

**Members of the Council you are
hereby summoned to attend a meeting of**

Kington Town Council

to be held on **Monday 6th February 2023 at 7.00 pm**
at

**The Old Police Station, Market Hall Street, Kington
for the purpose of transacting the following business.**

Agenda

1. To receive apologies for absence, declarations of interest and requests for dispensation
2. Minutes:
To adopt the minutes of the meeting held on [9th January 2023](#)
3. Public Participation:
 - a) Police Report
To note police report on activity since the last meeting
 - b) Matters raised by members of the public in attendance
 - c) Ward Councillor report
4. Mayor's Report
5. Clerk's Report
6. Financial Matters
 - a) To agree payments as now due
 - b) To consider recommendation of the Finance and General Purposes Committee for the appointment of the Internal Auditor for the current financial year
7. Planning Matters
 - a) To consider the following planning applications:
 - Ref: [224239](#)
Site: Land off Kingswood Road, Kington
Dev: Outline application for proposed development of 3 individual detached self build dwellings together with associated parking and vehicular access
 - b) To agree recommendation from Planning Committee for s106 "wish list" to be submitted to Herefordshire Council
8. To note update on impact of cost of living crisis on Kington
9. To agree date and format for Annual Town Meeting
10. Local elections May 2023. Update on information event to encourage participation in local elections in May

Kington Town Council

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11. To consider recommendation of the Environment Committee for a tree safety survey in the Churchyard and Recreation Ground
12. Ethical and Environmental Policy
Proposal:
 - a) Any decisions on matters that fall within the ambit of the Ethical and Environment policy should have reference to the policy and is shown as such in the minutes.
 - b) The Environment Committee or any successor committee are requested to review the Ethical And Environment policy and recommend any changes to full Council as soon as practicable.
13. Tourist Information Office
14. Update on the work under the Market Towns Maintenance Fund
15. To approve the signing of an additional document in connection with the lease for Fly the Walking Dog of Kington
16. Update on Kington Transport Study
17. Reports from Town Council Committees
 - a) Planning Committee held 16th January 2023
 - b) Environment committee held 16th January 2023
 - c) Scrutiny Committee held 23rd January 2023
18. Information only item (no discussion): Reports from Councillors
19. Date and time of next meeting and items for the agenda

Issued by: Liz Kelso
Clerk, Kington Town Council
Email: clerk@kingtontowncouncil.gov.uk Tel: 01544 239 098 or 07483 914 485
Issued: 30.1.2023

Members of the public are welcome to attend meetings of Kington Town Council and may, at the discretion of the Chair, speak on some agenda items. In the interests of health and safety for Councillors, staff members and other meeting attendees, please do not attend this meeting if you are unwell, whether or not you have tested positive for Coronavirus.

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Mayor's Report

1. **Update from Mayor's Meeting:** Two main areas were covered. The Director for Community Wellbeing who is recently in-post, gave us a briefing on the state of Adult Social Care in the county. She made it perfectly clear that there are significant problems relating to hospital discharge back to the community essentially down to lack of professional carers to allow people to return to their homes. The Director said it was a top priority to build a solid support structure for home-returns and that the role of unpaid family carers needed firm backup and recognition. She seemed to believe that while residential care homes had a place in society, allowing people who wished to stay at home, to be allowed to do so but with the same level of care one might expect in a residential situation. Additionally, the Director was exploring ways of being proactive with the more infirm in society and try and spot, say, someone likely to fall and assist them not to' rather than wait until after a fall requiring hospitalisation and the resulting long period of recuperation that follows. As someone who has recently experienced this twice, I would welcome any such approach.

We also heard from the county's Engineering Manager relating to the road network. There were a series of pre-tabled questions – mostly from one officer in Hereford City Council! In essence our roads are inspected by BBLP on a regular basis – the more major the road, the more frequent the inspection – however, a busier B road might receive more inspections than a less busy A Road. Any work arising from inspections is graded according to severity. Reports from the public are investigated separately.

