

**Minutes of a meeting of Ludgershall Parish Council held at Ludgershall Memorial Hall
on Monday 10th July 2017 at 7.30 p.m.**

Present: Cllr. T. Chettle – Chairman Cllr. P. Darvas
 Cllr. D. Jakeman Cllr. R. Jones
 Cllr. S. Lawson Cllr. C. Lewin

Also present: Locum Clerk: Deborah O'Brien; Parish Clerk Designate: Robert Damerell;
16 members of the public

The meeting was opened to the public:

- In relation to agenda item 11.3 Pennwood House – application for grant of easement - a resident reminded the Parish Council of the Barry Denyer-Green report of 1998 regarding a previous easement application and NALC legal topic note 57.
- Another resident commented in relation to agenda item 13.0 Access & Parking on the Village Green from trade at the Bull & Butcher – the resident feels that there are issues affecting their quality of life – in particular due to frequent parking adjacent to their bedroom.
- Another resident disputed the frequency of the parking issue and disagreed that parking occurred near any bedroom.
- One of the applicants for agenda item 11.3 reminded the meeting that the application is for a new easement which does not relate to the existing granted easement.
- A resident commented that existing easements cannot be ignored and feels that a change would be wrong and that this is to protect the village.
- Another resident commented that some of the remarks made do not represent all of the villagers and that a deed of easement is to protect the Village Green alone, not residents.
- A resident reminded the meeting that the Village Green was bought and paid for by the residents of the village and that rules were put in place to protect it. The Clerk advised that those rules are longstanding legal rulings which are described in various legal topic notes from NALC – LTN 45, 56 and 57 – all of which are available on the Parish website or as hard copies if requested.
- Another resident asked for replacement trees for the Oak (Mr East memorial tree) and the Chestnut in front of the Old Post Office – the latter is an agenda item (7.0).

Meeting commenced at 7:50pm

34.0 Apologies - Members noted that Cllr Themis, District Cllr Branston & County Cllr Macpherson extended apologies.

35.0 Declarations of Interest

Cllr Lawson declared a pecuniary interest in agenda item 11.3 (minute 45.3) and Cllr Jakeman declared an interest in agenda item 13.0 (minute 47.0 Bull & Butcher).

36.0 Parish Clerk Vacancy

Members noted that following a successful interview and subject to referencing the position was offered to and accepted by Robert Damerell. Members are asked therefore to confirm the appointment of Mr Damerell as Parish Clerk and Responsible Financial Officer now that satisfactory references have been received. Contracts to be signed at the end of the meeting. Mr Damerell will commence training and familiarisation with Parish Council business. Mrs O'Brien will provide support and advice as needed/required. Mr Damerell gave a brief overview of his work experience and background.

37.0 Minutes

RESOLVED to receive the minutes and confirm the recommendations therein of the meeting of the Parish Council held on: Monday 5th June 2017 – LPC/02/1718

38.0 Finance

38.1 Account Balances:

RESOLVED to note that:

The balances for the Lloyds Bank accounts are as follows:

Treasurers Account	£ 11354.31	(as at 30 th June 2017)
Deposit Account	£ 2507.94	(as at 30 th June 2017)
Village Green Account	£27464.24	(as at 30 th June 2017)
Play Area Account	£ 4916.69	(as at 30 th June 2017)

38.2 Payments:

RESOLVED to make the following payments from the Treasurers Account:

- Deborah O'Brien - £333.90 (29 hours 11/06-05/07) - £372.56 less £74.60 PAYE; mileage - 76 miles £34.20; Postage £1.74) - cheque no 0150
- HMRC - £74.60 PAYE for D. O'Brien July – cheque no 0151
- AVDC - £360.00 – Play Around the Parishes 08/08/17 – cheque no 0152
- J. Goss - £24.64 – Devolved services petrol – cheque 0153
- P. Darvas - £68.32 – Training course – Village Greens – cheque 0154
- Parrott & Coales LLP - £900.00 (£750* + £150 VAT) – Legal Advice – Pennwood House – cheque 0155 *The quote from Parrott & Coales dated 12/05/17 actually read £500-£750 + VAT + disbursements, not £500-£700 + VAT as described in the June agenda. (typographical error) Members confirmed agreement.

