

Minutes of the monthly meeting of Johnston Community Council held on 8th October 2018 in Johnston Institute.

**Present: Cllrs N. James, F. James, Wilkins, Morgan, Jeffries, Young, Pratt, Philpott, Rowlands, Warlow; Peter Horton (Clerk).
Apologies : C’llrs Jones, Spilsbury.**

In the absence of C’llr Spilsbury, the meeting was chaired by vice-Chair, C’llr Philpott.

9451 – Declarations of known Interests

C’llr Ken Rowlands declared a personal and prejudicial in the planning application ref. 18/0694/TF, as the applicant.

C’llr Christine Wilkins declared a personal and prejudicial interest in the discussion concerning complaints about her and Mr. Wilkins’ business activities operated from their home (ref. Public Forum).

9452 – Public Forum (ten minutes maximum)

[Note – C’llr Wilkins left the room during consideration of this item]

Mr. & Mrs, Richard & Mandy Bennett of Brickhurst Park were present. They wished to provide an update on the situation regarding their complaints about their neighbours. They had spoken to the Planning Enforcement Officer who they said had stated that a request would be issued for removal of the kiln. Also officers from Public Protection had visited, and asked the Bennetts to monitor the noise, as there could possibly be a statutory noise nuisance.

A letter was read to those present from Mr. & Mrs. Wilkins (sent in Mrs. Wilkins’ capacity as a private resident rather than as a Community Councillor). The letter stated that they had not intentionally breached any planning regulations, and had been assured by the manufacturers that planning permission would not be required. They said that if they had known that planning permission was required, they would have applied for it. Now that they had been advised by Pembrokeshire County Council that planning permission was required, they had disconnected the boiler until such time as an acceptable solution could be identified. They mentioned that the boiler had a Renewable Incentive emissions certificate, and was subject to annual checks to ensure it was functioning correctly. They mentioned that they had endeavoured to be considerate with regards to their neighbours by allowing the boiler to burn out when the wind was in the wrong direction, and by avoiding lighting the boiler on Sundays since May.

Mr Bennett claimed that the unit stated that owners were responsible for obtaining planning consent if required.

C’llr Rowlands reported that the Planning and Public Protection investigations were progressing within Pembrokeshire County Council.

[NOTE : At this point C’llr Wilkins came back into the room].

Mr Bishop addressed the meeting with comments and questions related to the ongoing matter concerning the land opposite the Johnston Institute, reading out the following statement :

“As this council refuses to allow myself or the public to participate in the discussions relating to the LAND OPPOSITE THE INSTITUTE. I as an elector and resident in

this village wish to make the following comments for the benefit of the public and would like the following facts to be read out and minuted in the forthcoming meeting of Johnson community council on the 8th October 2018.

Although the subject of a further appeal to the upper tribunal, (only of the decision) the judge has ruled that the land outside of our gates and indeed the whole of church road , was entirely owned and currently remains the property of a former owner of the Johnston Hall Estate and as such is Nothing to do with either Johnston institute or Johnston Community council.

(This is private land.)

Cllr Kenneth Rowlands has previously stated that the community has rights over this land!

NO such rights have been established on the disputed land opposite the institute. Pembrokeshire county council (Head of Highways) has confirmed in writing to J.C.C and to myself that No highway rights exist over this land and it is not land maintained at the publics expense.

I and the public would like to know by what right Johnston community council has committed such vast sums of public money on land that has NOTHING to do with them..?"

In response, the following statement was read out to those present on behalf of the Community Council :

"Mr. Bishop has, with respect, over simplified the finding of the Tribunal in relation to the relationship that Johnston Community Council and Johnston Institute have with the land.

"We do not wish to go into too much depth regarding the consequences of the judgment as this is a matter for Mr. Bishop to take up with his own legal advisors. However, we would aver that the comments made by the judge are what is termed "obiter dicta" rather than "ratio decidendi". In common parlance, in dismissing Mr. Bishop's application the Tribunal has held that Mr. Bishop's case was not proven and any inference or comments that go further than that should be made with great caution.

"In regard to Mr. Bishop's statement that 'no such rights have been established on the disputed land opposite the Institute', we would in turn ask Mr. Bishop whether he objects to the use of the land by the Institute and the public generally. Presently, it has been held that Mr. Bishop holds no rights over the land and so, if he was to object to its use we would request evidence of his standing to raise such an objection.