2. **Market Town's Maintenance Fund.** A very useful meeting with representative from BBLP to discuss the next stages of the successful Kington project started late last year.
In essence we underspent by approx. £26K and this will be added to 2023/24's grant to give us a pot of around £226K. The top of the Square by the Garth should come out of the underspend plus Doctors Lane – which although not a priority, would be uneconomical to do as a separate and later job.
Then it will be a case of moving outwards with paving and re-surfacing. The pavement on the Made in the Marches of Church St being a priority as is the paving around the Market Hall. We also asked that the ginal between Church St and the Place De Marines be resurfaced and timed lighting be installed.
BBLP will now survey the various streets and pavements and get back full council for March's meeting with a menu from which we can choose. We asked that the same contractors be used having had such a good experience on the last set of works.
3. **KTC Grant:** The grant given to the Ludlow Concert Band will be used to provide a free-to-all concert at St Mary's on Saturday April 22nd.

KINGTON TOWN COUNCIL

Meeting to be held on Monday 6th February 2023

Agenda item 5 - Clerk's Report

This report identifies activities of the Clerk since the last meeting other than those addressed elsewhere on the agenda or addressed by other Members as part of their report and includes some items which are for information.

1. Code of Conduct Statement of Financial Interests

Members are reminded that any change in matters reported in the Statement of Financial Interests must be notified to the Monitoring Officer within 28 days of the change. Failure to do so could, in some circumstances, incur criminal penalties. If you are unsure whether you need to include something on the form, please check with the Monitoring Officer or ask the Clerk. Copies of your existing form/declaration can be obtained from the Clerk.

2. Kington Business Summit

The Herefordshire Council Business Summit for Kington took place on Wednesday 11th January at 5.30pm at the Burton Hotel. Attendance was less than in previous briefings and again failure to communicate with the Town Council and the Chamber of Trade featured in the briefing. Difficulties with contacting a property owner in the High Street and the poor state of that property (as reported at the January Town Council meeting) was brought to the attention of Herefordshire Council at the meeting.

3. Public Realm Annual Maintenance Plan

Balfour Beatty held a briefing outlining their Annual Maintenance Plan for 2023-24 on 25th January for the Kington Ward which your Clerk attended. There are few projects aimed at the region for this plan but reactive work will take place as and when required. The briefing included a presentation on how decisions on repairs and maintenance are made, how the work is funded and the work of the locality stewards. The clerk used the opportunity to highlight an issue raised by a resident about poor drainage of surface water in Hergest Road following a resurfacing in 2019 which it was agreed would be looked into. The need for appropriately timed communication from BBLP was highlighted.

4. Local Travel Plan

Herefordshire Council has appointed consultants to review the county-wide Local Travel Plan; a requirement for funding from HM Government. Active and sustainable travel is a government priority and local plans must be completed by end 2023. Kington's Travel and Transport plan will support the county-wide plan and there is a separate agenda item on this later in the meeting.

5. Lengthsman Scheme

Herefordshire Council/Balfour Beatty has indicated that the Lengthsman Scheme, which the Town Council is not a member of and which advocates a partnership approach to highway work such as ditch clearance is to be part funded for 2023-2024, having been unfunded for some years. Herefordshire Council has indicated that it will fund up to £100 per kilometre of C and U roads within a parish to represent up to one third of the actual cost with member parishes being

required to fund two thirds of the cost. Details are awaited but it has been confirmed that footpath maintenance is not included in the funding offer.

6. Talk Parish Summit

Your Clerk attended the Talk Parish Summit on 18th January. The main theme of the presentation was the provision of warm spaces and other services to support residents during the cost of living crisis.

7. Electric Vehicle Charging Point, Mill Street Car Park

On Friday 20th January an elderly gentleman tripped over the rubber bump stops adjacent to the Electric Vehicle Charging Point in the Mill Street car park, and was badly injured. This was reported to Herefordshire Council on Monday 23rd and on Wednesday 1st February the bump stops were removed on safety grounds.