RESOLVED to make the following payments from the Play Area Account:

£50 cheque 129 – 200 Club prize –drawn later in meeting – G. Davis no. 99

£35 cheque 130 – 200 Club prize –drawn later in meeting – H. Cox no. 89

£25 cheque 131 – 200 Club prize –drawn later in meeting – T. Cartwright-Loebl no. 32

£20 cheque 132 – 200 Club prize –drawn later in meeting – H. Bosley no. 20

38.3 Income - **RESOLVED** to note income:

Village Green Account: Interest £1.17; Savings Account: Interest: £0.11

38.4 Income and Expenditure report

RESOLVED to approve both Income and Expenditure Reports dated 30th June 2017.

38.5 Lloyds Bank Mandate

RESOLVED to remove the following signatories from the Lloyds Bank mandate: Cllrs Cox, Gardner & Thomas. In addition, Ms F Casey is to be removed as administrator.

FURTHER RESOLVED to add the following to the Lloyds Bank mandate: Administration and balances only: New Clerk – Robert Damerell; Signatories: Cllrs Darvas; Jakeman & Lewin. Mrs O'Brien to begin process in conjunction with Mr Damerell.

38.6 Internal Auditor and Annual Return 2016/17

Members noted that Mazars has contacted the Locum Clerk regarding the 2016/17 return. They were pleased to see that measures have been put in place to prevent a re-occurrence of 2016/17's problems. However, they did not agree with checking 'yes' for box 2 of Section 1 (Annual Governance Statement). The External Auditors feel that this contradicts the Internal Auditor's views and the evidence submitted even though it reflects the status quo. This will be commented upon in the final report which is imminent.

39.0 Police Matters – nothing to report.

40.0 Parish Council Business

Public Meeting to discuss Neighbourhood Planning & other options - This will take place 17th July with notices to be placed on the notice boards. Cllr Darvas to draw up an agenda and Cllr Lewin will arrange a door drop of notices to residents.

Replacement memorial picnic bench on Play Area - Cllr Chettle brought three quotations to the meeting. **RESOLVED** to accept the quotation from Venture Play Equipment for an 8 seater circular timber table set at £695.00 + VAT delivered and assembled on site ready for use. *Subsequent to meeting this item was found to be unsuitable – Cllr Chettle and new Clerk to further research.

Dog Waste Bin off Duck Lane - **RESOLVED** to purchase a unit and post from AVDC for £186.18 which Cllr Chettle will collect and Cllrs Lawson & Jones will install.

The Play Area – Following the RoSPA report, Cllrs Chettle, Jakeman & Lewin have completed a risk assessment inspection to determine which matters require prioritising. The shrunken wetpour and recommendation for new wetpour under the climbing rails will be costed along with examining replacement wood surrounds for the existing wetpour. Cllr Chettle will follow up with Safe & Sound and their initial quote. It was also suggested that the toddler multi-play unit should be replaced. Cllr Lawson has attended to all items that required lubrication. Mrs O'Brien is to order a RoSPA safety inspection chart at a cost of £30.

Best Kept Village – Judging has completed and results are awaited.

Rails outside Ramblers – Members noted that TfB are to replace the rusted railing. Further response is awaited regarding the brick drain – Cllr Chettle to follow up.

Chestnut tree at end of Old Post Office driveway – Members noted that this needs replacement but an application to remove (and replace) the existing tree will have to be made to the Trees Officer at AVDC as it falls within the conservation area. The dead Oak Tree which also needs replacement will be included on the September agenda. Clerk to supply Cllr Chettle with Trees request forms.

