

LUDGERSHALL PARISH COUNCIL

**Minutes of a meeting of Ludgershall Parish Council held at Ludgershall Memorial Hall
on Monday 14th May 2012.**

Present: Cllr. P. Thomas – in the Chair

Cllr. J. Cartwright

Cllr. T. Chettle

Cllr. Ms. H. Cox

Cllr. R. Jones

Cllr. R. Simpson

Public Question time:

- Archie Harris asked if in the court case was the gateway opposite the church in the same position. The answer was yes.
- Archie Harris if the driveway in question in the current easement application was the new one or the one to the left hand side of the bungalow. The answer is it is the one to the left.
- Archie Harris questioned why there was no turning circle notice at the top of the road by Cllr. Thomas's house. The response was that there has never been a turning circle defined by a notice and it would be very unusual to have such a notice.

1.0 Fire Safety Announcement

The meeting commenced with a fire safety announcement.

2.0 Election of Chairman

RESOLVED that Cllr. Paul Thomas be elected Chairman of Ludgershall Parish Council for the ensuing municipal year.

A vote of thanks was given to Cllr. John Cartwright, the outgoing Chairman, for all his work and for steering the Parish Council through some difficult times.

3.0 Apologies

RESOLVED that there were no apologies from Members.

4.0 Election of Vice-Chairman

RESOLVED that Cllr. Ms Helena Cox be elected Vice-Chairman of Ludgershall Parish Council for the ensuing municipal year.

5.0 Declarations of Interest

RESOLVED to note that Cllr. Ms H. Cox and Cllr. R. Simpson declared both a personal and prejudicial interest on agenda item no.9 and would leave the meeting for the discussion and decision.

6.0 Minutes

RESOLVED to receive the minutes and confirm the recommendations therein of the meeting of the Parish Council held on Monday 2nd April 2012 LPC/09/11.

7.0 Finance

7.1 Account Balances:

RESOLVED to note that the balances for the Co-op accounts are as follows:

Community Account	£ 11776.61	(as at 1st May 2012)
Deposit Account	£ 2500.00	(as at 21st January 2012)
Village Green Account	£ 12,500.00	(as at 5th March 2012)

7.2 Payments:

RESOLVED to confirm the following payments:

- HMRC - £114.76
- Open Spaces Society Subs - £40.00
- Anne Wilson – expenses – stamps £19.68 (24 2nd class and 24 1st class before the price was increased), stamps £ 5.52 - book of 12 1st class stamps plus postage = £7.40
- Came and Company – Parish Council insurance £866.37 + VAT £51.98 = £918.35
Agricultural Motor Vehicles Schedule £260.44 + £15.62 IPT = £276.07
- Jubilee Event – 96 mugs £162.48
Tree and plaque engraving £66.35

7.3 Income

There is no income as at the time of writing the agenda.

7.4 Financial Regulations

RESOLVED to approve the amendments to the Financial Regulations of the Parish Council.

The amendments were as follows:

- 4.5 The Clerk shall present an up to date Income and Expenditure report at each meeting of the Council.
- 5.4 All income shall be banked within three working days of receipt.
- 7.2 All payments to HMRC shall be approved at a meeting of the Council and paid within the statutory guidelines.
- 9.7 Every transfer of official money from the Council to a member of staff to another shall be signed for by the receiving officer.

- (b) Where it is intended to enter into a contract:
- (i) exceeding £500 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a), the Clerk shall invite tenders from at least three firms, such firms to be taken from the appropriate approved list.
 - (ii) for expenditures of up to £500 in value the Council may agree at a Council meeting the provision of the service
 - (iii) the advertising of contracts

8.0 Police Matters

- Members had received the latest Police report by e mail before the meeting.
- The Parish Clerk has contacted PC Spenceley with regard to Speed Watch equipment and training a couple of Councillors with whom he would liaise direct about training. Cllr. Chettle said that a third Councillor or resident was really needed.

