

**Ian Bigwood**

---

**From:** [REDACTED]  
**Sent:** 24 February 2012 12:10  
**To:** Ian Bigwood  
**Cc:** [REDACTED]  
**Subject:** CGR/proposal/Penshurst  
**Attachments:** Governance Penshurst.doc; Governance Penshurst.doc

Dear Mr Bigwood

Please find attached our formal proposal for the Community Governance Review. We have of course listened to your advice and framed it as you suggested, albeit with additional information included.

Although there is a very strong desire from many in the village to create 2 distinct parishes from the existing wards (which would, I have to say, be the most 'effective' thing this parish could do by about a million miles) we do feel this may be a step too far in these economic times and we (the CGR Committee) have opted for the lesser change that will have no financial impact whilst allowing for maximum effectiveness in those issues that affect each ward alone.

I am sending you this now to ensure we meet the deadline but with changes happening throughout the day I may send a later version!

Have a great weekend - the Sun is here!

All the best and thank you again for your guidance. Perhaps you could advise safe receipt?

Yours

Martin Barraud & Robert Rees

Community Governance Review Committee, Penshurst.

## **Community Governance Review, Penshurst**

### **Proposal:**

To allow for the split of the voting rights (along existing Ward lines) of the joint existing Penshurst Parish Council according to whether the issue under consideration is local to one or other Ward or is general to the Parish as a whole. Structurally the council would remain unaltered, however a fairly limited change in Standing Orders should accomplish this, hence we would not expect any financial impact.

### **Reasons:**

The Localism Act was created to 'shift power from central government into the hands of individuals, communities and councils'...'we want to see a radical shift in the balance of power and to decentralise power as far as possible...This Government trusts people to take charge of their lives and we will push power downwards and outwards to the lowest possible level, including individuals, neighbourhoods, professionals and communities...'

Penshurst (the Village, as defined by the Ward, rather than the entire parish) has a very clear identity going back over 1000 years. In 1974 the joint benefice of Penshurst with Fordcombe was created for ecclesiastical reasons.

We believe that this identity merits its own greater governance, as would be entirely consistent with the principle of localism.

This has become particularly apparent concerning planning matters, where it has become clear that one Ward has little or no interest in matters affecting the other. In some cases there is evidence of a perverse incentive for cllr's from one Ward to support development proposals in the other (in order to protect their own Ward) ignoring the views of the parishioners in the other Ward.

The Localism Act clearly intends that local decisions are made at the level that they need to be ie. matters of general importance are dealt with at a higher level of government than specific local issues. So in Penshurst's case, for instance with traffic, which affects both Fordcombe & Penshurst - this would be a matter for the combined council whereas planning applications are demonstrably specific to the relevant Ward.

[www.communities.gov.uk/localgovernment/decentralisation/localismbill/](http://www.communities.gov.uk/localgovernment/decentralisation/localismbill/)

### **Support for this proposal**

In our capacity as the organisers of Keep Penshurst Green, a local group formed to focus debate within the Village of Penshurst on its future, we have had numerous and significant feedback from residents both suggesting & supporting this proposal.

Indeed many have asked us to go further & to propose a complete separation of the Wards into two distinct parishes (but not affecting the united benefice).

Whilst this would be ideal we appreciate that the cost implications may be too great & have therefore sought a more pragmatic solution that will satisfy the majority at this time of austerity.

We are aware that a number of these parishioners have contacted Mr Bigwood directly expressing their views.

There are in addition a significant number who have expressed support for these views verbally to us.

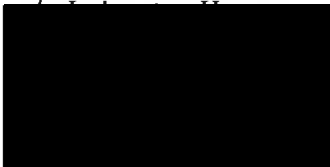
If evidence is needed of this support we would suggest a simple 1 question survey would provide the relevant justification.

**At this time (24<sup>th</sup> February, deadline day) we have heard from 3 of Penshurst's 5 Cllr's who all support the proposal (Namely Cllr's O'Shea, Carson & Broadhead – their names presented here with permission)  
Hence a majority of Penshurst's Village's cllr's are in favour of the change.**

Definition of the proposed areas affected by a change in Standing orders  
Penshurst Parish to remain as it is with the proposed changes as outlined above being along existing Ward lines (the Wards of Fordcombe & Penshurst).

Electoral arrangements, i.e. the number of councillors for each Ward.  
The two Wards to maintain the same number of councillors for each parish (Penshurst: 5 & Fordcombe: 4).

Martin Barraud & Robert Rees



Community Governance Review Committee, Penshurst Village

## Ian Bigwood

---

**From:** [REDACTED]  
**Sent:** 22 February 2012 11:50  
**To:** Electoral Registration  
**Subject:** Parish Council Review - Peshurst and Fordcombe

Ian Bigwood, Electoral Services Manager, Sevenoaks District Council

Dear Mr Bigwood,

The current furore over the development of Forge Field in Peshurst has highlighted several problems with the way our parish and district councils operate if they are to fulfil their function of democratic representation at a local level.

At the PC meeting to vote on the planning application, the proposal was approved by a single re-elected Peshurst councillor and four Fordcombe councillors, all of them unelected as they had stood unopposed at the May election. The lack of interest in parish council matters in Fordcombe was in marked contrast to Peshurst where the opposition to the development was so strong that all but one of the previous councillors had been voted off the council, including the chairman, precisely because those councillors were not objective about the Forge Field application as they had been members of a steering committee formed to achieve it.