8. Covid Memorial Bench and Stone

Cllr. Cooke has now installed the stone adjacent to the Covid Memorial Bench in the Recreation Ground, completing the bench installation. If you've not already seen it, please take time to visit.

CELEBRATING KINGTON'S LOCAL HEROES

Kington's Civic Awards celebrate local heroes and are nominated by local people. You can now nominate your local hero in two categories:

- Young person award is given to a young person living, attending school or working in Kington who is under the age of 21 and has made a significant contribution to the residents of Kington through voluntary effort, achieving success or overcoming particular difficulties
- The Community Award is given to a resident or community group/charity, living or working in Kington who has made a significant contribution to the residents of Kington above and beyond the call of duty, achieved local success or overcome particular difficulties.

Further information and nomination forms are available from the Town Clerk or can be downloaded from the Town Council Website and completed forms must be returned to the Town Clerk no later than 31st March 2023

Town Clerk:

Liz Kelso, Kington Town Council, The Old Police Station, Market Hall Street, Kington

Tel: 01544 239098 or 07483 914 485. Email: clerk@kingtontowncouncil.gov.uk

Website: www.kingtontowncouncil.gov.uk

Kington Town Council

Schedule of payments to be approved February 2023

Voucher #	Payee	Payment type:	Detail	Minute Ref.	Net	VAT	Total Payment
Payments made since the last meeting							
190	HMRC	BACS 16.1.2023	Tax & NI on December salaries		£ 1,063.33		£ 1,063.33
191	James Hallam Ltd	BACS 16.1.2023	Insurance Premium	FC 006-23(g)	£ 4,394.69		£ 4,394.69
							£ -
Payments now due							
194	HMRC	BACS	Tax & NI on January salaries		£ 1,127.53		£ 1,127.53
195	Amazon EU	BACS	Stationery - copier paper		£ 29.12	£ 5.83	£ 34.95
196	PEAC Finance	BACS	Copier Lease		£ 163.40	£ 32.68	£ 196.08
197	Amazon EU	BACS	Stationery - File dividers		£ 18.16	£ 3.63	£ 21.79
198	Malcolm Mellen	BACS	Engraving Memorial Stone		£ 175.00		£ 175.00
199	Herefordshire Council	BACS	Office Rental - February		£ 190.00		£ 190.00
200	KBS	BACS	Rec Grant - equipment		£ 28.67	£ 5.73	£ 34.40
							£ -
							£ -
							£ -
							£ -
							£ -
							£ -
							£ -
			Total payments this month excluding salaries		£ 7,189.90	£ 47.87	£ 7,237.77

INFORMATION

[illegible]

KINGTON TOWN COUNCIL

Meeting to be held on Monday 6th February 2023

Agenda item 6(b) – Internal Auditor appointment

As members will be aware, the town council is required to appoint an internal auditor to review the governance of the town council in accordance with the Local Audit and Accountability Act 2014.

An internal auditor must be independent of the council but there are no specific qualifications or requirements although it is generally considered prudent to appoint a qualified individual (not necessarily an accountant) with appropriate professional indemnity insurance. The scope of the work is set out in the Joint Practitioners Guide which is issued by the Joint Panel on Accountability and Governance (JPAG) and requires the auditor to review both financial and procedural matters with a view to completing the relevant section in the Annual Governance and Accounting Return each year. A good working knowledge of local council procedures is clearly a requirement for this work.

In accordance with recommended practice, alternative quotations have been obtained from those offering internal audit services to local authorities. Of three organisations approached, one has declined to quote and the other two quotations have been considered by the Finance and General Purposes Committee at their meeting held on 9th January and one selected which the Committee now recommends to the Town Council for appointment. The estimated cost for the internal audit function for the current year is £500.00 which includes travel costs from Surrey.