9.0 Parish Council Business

- Easement to the bungalow at the rear of the White Hart

Unanimously RESOLVED to accept the legal confirmation from Jane Moore, Solicitor at NALC which reads as follows:

“Thank you for your email of 11 April 2012. Ludgershall Parish Council (the Council) has requested advice in respect of granting an easement over the village green in the village. I presume that the Council owns the village green in question. The Council has been considering granting an easement to a resident for 18 months. It obtained a valuation for the easement but agreed to grant it at an undervalue (for £100) in November 2010. Further to taking legal advice, the Council decided to grant the easement to the resident pursuant to the Local Government Act 1972 General Disposal Consent (England) 2003 (the 2003 Consent) for £100 plus legal costs. This was then apparently disputed by a resident who apparently said that the Council can only dispose of land (i.e. the easement) at an undervalue pursuant to the 2003 Consent by way of a decision taken by the parish at a parish meeting. The Council believes that its solicitors were uncomfortable with this development. The Council was apparently satisfied with the legal advice it received and I am instructed that as of the Council’s April 2 2012 meeting the solicitors no longer wish to act for the Council. I am working on the basis that the solicitors no longer now act for the Council as NALC cannot advise a member council where solicitors are already acting for that council without the written consent of the solicitors agreeing to NALC advising. The Council has asked for advice on the issue of whether it can grant the easement at an undervalue by virtue of the 2003 Consent. I am instructed that the Council’s (former) solicitors have sent the deed of easement to the resident, who may already have signed it.

I advise the Council that the decision of whether to grant an easement and whether to do so at an undervalue is a decision for the Council to be made at a Council meeting. It is not a matter for a parish meeting and does not need to be ratified by a parish meeting. Councils make decisions in

pursuance of their statutory powers and the Council has the power to grant an easement, which is a disposal of land pursuant to s.127 of the Local Government Act 1972, and to do so at an undervalue, pursuant to the 2003 Consent. It is a matter for an individual council as to whether it decides to exercise its powers to dispose of land at an undervalue. This is what the Council should consider although it may not be an issue if the decision has been made and the deed signed.

I note the reference to planning permission and I advise that planning permission is an entirely separate regime to the granting of easements by landowners across their land.

The resident who the Council agreed to grant the easement to became a councillor after the Council agreed to grant the easement. In my view this councillor would have a prejudicial interest in the matter if it comes to be discussed at Council meetings under the current standards regime. I will not say anything further in this respect."

Jane Moore attached Legal Topic Note 45 on the disposal of land and Legal Topic Note 47 on easements for reference.

Further **RESOLVED** that the Parish Council would move this forward and the Parish Clerk would liaise with Ms Cox's solicitors. The Chairman and outgoing Chairman signed the paperwork on behalf of the Parish Council.

- Jubilee Celebrations

Councillor Ms Cox gave the following report with regard to the Jubilee celebrations in the parish:

- The invitation forms had been distributed in the village and a steady stream were being returned for the event on Sunday 3rd June 2012
 - There was a Jubilee Day to move matters forward the day after the meeting
 - The Jubilee mugs had been ordered and there may be some available for sale at or after the event when the children/young people of the parish had received theirs
 - It was formally RESOLVED that the Jubilee Working Party could use the Council marquee
 - The planting of the Magnolia Tree had been well attended
- Village Green Bank

Members were alarmed at the latest e mail with regard to the bank repairs and the fact that Thames Water appear to have no correspondence on this issue even though Thames Water had carried out some minimal repairs to the area. The Parish Clerk would send the information and copies of all e mails to Thames Water again.

- Standing Orders

RESOLVED to confirm the amendments to Standing Orders.

The amendments were as follows:

- *Removal of the following sentence as the General Power of Wellbeing no longer existed. The Council may be eligible if they meet the criteria to adopt the General Power of Competence.*

- x. In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- 25 Power of well-being (England)
 - a) Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
 - b) The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
 - c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

Amendments made to be included:

- 11 Rescission of previous resolutions
 - a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 5 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- 19 Accounts and Financial Statement
 - b) The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of
 - c) a quarter. at each meeting of Council a copy of the up to date Income and Expenditure report. This statement should include a comparison with the budget and current debtors and creditors for the financial year.
- 31 Code of Conduct

This would cease to exist on the 30th June 2012 and a local code was being agreed.