The iniquity of this vote has led many to ask whether this dual-village parish should be split. Even if this is not possible or desirable, then some thought should certainly be given to creating a mechanism to allow the opinions in each village to be accurately represented. Where there is a high level of opposition to a proposal in one village and this is reflected in – say - two official surveys, then perhaps there should be a weighting arrangement in favour of that village. This could be on a percentage-to-vote basis so, for example, if 70% of Village A were opposed to a proposal, then only two Village B councillors might vote, if 85% in Village A were opposed, only one Village B councillor might vote. This may sound complicated but in all practicality it would only very rarely be used as this kind of division is rare. But in this case, it would have been there as a safeguard and avoided the extraordinary anger in Peshurst that ensued.

Following on from this, the question of Conflict of Interest needs to be re-examined. A Peshurst councillor was not allowed to vote on the proposal because his house overlooks the site. While I understand the principle of personal and material gain or loss involved, in this case a central argument made by the applicants was that the development would make little difference to the beauty of the village or outlook. Therefore, if that assertion is true there would have been no material loss or gain for the homeowner/ councillor and he should have been allowed to vote. We need to be able to apply the Conflict of Interest principle in direct relation to an application and the claims made in support of it.

This brings us to another Conflict of Interest question that should be reviewed urgently. If a group of parish councillors and a district councillor are members of a steering committee dedicated to achieving a development how can they possibly be allowed to vote on the planning consent? Surely they have a vested interest in voting for the proposal! Yet we have a situation where our district councillor Paddy Cooke is claiming that he can rubber stamp the application (if he feels there is not quite enough controversy) without it ever being discussed in at a public meeting of district councillors – and apparently it is up to him to decide. Very neat, as he is a member of the steering committee, and a clever move by the applicants who are playing the system as it is.

This sorry saga has also brought into question the way that parish council meetings have been recorded in the minutes. Because the parish councillors were biased in the first place, the records of the meetings reflected this bias in several ways - from ignoring points made from the floor to the language used to describe villagers who spoke: those in favour were invariably "Parishioners" while those who objected were "others" or "some" or simply referred to in the passive. Although various surveys showed 70-80% of Peshurst parishioners were anti-development on that site, there was no reflection of that in the minutes which always gave one "pro" speech equal weight with far greater numbers of "anti" speeches. Therefore I would like to see some mechanism by which the council minutes could be challenged if enough people who were at the meeting feel they do not provide an accurate record.

I very much hope you will be able to examine the quality of the current service for your review with these points in mind.

Yours sincerely,

Deborah Rees  
[REDACTED]



February 21<sup>st</sup> 2012

Dear Mr Bigwood,

I am writing over concerns which have arisen about the operation of the Penshurst /Fordcombe parish council. In summary, a sensitive issue of planning (Forge field development – you may have heard about it on BBC or in the Courier) has highlighted a profoundly undemocratic consequence of the combining of the two parishes. There is a simple solution to this problem which I should like to suggest.

At the PC meeting to vote on the above planning application, the proposal was approved by a single re-elected Penshurst councillor and four Fordcombe councillors, all of them unelected ( as they had stood unopposed at the May election). It was opposed by two Penshurst councillors, with two other Penshurst councillors abstaining. Hence a sensitive planning issue opposed by two thirds of voting Penshurst councillors (and also in an SDC survey by two thirds of the residents of the ward of Penshurst) was voted through by councillors from the neighbouring ward.

In effect, a proposal overwhelmingly rejected by one village was passed by the other. Indeed, one of the unelected Fordcombe councillors had actually been voted out of his Penshurst seat due in the main to his support for the scheme, only to be coopted back on to the council as a Fordcombe member! This cannot be right or representative.

The unfairness of this vote has led many to ask whether this parish should be split. I do not think that such a dramatic step is needed, but it should be relatively simple to change the rules of procedure such that matters local to Penshurst can only be decided by those councillors elected in the Penshurst ward (and vice versa for Fordcombe).

Second, and again on the issue of Forge Field, it has become apparent that the recording of Parish council meetings has, wilfully or unconsciously, been biased and unrepresentative of the actuality. It should be obligatory to record these meetings electronically to resolve disputes rather than to rely on the sometimes faulty memory of those involved. We have consistently asked for this to be done, only to be ignored in this as in many other areas.

Third, the question of predetermination of PC members needs to be re-examined. Can it be right for members of the PC who are on an (initially secret) steering group proposing and guiding the development to then be allowed to vote on it as councillors? Furthermore, should the chairman of the PC also be a member of the steering group? Even if there were no sign of partiality, the co-mingling of responsibility for representing local views, with the responsibility for pushing through a development proposal does not sit easy and has severely damaged the reputations of those involved in the eyes of their parishioners.

In summary, there are some simple means to attempt to restore some of the reputational damage done by the Parish council, which should be uncontentious to anyone who actually has the interests of the villagers at heart. I hope you will be able to advance these plans quickly if you feel, as I do, that Parish Councils should actually represent the views of their constituency.

Yours

Robert Rees