"While we do not think it is necessary to go further than the Council's Statement of Case to explain to Mr. Bishop why the objections were raised, the Council's decision to object has been verified, vindicated and validated by the Tribunal in finding that the Council's case was more persuasive than Mr. Bishop's own.

"We will then turn to Mr. Bishop's objection to the costs that have been incurred in defending this matter. We wish to correct one insertion incorporated in the message that Mr. Bishop represents the public. Mr. Bishop's role appears to be self-appointed, as the Council themselves are the duly elected representatives of the Community.

"We would not ordinarily comment on this element of proceedings, but as Mr. Bishop has insisted on raising this in the public forum then we shall reply. While it is true that the Council has expended public money on defending this action, as previously indicated they have done so successfully. Subsequently, the costs of the action will

be sought to be recovered from Mr. Bishop and his wife personally as they were the unsuccessful applicants in this case. Indeed, cost schedules have already been served on Mr. and Mrs. Bishop and filed at the Tribunal and we await their adjudication on the same.

“Again, linked to the above, we are aware that Mr. Bishop has indicated that he wished to appeal the decision of the Tribunal. It is our position that the time for this has already expired but we shall await Mr. Bishop’s appeal in due course”.

Mr. & Mrs. Swann were present and addressed the meeting to object to the configuration of the meeting room, and the use of Latin terminology in the Community Council’s statement read above. Members undertook to consider the matter of the meeting configuration. It was pointed out that an explanation of the Latin terms used had been provided within the text of the statement for clarity.

9453 – To receive minutes of the September monthly meeting

The minutes were accepted as an accurate record and signed by the Chairman (proposer C’lir F. James, seconder C’lir Pratt).

Matters arising from September 2018 minutes

9454 – Greening of quarry bunds.

C’lir Rowlands confirmed that the situation was continuing to be monitored.

9455 – Parking, traffic and lighting issues, Church Road.

C’lir Rowlands mentioned that efforts were being made to try and get yellow lines and chevrons put down in certain locations in order to reduce the problem of inconsiderate parking.

9456 – Disabled access / painting of yellow strips on steps of Institute.

C’lir N. James confirmed that this work was in hand to be carried out by the Hall Committee, and was on the current work schedule.

9457 – problem with inadequate lighting on the public footpath under the railway Bridge.

C’lir Rowlands mentioned that this was being dealt with by Sustrans on behalf of P.C.C.

9458 – Highway safety issues in Langford Road.

C’lir Rowlands confirmed that P.C.C. Highways was still examining the request for an overall 20mph limit along Langford Road.

9459 – Bus shelter / seat outside NISA Shop

C’lir Rowlands informed Members that the NISA Shop owners had not yet responded regarding the approaches to them. P.C.C. was currently exploring an alternative option for a shelter by the Railway Inn.

9460- Close Field Skatepark

The Clerk confirmed that £1591-74 had been spent since 2015 on play equipment repairs. C’lir Rowlands commented that this made the case for CCTV more compelling, and that a possible contribution by J.C.C. towards this could be worthwhile. He explained that investigations into possible funding options were still under ongoing.

9461 – Road and pavement problems in Community.

C'llr Rowlands repeated his previous comments that the Community Council needed to consider its priorities for potential projects within the Community area, and then discuss with P.C.C. what might be possible. Matter to be tabled for discussion in November meeting.

9462 – Boundary fenceline with Dawnus development

C'llr Rowlands informed Members that he was scheduled to have a further meeting with Dawnus, and would be raising this with them. He commented on the importance of P.C.C. writing up planning consents in such a way as to clearly define responsibilities for ongoing maintenance in such situations.

C'llr N. James commented on the importance of resolving the issues over maintenance of the fence alongside the Dawnus development, as well as preventing future similar problems from arising. C'llr Rowlands assured Members that he would be seeking to address this in his forthcoming meeting with Dawnus.

9463 – Excessive weed growth around Village.

To be included for discussion in agenda item in November (ref. minute 9461 above).

9464 - Discussion of possible formal signage provision for businesses around railway bridge

Still in hand with C'llr Rowlands.

