

SWALCLIFFE PARISH COUNCIL

DRAFT MINUTES OF THE PARISH COUNCIL MEETING **OF 18TH JUNE 2018 AT 7.30PM** **IN SWALCLIFFE VILLAGE HALL**

Councillors Present

Neil Urquhart (NU), Chairperson
Ben Benson (BB)
Ken Hodkinson (KH)
Ryan Smith (RS)
Victoria Taylor (VT)

Christine Coles - Parish Clerk and six villagers

The Chair welcomed the six villagers including Mr Woolston who has expressed an interest in becoming a Parish Councillor. He will be co-opted at the next meeting in July.

18/56. Apologies

Cllr McCallum

18/57. Declarations of Interest

Cllrs Taylor, Benson and Smith declared an interest in the planning application at Stourwell Barn.

18/58. To approve the minutes of the meeting held on 8th May 2018

Before approving the minutes Mr Foley queried the sentence in the last meeting under item 18/47 which read 'The Parish Council are not doing anything underhand but following the advice given'. He did not hear this being said. The Parish Clerk and Chair both confirmed this was said at the last meeting. The Chair confirmed the sentence is to be left in the minutes. The minutes were approved and signed as a true record of the meeting.

18/59. Public participation session

There was nothing to discuss.

18/60. To note any matters arising from the minutes not included on this agenda for report only

Batteries for bottom speed sign - Cllr Taylor noted that she has the batteries for the bottom speed sign. They are on charge but one is not working correctly. The bottom sign will need cleaning. From the floor Mr Hill suggested not to buy an expensive battery and offered his help in sourcing a cheaper one. He explained that batteries don't like being discharged for a long time and, if maintained, they could last 10-15 years. Solar panels were discussed and Mr Hill confirmed they will work in the downhill shaded location. A vote of thanks was given to Paul Cowley who charges and changes the batteries on the top sign.

Speedwatch - Hornton Parish Council are waiting for confirmation from two local parishes before placing an order for the equipment.

Overgrown foliage along the Main Road - A general note was put in the Link but there is still overgrown foliage along the Main Road. The Parish Clerk will write to the people who have overgrown vegetation.

Light in phone kiosk for defibrillator - The light in the kiosk has been re-instated. Mr and Mrs Carter have expressed concerns about this. There are a number of options: leave it on all the time - the bulb could be swapped for a lower wattage; install a movement sensor. There is a possible trip hazard and a movement sensor would defeat the object; and the backlighting of the Defibrillator sign means it can be located in the dark. But there has to be a balance of views. The Chair to reply to Mr and Mrs Carter and visit them when it is dark to look at the effect. Cllr Benson also suggested that the fir to the rear of the kiosk be lopped to

encourage it to grow wider.

18/61. To receive an update on the Woodland Community Play Area

Mr Foley advised that all parties have now signed the lease. There will be a full Management meeting on 3rd July in the Stags Head.

The following grants have been confirmed:

£8988.00 from Lottery Award and £2500.00 from Cllr George Reynolds.

An application form asking for £9K has been submitted to CDC. The realistic figure is £6K. They will make a decision soon. Applications were turned down from The Lord Farrington Trust, Greggs Community Fund, Jewson's Funding and Native Save. The voting system can start soon with Tesco Bags for Life. An application has been submitted to Mid Counties Co-op. Introduction letters have been sent to Cala Homes and Redrow Homes asking for £2.5K each to help offset the cost of installing plants and wooden benches. The total funding required is £38K and this will leave a shortfall of £4K. The Parish Council have pledged to give £10.5K.

The committee will decide on future progress of the whole project after the July meeting.

18/62. To receive an update on the garage lease

The Chair and Parish Clerk had met in the village hall to look at the archive documents relating to the garages and the land. These had been shared with the garage lessees. The Chair observed that there are arguments for and against ownership of the garage buildings. He met a land valuer today from Sheldon, Bosley, Knight and the valuation will include looking at the ground rents for garages. The Chair will share this report when he has it. Mr Hill asked if the ground rents would change following the valuation. The Chair confirmed the Parish Council have committed to the lease with the agreed values for the next three years.

Colin Hill then read out a detailed document which was given on behalf of the owners of the garages and with their consent and agreement.

The main points are as follows:

The PC had informed the garage owners that they had received legal advice that the PC owns the legal title to the garage buildings and in consequence the PC are owners of the garages and have been since their erection. The PC then offered a revised lease from which had been removed all references and clauses relating to ownership of the garages by those who lease land from them. The PC invited the garage owners to offer documents that provide legal proof of their ownership and advised that only legal representations would be accepted. The garage owners took legal advice from which it became clear that the PC can claim legal title to the garage buildings because no formal deeds of ownership were obtained at the time of their erection. The existence of a long-established custom and practice in exchanging garage buildings, approved of and regulated by the PC, has encouraged the continuance of such a scheme up to the present. The PC have been involved in the actual sales on several occasions by dictating the method of sale. The Garage Owners' Legal Counsel observed that, whilst the PC may be able to claim legal title to the garage buildings by virtue of absence of registered deeds, they have no Equitable Ownership of the buildings having not contributed anything to the cost of providing and maintaining them at any time in their history. The Garage Owners do have significant and undeniable Equitable Ownership in the garage buildings because the entire cost of obtaining planning consent, site preparation, laying of foundations and the purchase and erection of the garages was borne by the first lessees of Parish land, and the costs and burden of ongoing maintenance have been borne by those people and their successors. Equitable Ownership cannot be ignored and whilst the lease currently on offer has removed all references to ownership by the lessees and makes no reference to Equitable Ownership, it is one-sided and unfair and needs further review to acknowledge it. The garage owners are willing to discuss these matters with PC representatives before taking further action.