- Resignation of the Parish Clerk

Following the resignation of the Parish Clerk with effect from 31st August 2012 Members agreed the way forward with the appointment of a new Clerk and the arrangements for recruitment.

RESOLVED that the Parish Clerk would liaise with the Chairman over the advert.

FURTHER RESOLVED that an advert would be placed in the Bernwode News, on the BALC website and on the SLCC website. The SLCC website would cost £50.

The Parish Clerk was thanked for her work and the help she had given to the Council.

9.1 Aylesbury Vale District Council (AVDC)

- Village Bulk Refuse Collection

RESOLVED to note that the Village refuse Collection will take place on 16th July 2012 between 7.30 a.m. and 11 a.m. Details would be placed in the Bernwode News, on Facebook and the website and posters in the village.

- Council Plan 2011 - 2015

Members noted that the Aylesbury Vale Council Plan 2011-2015 is available at www.aylesburyvaledc.gov.uk/corporateplan

- AVDC office relocation

RESOLVED that Members noted the details of the AVDC office relocation.

9.2 Buckinghamshire County Council

There are none as at the time of writing of the meeting.

9.3 Circulated in between meetings

RESOLVED that Members noted that the following items had been circulated to them in between meetings.

- Music in Quiet Places – Brill 7.30 p.m. 19th May
- Road resurfacing and road closures – Bucks 26th April 2012
- Community Impact – 25th April 2012
- Wind Turbines – 25th April 2012
- Community Safety – May newsletter
- The Academies Show 16th May 2012
- Parish Newsletter June 2012

10.0 Footpaths

- Spring 2012 Rights of Way newsletter from Bucks CC

RESOLVED that Members noted that the newsletter is available on http://www.buckscc.gov.uk/bcc/parish_news/page

11.0 Planning

11.1 Planning Applications

There are none at the time of writing of the meeting.

11.2 Planning Decisions

RESOLVED to note that the following planning application had been passed.

- TWSP/ 001B, 002, 003, 004,005 &006
Tetchwick House, Tetchwick Farm Road, Ludgershall
Demolition of animal outbuilding and replacement with a single storey extension building

11.3 Other planning information

- Planning Policy Framework

RESOLVED that Members noted the details of the new National Planning Policy Framework information.

- Land Registry

The Parish Clerk had been handed, at the meeting, an application for a transfer of a right of access to Ludgershall Farm. Following discussion it was agreed that the access involved the Village Green and therefore may not be as simple as the Land Registry documents suggest in just agreeing to pass the right of access to the new owner.

RESOLVED that the Parish Clerk contact the Land Registry as a matter of urgency.

Members noted that the address that the documentation was sent to was Ludgershall Parish Council, Ludgershall, Aylesbury, Bucks. The closing date for comments at the Land Registry was the 9th May 2012.

12.0 Highways

- Various Highway Issues

The Parish Clerk will update Members with any responses received to questions posed to David Smith, Highways Technician at Bucks CC as a result of the Annual Parish Meeting.

Please see the minute below.

- Report following Village walkabout in April
- Potholes as you come off Long Lane into the village – when are they to be repaired? All cat 1 defects were repaired following my village walk round, not heard about anymore yet.
- The road going out of the village from Wootton End – serious concerns about the big dips – could the road be levelled out? Has stated at the walk round this is going to be a long while before this has any works apart from pothole repairs jet patcher is working on a very long list over the north of the County.
- When is the road from Dalton to Ashington going to be repaired – it is very dangerous? These works are due to start third week of June until then we are constantly monitoring and making safe potholes.