9465 - Discussion of responsibility for boundary fencing at Hayston View development

To be included for discussion in agenda item in November (ref. minute 9461 above).

9466 - Discussion of overhanging tree, Church Road

C'llr Rowlands informed Members that the matter was still in hand with the P.C.C. Landscapes Officer. Clerk to chase the matter up with P.C.C.

9467 - Bolton Hill Quarry fence

C'llr Rowlands had spoken to the Quarry officers, who had said that the matter was 'in hand'. Clerk to email them to seek an update on progress towards getting the fenceline installed.

9468 - Discussion of ways to promote community spirit via community events

C'llr Philpott had placed a post on the Community Facebook page promoting a possible meeting to promote events. She mentioned that the first meeting was due shortly, on 16th October. She had also approached the Haverfordwest Town Council Clerk to see if arrangements could be made to borrow their sleigh. She also raised the question of a possible contribution from J.C.C. to help fund any events arranged. It was generally agreed that some J.C.C. members would try to attend the forthcoming meeting on 16th October, and the matter of possible financial assistance be looked at in detail thereafter.

9469 – Fence, Cunnigar Lane

C’Ilr Rowlands commented that there would be considerable cost implication to address this issue. While no specific costings had yet been obtained, J.C.C. was likely to need to contribute substantially to any work carried out.

C’Ilr N. James commented that if P.C.C. was to factor in the potential savings from reduced costs in collecting fly-tipped rubbish from this location, they might find that the work was more financially viable.

9470 - Bushes growing in lane at The Close.

C’Ilr Warlow mentioned that the growth was dying off, but that the dead bushes etc. needed digging out and removing. C’Ilr Rowlands undertook to pursue this again.

9471 - Discussion of new data protection legislation

Members agreed in principle for the Clerk to attend a O.V.W. organised course on this legislation at a cost of £40 (proposer C’Ilr Rowlands, seconder C’Ilr Morgan). Clerk to make necessary arrangements.

9472 - Johnston in Bloom.

C’Ilr Philpott informed Members that the winners had been decided. They were currently working to get back the shields from last year’s winners.

She also mentioned that they were proposing a runner-up prize be introduced for the Commercial category.

C’Ilr Philpott to contact Clerk to invite the winners to attend the November meeting for a presentation if all was ready in time for that.

Planning

9473 – Applications

18/0694/TF (Tree pruning for highway clearance - Woodlands, Church Road, JOHNSTON, Haverfordwest, Pembrokeshire, SA62 3HE) [NOTE : C’Ilr Rowlands left the room during consideration of this application] – no objections.

18/0635/PA (Replacement dwelling, Hayes Farm, Pope Hill, Haverfordwest, Pembrokeshire, SA62 3NX – no comments.

18/0687/PA (Two storey extension to rear of dwelling - 17, Hillcroft, JOHNSTON, Haverfordwest, Pembrokeshire, SA62 3QB) – no comments.

9474 - Decisions

18/0367/PA (Installation of ground-mounted solar panels (0.05 MW)

Johnston Sewage Treatment Works, Kiln Road, Johnston, SA62 3PF

18/0460/PA (Variation of Condition 2 (Submission of reserved matters) and 3 (time frame for commencement of development) of planning permission 15/0277/PA (Outline permission for three dwellings) to allow additional time for the submission of reserved matters and commencement of development - Land to Rear of Brickhurst Park, Johnston, Haverfordwest, SA623PA

Correspondence

9475 - Ombudsman – Rejection of complaint against C’Ilr Ken Rowlands by Mr. G. Bishop – noted.

9476 - Land Tribunal – Notification of decision to reject application by Mr. G. Bishop to set aside the previous decision of the Land Tribunal – noted.