The Chair thanked Mr Hill for the constructive reply which had been presented in a positive way. Now is the time to sort it out and get a clear position going forward. The position of the Parish Council has not changed.

The seven year lease will offer security and the Parish Council do not want the garage owners to incur legal costs. He commented that, in hindsight, it may have been better if the Parish Council had agreed the Heads of Terms and then engaged a solicitor last year.

A vote of thanks was given to the Chair and Mr Hill for their work.

18/63. To receive an update on the proposal to sell the freehold land in the garage area

At the last meeting the Parish Council committed to publicising the proposal, receive comments and make a decision. The notice did not go into the Link but it will be placed in the July Link. It was agreed that a bigger notice would be placed on the notice-board.

From the floor Miss Stoertz asked if consideration could be given to putting this information on a leaflet and doing a door drop. The Chair replied the statutory duty would be covered by publicising this on the village notice-board, in the Link, website and Facebook page.

Mr Foley queried whether three land valuations would be needed.

Action: The Parish Clerk to get advice from OALC.

Six comments had been received from existing garage owners and neighbours. The Chair summarised the main points. Why sell a village asset? Land is a valuable commodity. (a) Selling off pieces, and reducing the size of land could mean fewer options in the future. It is something that perhaps could benefit the whole village, rather than one household. (b) A few years ago the Parish Council did a Village Survey. What the village needs is more parking. So flatten the unsightly garages and create parking. There was also a negative comment on the play area. (c) If it is not possible to maintain the status quo, the village would like to see the land offered to garage holders at a nominal price. The garages like allotments or council houses were taken in good faith, it would be a shame to upset villagers who have the use of them. (d) Mr Cooling has concerns over access to his property. The Chair to meet Mr Cooling and Mr Stanton separately to discuss the concerns. [Afternote. They met to discuss this during a break in the meeting.] (e) There is no obvious reason to sell the land. If the land is sold, a decision has not been made about how the money will be used.

The Chair noted that there are two projects which require significant money, the play area and village hall. The money would not be used for general running costs or to sit it the bank.

Mr Foley spoke about money and funds available for grant applications and for the Parish Council to consider the rebuild of the village hall. Mr Stanton asked if the Parish Council had a view to the longer term plan of the garage area. The garages have been in place for a long time and will need restoring at some point. The Chair replied it is difficult to predict the future and they are a good asset at the moment.

18/64. To discuss the mowing of the grass behind the village hall

Tracy Lean of the Village Hall Committee has asked if the small area behind the village hall to the end garage can be mowed. Tracy keeps the path behind the hall cleared and swept. It was agreed the area will need strimming initially but then can be mown once it is at a reasonable length. The Chair suggested that clearing the overgrown land to the rear could be a project for the Common Land group.

Action: The Parish Clerk to ask Andrew Bathe to trim this area initially.

18/65. To discuss the website and extra costs involved to make the server more secure

The website requires updating to make it secure. The certificate will cost £70.00 and the time to do the updates will cost £80.00. It was agreed this work needs to be done.

Action: The Parish Clerk to contact David McLindon.

18/66. Financial Report

The following payments were approved:

- £17.00 to SLCC (Clerk's membership)
- £146.00 to Brethertons Solicitors (work on Woodland Play Area lease)

- £59.58 to Tony Chittock (weedkiller for Fuel Allotment)
- £349.19 to Parish Clerk (hours)
- £24.20 to HMRC
- £59.40 to Parish Clerk (mileage)
- £68.99 to Parish Clerk (expenses)

To approve a salary increase for the Parish Clerk in line with the National Salary Award

A small increase in line with the National Salary Award was agreed and will be backdated to 1st April 2018.

18/67. To receive an update on Planning

Three applications had been received since the last meeting:

- *18/00763/LB, Remedial work at Swalcliffe Barn.* No objections.
- *18/00189/F, New Agricultural building, extension to silage camp, works to existing bund and screen planting at Stourwell Barn.* No objections but note about construction traffic not approaching site from Park Lane. Cllr Hodgkinson noted the state of Tadmarton Heath Road which is a single lane and full of potholes. Some have been refilled. Cllr Benson encouraged everyone to use 'Fix My Street' to report potholes. It was agreed for the Parish Clerk to write to the operators at Stourwell Barn asking the lorries not to drive through the village.
- *18/00519/F, Single storey rear extensions at Lime Tree House, Main Road.* No objections.

18/68. To receive the following correspondence:

The following correspondence was received and circulated:

- OCC, OCC and CDC Joint working proposal
- CDC, Invitation to attend Code of Conduct Training
- OALC AGM, 2nd July 2018
- CDC, Open Space and Play Area Strategy Consultation

One item of correspondence was highlighted:

- CDC, Invitation to attend Code of Conduct Training. The Chair and Parish Clerk will attend Code of Conduct Training on 17th July at Bodicote House.

18/69. Councillors' Reports

The small grassed area in front of the school is being churned up by lorries. A solution to protect the area is to be considered. A couple of suggestions included putting a tree or shrub on the area or an A Frame Signboard.

18/70. Date and time of next meeting

Monday 23rd July 2018 at 7.30pm

Meeting closed at 8.55pm.