Mrs Liz Kelso
Clerk to the Parish
Kington Town Council
The Old Police Station
Market Hall Street
Kington
Herefordshire
HR5 3DP
clerk@kingtontowncouncil.gov.uk

Dear Mrs Liz Kelso

APPLICATION NO & SITE ADDRESS: Planning Consultation - 224239 - Land adjacent to Kingswood Road, Kington, Herefordshire, HR5 3HE
DESCRIPTION: Outline application for the proposed development of 3 individual detached self build dwellings together with associated parking and vehicular access
APPLICANT(S): Mr Ian Laurie
GRID REF: OS 329766, 256023
APPLICATION TYPE: Outline
WEBSITE LINK: <http://www.herefordshire.gov.uk/searchplanningapplications>

Please note: Due the high caseloads currently being held by officers we are currently allocating new applications to officers on a capacity basis. This application is currently in a holding pile awaiting the allocation of an officer in the interim please respond using the online comments form.

However, if you are requesting an extension of time in which to make comments, in due course a site visit will be carried out and an appropriate notice erected. Once the site notice has been erected a further 21 day consultation period will be given following the date of the notice is erected therefore before requesting an extension of time you might want to check the website for the current consultation end date. Any requests for extension of time should be emailed to planning_enquiries@herefordshire.gov.uk and someone will assess your request.

We have received an application which affects your Parish. The application is described above and we are seeking the comments or views of your Parish Council. If the land concerned is on or near the parish boundary, we consult both councils as a matter of courtesy and welcome local views.

The planning application and its supporting documentation can be viewed, normally within 24 hours, by using the website link above and entering the application number 224239.

If you wish to make comments which you would like the Council to take into account before making a decision on the application, please respond by **07/02/2023** If you do not respond by this date it will be assumed that you have no comments to make.

You will be able to monitor the progress of the application, including all of the correspondence received, any amended or additional documentation, the officer report and the decision by viewing the application on the Council's website.

KINGTON TOWN COUNCIL

Section 106 "Wish List"

Item/Project	Detail	Comments
Public Open Space <ul style="list-style-type: none"> Additional play spaces/equipment 	<ul style="list-style-type: none"> Additional play spaces for any new development Additional equipment in existing play spaces/public open space Support for sports clubs in the Town, e.g. Cricket club (improved facilities), football club etc. 	<ul style="list-style-type: none"> For example basket ball court in Recreation Ground Goal posts etc. in all play spaces where appropriate such as Crooked Well meadow
Highways and Transport <ul style="list-style-type: none"> Highways improvements 	<ul style="list-style-type: none"> Footpath along A4111 from town centre to Doctors Surgery Improved public transport facilities/bus services Additional town car parking Improvements to Street Lighting Additional electric vehicle charging points in town car parks 	<ul style="list-style-type: none"> To encourage walking to medical centre In particular to link town to Leominster To support retail in Town

<ul style="list-style-type: none"> • Town Facilities 	<ul style="list-style-type: none"> • Improvements/refurbishment of Market Hall for community use • Improvement to/rebuilding of public toilets 	

