Playing Field
 for the purposes of organis. games and a Children's Playground only and that it
 will not appropriate or use the same for any other purpose whatever without the
 consent previously obtained of the Minister of Housing and Local Government and the
 National Association

IN WITNESS whereof two members of the Council have hereunto set
 their hands and seals on behalf of the Council this day and year first before
 written

SIGNED SEALED AND DELIVERED by }
 in the presence of:-

J. G. ...
The Rev. ...
...

Signature
M. Handy



SIGNED SEALED AND DELIVERED by }
 in the presence of:-

W. H. ...
...
...

...



Members of the Council

MEMORANDUM

By a Deed made the 31st day of July, 1968, the Parish Council of Four Marks covenanted with the National Playing Fields Association that in consideration of the sum of £80. 0. 0. paid to the Association towards the cost of lay-out and equipment for the purposes of organised games and Children's Playground on the land described within, the Council would use the said land as a Public Playing Field and a Children's Playground only and would not appropriate or use the same for any other purpose whatsoever without the consent of the Minister of Housing and Local Government and the Association.

We hereby certify this to be a true copy of the Memorandum endorsed on a Conveyance dated the 10th day of August, 1964.

Noushin Carlson

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Solicitor to the Parish Council

Alton, Hants.