- Have you heard anything from the developers at Bury Court as to when they are to repair the verges? Order placed with Community Gang to topsoil, awaiting their arrival
- How often do the verges get litter picked on the entrance roads to Ludgershall? Cllr Cartwright reported that AVDC will litter pick as often as the Parish Council asks them to.
- Could the tyre that has been outside a farm gate on the Bicester Road be removed? AVDC will be contacted and asked to remove it.

13.0 Other Business

- Open Spaces Society Appeal

Members considered the appeal paperwork and agreed not to contribute to the appeal as it was not a local good cause.

- VAT Course

RESOLVED that no Members attend a VAT Course at a cost of £20 to be held on 16th May 2012.

- Local Area Forum (LAF) Review

RESOLVED that Members considered the paperwork and agreed that Cllr. Chettle respond on behalf of the Parish Council.

- Air Ambulance – Berks/Oxon/Bucks

RESOLVED that Members considered the appeal paperwork and whilst acknowledging the good work of the Air Ambulance agreed not to contribute to the appeal as it was not a local good cause.

- Parish, Town and Community Forum notes – March 2012

RESOLVED that Members noted the attached results of the District Wide Consultation Results – Questions and Answers

- Transport for Ludgershall

RESOLVED that Standing Order 32 be suspended.

Concern was expressed about the provision of public, Dial A Ride and school transport to and from Ludgershall. Several cases were highlighted at the meeting by both Councillors and a local resident.

One local resident is taking a taxi to and from Bicester to do her weekly shop as she stated that she is not eligible to use Dial A Ride and had a less abled partner meaning that she could only go out of the house for short periods of time.

A parent in the village expressed concern about the arrangements to get his children to school in Aylesbury and the cost of doing so as they did not go their nearest secondary school. This was because the school was full and therefore through no fault of their own they have to pay. He stated that the arrangements had recently changed with short notice meaning that he had had to find

several thousand pounds. There is also a discrepancy in the cost as it increases the older your child gets. Due to the high cost it was alleged that Bucks CC is making a profit on this service and the parent asked for this to be investigated.

It was noted that the older residents in the village could cash in their bus pass for taxi tokens.

RESOLVED that:

- The Parish Clerk write to Bucks County Council Education Department expressing concern about the high cost of getting children to school if a child does not get into their nearest school and the short period of time that notice was given to parents in the village to pay the charge
- That Councillor Michael Edmonds be copied in to the correspondence
- That local parishes should be contacted outlining the Parish Council concerns and asking them whether they had had any comments from local residents

RESOLVED that Standing order 32 be re-instated.

- Available at the meeting

RESOLVED to note that the following items were available at the Parish Council meeting:

- i) Clerks and Councillors Direct
- ii) Five ways to wellbeing
- iii) Air Ambulance Open Gardens 2012
- iv) The Bucks Playing Fields Association Magazine – The Playing Field Spring 2012
- v) BALC - Matters Arising Spring 2012

14.0 Date of next meetings

14.1 Ludgershall Parish Council:

- Tuesday 11th June 2012 (should be on the 4th June but it is a Bank Holiday)
- Monday 2nd July 2012 (to be confirmed due to Bike Night)
- Monday 3rd September 2012
- Monday 1st October 2012
- Monday 5th November 2012 (Date to be changed as it is bonfire night)
- Monday 3rd December 2012
- Monday 7th January 2013
- Monday 4th February 2013
- Monday 4th March 2013
- Monday 1st April 2013
- Wednesday 24th April 2013 (Annual Parish Meeting)
- Monday 13th May 2013

14.2 Waddesdon Local Area Forum

There was nothing to report.

Public Question time:

- Archie Harris questioned the access to Ludgershall Farm and whether the application for access was for the barn or the new build
- Archie Harris expressed concern about the payment by children to get to school. He was concerned that this cost and the lack of public transport may put families off moving into the village
- Alan Turner asked about the two village notice boards and Cllr. Simpson agreed to have a look at them both with a view to refurbishing them

Signed **Date**

Chairman