- 9477** - Grant Thornton (auditor) – notification of unqualified audit decision – dealt with in ‘Accounts’.
- 9478** - Hywel Dda C.H.C. – 2018 report – noted.
- 9479** - Mid and West Wales Fire and Rescue Authority – Draft corporate plan for 2019-2024 – noted.
- 9480** - Dyfed Powys Police and Crime Panel – 2018 annual report – noted.
- 9481** - PATCH – request for financial grant towards Christmas Toy Appeal – held for consideration in November.
- 9482** - Independent Remuneration Panel – Draft 2019/20 report – To be discussed as an agenda item in November.
- 9483** - P.C.C. – Notification of consultations on Toilet Strategy needs, Crematorium development, and Tenby pedestrianisation – noted.
- 9484** - Network Rail – Notification of planned replacement of railway bridges, Merlin’s Bridge – noted, and clarified that both bridges were due to be replaced.
- 9485** - P.C.C. – Invitation for requests for inclusion in blanket traffic order, Remembrance Sunday – in hand with C’lfr Rowlands.
- 9486** - Greg Bishop – Comments and questions relating to land opposite Johnston Institute – to be discussed in agenda item on Land opposite Johnston Hall.
- 9487** - Mr. & Mrs. Wilkins – comments regarding the planning situation at their property – dealt with in ‘Public Forum’ above.
- 9488** - 1st Brownies Group – Request for financial assistance – held for discussion in November.
- 9489** - Sport Association – Request for financial assistance towards maintenance costs for pavilion upkeep – held for discussion in November. Clerk to send a holding reply.

Accounts

9490 - Payments

D. Banfield (bus shelter cleaning September)	:	£ 60-00
P.C.C. (Flowers for Community area)	:	£ 271-29
Johnston Institute (hall rental)	:	£ 176-00
Swalec (unmetered electricity supply for Christmas lighting)	:	£ 3-43
Johnston Football Club (grass-cutting)	:	£4590-00

9491 - Budget review

Members considered the budget review figures circulated round prior to the meeting. The Clerk commented that there were no current matters of concern in relation to the standing of the Community Council funds.

9492 - Conclusion of audit

The Clerk confirmed that an unqualified audit report had been issued by the Wales Audit Office. The letter raising a number of minor issues raised by the auditor was read out to Members. These did not affect the audit opinion, and were left with the Clerk to be actioned as appropriate.

The above matters were approved by Members (proposer C’lfr Jeffries, seconder C’lfr F. James).

9493 - Discussion of Risk assessment actions required

C’lfr Pratt informed Members that he was awaiting two quotations for the necessary work to the St. Peter’s Road bus shelter.

9494 - Discussion of possible further defibrillator provision

Members agreed to purchase a further defibrillator to be placed in the Community (proposer C’Ilr N. James, seconder C’Ilr Rowlands). This was to achieve further progress towards the six units needed to provide full coverage in the Village. Clerk to contact Cariad regarding this, and also request a further training session to accompany the handover of the defibrillator, at a time and date to be confirmed, but preferably on a Saturday afternoon. C’Ilr Jeffries mentioned that in some communities free heart checks were being offered. Clerk to enquire with Cariad about arranging this for Johnston.

9495 - Discussion of arrangements for commemorating WW1 centenary, including possible purchase of commemorative memorial seat

C’Ilr N. James confirmed that he had been in discussion with Bronwen Parratt and the vicar to agree a new service sheet design, and they were continuing to finalise the details of this. He confirmed that the new sheet would include the Welsh national anthem, and should be ready in time for the November service. Regarding a possible memorial bench, it was confirmed that C’Ilr Spilsbury was looking into this. Comments had been invited via social media on possible suitable locations. Suggestions received had included somewhere around the School, at one of the bus stops, and on the sports field. Matter to be placed on November agenda for further discussion. C’Ilr Young raised the matter of a commemorative wreath. It was confirmed that this was due to be supplied by the Royal British Legion as per the standing arrangement.

Any other business

9496 – Brambles on footpath to School. C’Ilr Warlow mentioned a problem with encroaching brambles on the footpath at Fairview leading to the School. C’Ilr Rowlands undertook to look into this.

9497 – Narrow footpath outside Johnston Farm. C’Ilr Morgan raised concerns over the seeming lack of progress towards fixing the problem, and felt that it could lead to serious injury or worse if not resolved. C’Ilr Rowlands confirmed that the matter was the subject of ongoing discussion between him, the Welsh Government and the Local A.M.

[NOTE – at this point the meeting went into private session, and members of the public were asked to leave]

9498 - Discussion of situation regarding land opposite Johnston Institute

Members were given an update on the current situation. It was understood that Mr. Bishop was seeking to appeal the decision further to the Tier Two Land Tribunal.

The meeting ended at 8-45pm.

Next scheduled meeting to be held on Monday 12th November 2018

Signed.....Chairman

Date.....