Herefordshire Council

Full Term Local Government Elections

4 May 2023

Election Timetable

Notice of Election to be published	Not later than	Monday 6 March 2023
Delivery of nomination papers on any working day after the publication of the Notice of Election	Between 10am to 4pm -	Tuesday 7 March 2023
Deadline for new applications for first interim publication date		Friday 24 March 2023
Deadline for delivery of nomination papers	4pm	Tuesday 4 April 2023
Deadline for withdrawals of nomination	4pm	Tuesday 4 April 2023
Deadline for the notification of appointment of election agent	4pm	Tuesday 4 April 2023
Publication of first interim election notice of alteration		Tuesday 4 April 2023
Deadline for new applications for second interim publication date		Tuesday 4 April 2023
Publication of statement as to persons nominated	Not later than 4pm	Wednesday 5 April 2023
Deadline for receiving applications for registration		Monday 17 April 2023
Deadline for receiving new postal vote and postal proxy applications, and for changes to existing postal or proxy votes	5pm	Tuesday 18 April 2023
Publication of second interim election notice of alteration		Tuesday 18 April 2023
Deadline for receiving new applications to vote by proxy (not postal proxies or emergency proxies)	5pm	Tuesday 25 April 2023
Publication of notice of poll	Not later than	Tuesday 25 April 2023
First time that electors can apply for an emergency proxy	5pm	Tuesday 25 April 2023
Deadline for notification of appointment of polling and counting agents		Wednesday 26 April 2023
Publication of final election notice of alteration		Wednesday 26 April 2023
First date that electors can apply for replacements for lost postal votes		Thursday 27 April 2023
Last time to alter the register due to clerical error or court appeal	9pm	Thursday 4 May 2023
Last time for re-issue of spoilt or lost postal votes	5pm	Thursday 4 May 2023
POLLING DAY	(7am to 10pm)	Thursday 4 May 2023
Deadline for emergency proxy applications	5pm	Thursday 4 May 2023
Last day for delivery of return as to election expenses	If result is declared before midnight	Thursday 8 June 2023
Last day for delivery of return as to election expenses	If result is declared after midnight	Friday 9 June 2023
Deadline for sending postal vote identifier rejection notices		Friday 4 August 2023

Herefordshire Council
Electoral Services Office
Town Hall
St Owen Street
Hereford
HR1 2PJ

Paul Walker
Returning Officer

KINGTON TOWN COUNCIL



Information Day

Ever wondered what a Town Council is, what it does and how it spends your money? Here's your opportunity to find out. Talk to current councillors and find out what being a Town Councillor involves, how you can support your local community and make a real difference in your neighbourhood.

Kington Town Council will be holding an exhibition and information day for anyone who wants to find out more about your Town Council and its work and for prospective Town Councillors to find out about applying.

**When: from 10 am—12 noon, Saturday
18th February 2023**

**Where: The Old Police Station, Market Hall
Street, Kington**

Everybody welcome

FREE REFRESHMENTS AVAILABLE



Kington Town Council
The Old Police Station, Market Hall
Street, Kington HR5 3DP
Email: clerk@kingtowncouncil.gov.uk
Tel: 01544 239098 or 07483 914 485

KINGTON TOWN COUNCIL**Meeting to be held on Monday 6th February 2023****Agenda item 11 – Tree Safety Survey**

It has now been some time since the last tree safety survey was conducted and in accordance with recommended practice, this should be carried out every three years. There are two areas where this needs to be considered - the Recreation Ground and Churchyard – so quotations have been obtained for both areas from a total of three contractors, one of whom declined to quote. The quotations have been reviewed by the Recreation Ground Management Group and the Environment Committee, both of whom have agreed and recommended acceptance of the quotation from Contractor A, as outlined below:

	Churchyard	Recreation Ground	Total
Contractor A	£100.00	£350.00	£450.00
Contractor B	£395.00	£495.00	£890.00

Proposal: That Contractor A be appointed to carry out a tree safety survey of the Recreation Ground and Churchyard