Storage of historic PC records – Cllr Lewin advised that the County Archivist has stored and issued a receipt for the deposited records. Cllr Lewin has obtained various quotes for the storage of the remaining records which include financial records (*The locum clerk confirmed post meeting that NALC LTN40 advises the indefinite retention of receipt & payment accounts for audit archive). Cllr Lewin to obtain references and an annual cost for storage to present at the September meeting.

Swims – No update as yet from Cllr Themis regarding contacting Stillwater about the length of warranty and providing quotes for railing/platform work. To be carried over to September.

Tractor mowing attachment – Members noted that the mower attachment is failing (4 years old) and needs replacement. In addition a grease gun is required. Cllrs Chettle & Jones to source & cost a replacement. (Original cost £1893). This item would be a charge to the Village Green account.

Kubota Annual Tax renewal – Members noted this has been renewed as of 1st August 2017 (zero cost)

Waddesdon Community Bus - Oakley PC has proposed a joint venture to provide a weekly or fortnightly service to Bicester at an approx. cost of £40 trip plus the need for a volunteer driver. It was agreed that this will be discussed at the Neighbourhood Planning meeting to gauge support.

Waddesdon LAF Village Activity projects – Summer activity vouchers are available (up to £500) to provide activities to various age groups. Cllr Chettle to supply contact numbers to Cllr Darvas.

Waddesdon Police Community Forum – Clerk to notify PC Chalk that Cllrs Darvas & Jones are interested in attending.

41.1 Aylesbury Vale District Council (AVDC) – no update

41.2 Buckinghamshire County Council - Cllr Macpherson has advised that she will not be able to attend every meeting due to the number of parishes within her remit.

43.0 Circulated in between meetings

Members noted that the following were circulated:

- LCPLG (Local Council Planning Liaison Group) Meeting
- Armed forces Day 2017
- MyBucks – June & July 2017
- Public Space Protection Orders at Burnham Beeches.
- Bucks and MK SLCC AGM

- B&MK Association of Local Councils - Weekly Update
- Community Impact Bucks - Looking for help with your grant applications?
- OSS AGM & Open Space magazine
- Update on Parish Liaison Meeting Venue - 14 June 2017
- Bucks and Milton Keynes Association of Local Councils Weekly Update 12 June 2017
- Community Impact Bucks - June newsletter: Funding, small charities and much more!
- LCPLG (Local Council Planning Liaison Group) Meeting
- Waddesdon Local Area Forum - Message from Paul Irwin – Village Activity Projects 5/7 – Cllr Darvas attended
- Police Community Forum – Cllrs Jones & Darvas to attend
- VALP timetable revised – Seminar for parishes cancelled
- Connected Counties - Update on Broadband
- Freight strategy - public survey
- BALC - Parish Liaison notes and Presentations
- Bucks County Show - Thursday 31st August 2017
- Road Works plan
- Contact Us Form - Transport For Buckinghamshire
- BCC News: Help us plan for tomorrow's lorry traffic
- Weekly Update Bucks & Milton Keynes Association of Local Councils
- Bucks & MK Association of Local Councils - New Website!
- Community Impact Bucks June 2017 - Dates for your diary
- Haddenham, Waddesdon & Grendon Underwood Local Newsletter from Buckinghamshire County Council
- Are you interested in your local NHS?

44.0 Footpaths

- Cllr Lewin displayed a proposed leaflet to be made available for hikers/walkers using the footpaths within and surrounding the village. A copy was circulated to visitors. **RESOLVED** that this was accepted and copies are to be made available to walkers via the pub.
- Before the meeting Dr Turner-Smith provided maps and Bucks CC forms regarding two footpaths which have stile or blockage problems. Clerk to pass the information on to the Footpaths Officer Alastair McVail.