Kington Town Council

Meeting to be held on 6th February 2023

Agenda item 12

RESOLVING TO EFFECTIVELY IMPLEMENT THE COUNCIL'S ETHICAL AND ENVIRONMENT POLICY

1. On 4th March 2019 Kington Town Council became one of the first councils in the county to declare a Climate Emergency. It resolved to establish a working party to recommend an Action Plan for the Council to follow.
2. At its meeting on 7th October 2019 the Council considered a draft report from the working party and noted that further work was required to make practical recommendations that could be delivered within the Council's remit.
3. It further resolved that there should be an immediate review and implementation of the Ethical and Environmental policy of the Council that was agreed 2012.
4. This policy was amended in 2019 and can be found on our website. The policy covers the following areas:
 - Purchasing
 - Management
 - Energy use
 - Waste
 - Investment
 - Conditions attached to grants given by the council to local organisations
5. For example:
 - a. POLICY ENV 1: The Council will take into account the likely effect of its purchases, and equipment that it hires, on the environment.
 - b. POLICY ENV 3c: When buying or hiring electrical or other energy-using devices, including vehicles, the Council will take into account the energy consumption. Equipment, including vehicles will be used as economically as possible. As far as practicable, devices, including vehicle engines, will be switched off when not in use.
6. It is arguable that some policies are showing their age and may need revising but they are in operation currently and we have a duty to observe them.
7. Observing them requires consideration each time the Council decide on

matters within the purview of the policy.

8. My proposal is that:

- a. Any decisions on matters that fall within the ambit of the Ethical and Environment policy should have reference to the policy and is shown as such in the minutes.**
- b. The Environment Committee or any successor committee are requested to review the Ethical And Environment policy and recommend any changes to full Council as soon as practicable.**

Cllr Bob Widdowson

25th January 2023

AGREEMENT TO EXCLUDE SECURITY OF TENURE – SIMPLE DECLARATION BY TENANT

We,

on behalf of Kington Town Council of Old Police Station Market Hall Street Kington Herefordshire HR5 3DP (*address*) declare that –

1. I propose to enter into a tenancy of land at Mill Street Kington Herefordshire (*address of premises*) for a term commencing on as per the lease.
2. I propose to enter into an agreement with The County of Herefordshire District Council (*name of landlord*) that the provisions of sections 24 to 28 of the Landlord and Tenant Act 1954 (security of tenure) shall be excluded in relation to the tenancy.
3. The landlord has, not less than 14 days before I enter into the tenancy, or (if earlier) become contractually bound to do so, served on me a notice in the form, or substantially in the form, set out in Schedule 1 to the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003. The form of notice set out in that Schedule is reproduced below.
4. I have read the notice referred to in paragraph 3 above and accept the consequences of entering into the agreement referred to in paragraph 2 above.

DECLARED by the Tenant

20th day of January 2023

To:

on behalf of Kington Town Council

Old Police Station Mill Street Kington Herefordshire HR5 3DP

From:

The County of Herefordshire Council of Plough Lane Offices Plough Lane Hereford HR4 0LE

[Name and address of landlord]

IMPORTANT NOTICE

You are being offered a lease without security of tenure. Do not commit yourself to the lease unless you have read this message carefully and have discussed it with a professional adviser.

Business tenants normally have security of tenure – the right to stay in their business premises when the lease ends.

If you commit yourself to the lease you will be giving up these important legal rights.

- You will have **no right** to stay in the premises when the lease ends.
- Unless the landlord chooses to offer you another lease, you will need to leave the premises.
- You will be unable to claim compensation for the loss of your business premises, unless the lease specifically gives you this right.
- If the landlord offers you another lease, you will have no right to ask the court to fix the rent.

It is therefore important to get professional advice – from a qualified surveyor, lawyer or accountant – before agreeing to give up these rights.

If you want to ensure that you can stay in the same business premises when the lease ends, you should consult your adviser about another form of lease that does not exclude the protection of the Landlord and Tenant Act 1954.

If you receive this notice at least 14 days before committing yourself to the lease, you will need to sign a simple declaration that you have received this notice and have accepted its consequences, before signing the lease.

But if you do not receive at least 14 days' notice, you will need to sign a "statutory" declaration. To do so, you will need to visit an independent solicitor (or someone else empowered to administer oaths).

Unless there is a special reason for committing yourself to the lease sooner, you may want to ask the landlord to let you have at least 14 days to consider whether you wish to give up your statutory rights. If you then decided to go ahead with the agreement to exclude the protection of the Landlord and Tenant Act 1954, you would only need to make a simple declaration, and so you would not need to make a separate visit to an independent solicitor.