45.0 Planning www.aylesburyvalecd.gov.uk/planningapplications

45.1 Planning Applications – no new applications

45.2 Members noted the status of the following previous applications:

- **17/01797/ALB** Tetchwick Moat Farm, Bicester Rd Internal alterations to form family kitchen/dining space – Listed Building Consent
- **17/00774/ACL** Sharps Hill Farm Bicester Rd – Change of Use of Agricultural Bldg to single dwelling house – Certificate refused by AVDC
- **17/00979/ACL** The Rectory, Brill RD – Cert of lawfulness – use of garage space as staff accommodation – Certificate issued by AVDC
- **16/00140/AOP** Land at Westhaven – Demolition of existing dwelling & erection of 5 dwellings - Awaiting decision by AVDC
- **17/00037/REF** Land adjacent to 6 Wotton End - Appeal relating to 16/03597/COUAR Planning Insp: APP/J0405/W/17/3170754 – Awaiting decision by Planning Inspectorate

45.3 **16/00168/APP: Land Adjacent to Pennwood House High Street** – (Cllr Lawson left the meeting) The Parish Council received legal advice from its Solicitors, Parrott & Coales, on 29th June 2017 regarding the granting of a new easement across the Village Green. In addition it received a letter from Benhams, Solicitors acting on behalf of Mr and Mrs Pridgeon; which Ms Benham sent via the Parish Council's Solicitor and directly to the PC via e-mail on 30th June 2017 stating: *"Please see attached letter for placing before the parish council at its meeting on 10 July"* The PC Solicitor confirmed his original advice dated 29th June but made 3 further points via e-mail on 3rd July 2017 to which the Locum Clerk responded. All were distributed to Councillors as received,

with the exception of Cllr Lawson. Both letters and the subsequent 2 e-mails were read aloud to the meeting in their entirety and are appendices to these minutes:

- Appendix 1 LPC/03/1718 Minutes: Legal Advice from Parrott & Coales Solicitors 29/06/17
- Appendix 2 LPC/03/1718 Minutes: Letter from Benhams Solicitors 30/06/17
- Appendix 3 LPC/03/1718 Minutes: Two E-mails between Parrott & Coales & Locum Clerk 03/07/17.

Mrs O'Brien, Locum Clerk advised those present that at all times Cllr Lawson had been excluded from discussions, had not (to her knowledge) seen the advice, and had been omitted from e-mails relating to the matter with a statement to that effect included in the e-mails. In addition, the Parish Precept is not impacted by legal matters relating to the Village Green.

Cllr Chettle then asked each Councillor for their views on the matter.

Cllr Darvas stated that the Parish Council is free to make a decision as the advice from its Solicitor was clear. The comments made by Ms Benham referencing Stokes v Cambridge as a valuation method were not relevant in this instance as that case referred to a 1961 Lands Tribunal decision relating to the valuation of the compulsory purchase of 12.6 acres of farmland the development of which depended on the compulsory purchase of a 0.7 acre access. The District Valuer will determine the methodology to be applied. Cllr Darvas has also recently attended a workshop conducted by BMKALC and the Open Spaces Society on Common Land & Village Greens.

Cllr Lewin stated that the Parish Council's main concern is the Village Green and that the easement application before the Council does not relate to the actual planning application. Each easement request should be looked at individually on its own merits and it may be the case that not all requests will be agreed. The Parish Council has taken advice from its Solicitor as per NALC's LTN 57. She also felt that there will be a minimal increase in the volume of traffic across the Village Green. She does have questions regarding the process should there be objections following the mandatory two week 'advertising' period. The Clerk advised that in this instance further legal advice would need to be taken from the Parish Council Solicitors. Cllr Jakeman stated that she also felt that each application needs to be looked at individually and that advice given by the Solicitor should be taken. Cllr Jones cannot see a problem with the application. Cllr Chettle has looked at the representations in depth in particular concerns over damaging, altering or otherwise impacting the Green and cannot see that this would occur. He felt that the Parish Council should follow existing procedures as confirmed by Parrott & Coales' advice.

Having considered representations from members of the public, reviewed correspondence and the Parish Council's Solicitors' advice Cllr Darvas proposed & Cllr Jakeman seconded that the Parish Council should grant a new easement request for access across the Village Green over the existing access, subject to legal requirements being satisfied and all costs being paid by the applicants. **RESOLVED unanimously that** the Parish Council is willing to grant a new easement for access across the Village Green over the existing access subject to legal requirements being satisfied, payment for the easement as valued by the District Valuer, the execution of all legal documents and all costs (including the £900.00 for legal advice) being paid by the applicants and **FURTHER RESOLVED that:**

- There shall be no interruption to recreation or damage to the Village Green as currently enjoyed
- Construction traffic shall be limited to between the hours of 8 am and 4 pm Monday to Friday and 8 am and 12 noon on Saturdays with no work to be conducted on Sundays or Bank Holidays. It was then **FURTHER RESOLVED that** the Clerk should obtain quotes from Parrott & Coales for completion of the transaction and from the District Valuer for valuation of the proposed easement. Once received the applicant will be notified in writing and will need to respond in writing that they accept that they are liable for any and all costs relating to this matter (as Parish Council funds should not in any way be diminished by an application for a grant of easement for access made to benefit another) including but not limited to:
 - Legal Advice already received – £900.00 to be paid by the applicant before the next Parish Council meeting irrespective of whether or not the applicant elects to proceed
 - District Valuer's Fees – to be paid directly to the District Valuer's Office
 - The cost of the easement for access as valued by the District Valuer's Office

- Parish Council Solicitor's fees including those incurred due to any legal challenges (The Parish Council solicitor will require financial undertakings from the Applicants' Solicitor)
 - Two consecutive weeks advertising in a local newspaper
 - Applicants' Solicitor's fees
 - Land Registry costs
 - And any other unforeseen expenses and disbursements
- Cllr Lawson then returned to the meeting.

46.0 Play Area - 200 Club – Members noted that the following winners were drawn:
 1st – G. Davis £50.00; 2nd – H. Cox £35.00; 3rd – T. Cartwright-Loebl £25.00; 4th – H. Bosley £20.00
 Cllr Chettle agreed to approach Helena Cox to see if she would be willing to approach subscribers for new and renewed membership of the 200 Club for the next financial year. Cllr Lewin offered to assist with subscriptions.

47.0 Highways – Members noted:

- **Parking & Access on the Village Green adjacent to the Bull & Butcher** – Cllr Jakeman left the meeting. Members noted that a complaint had been received regarding parking on the Village Green. **RESOLVED that** Cllrs Chettle, Lawson & Jones would mediate with the parties involved. **FURTHER RESOLVED that** a management plan for the Village Green should be drafted. Cllr Jakeman returned to the meeting.
- **Drainage gullies on Bicester Road** – Cllr Jones agreed to resolve this issue and refer any costs incurred to the Parish Council. No update at present.
- **Blocked drain at Salters lane and Church Lane** – members are advised Cllr Macpherson raised the matter with TFB (again) and the reply is that Dave Smith will arrange for further investigation as soon as possible and will ensure that the HP jetting machine will attend. No update.

48.0 Date of next meetings: No meeting in August

- 17th July 2017 – Neighbourhood Planning - village meeting
- 4th September 2017
- 2nd October 2017
- 6th November 2017
- 4th December 2017

Meeting closed at 9:35 pm. The following remarks were then received from the floor:

- A member of the public commented that there needs to be occasional parking on the Green for weddings, funerals and other events
- Advice was given regarding the trees which need to be replaced in that they should be slightly relocated to avoid drainage issues
- A suggestion was made regarding the footpaths leaflet – can dog walkers be advised to use short leads where sheep or cattle are present?
- A resident asked how sanctions can be enforced if easement access is 'mis-used'.
- Another resident stated that the Village Green can be dug up for utility access as long as it is restored. The same resident also questioned whether or not a councillor should declare an interest as they had once instructed Benhams' Solicitors in another matter.

At the conclusion of the proceedings the new Clerk, Robert Damerell signed his contract of employment.

Signed Date

Chairman