

## SANDFORD ST. MARTIN PARISH COUNCIL 2018

**Approved Minutes of the Extraordinary Parish Council Meeting of Sandford St. Martin Parish Council held on 5<sup>th</sup> September 2018, at Sandford St. Martin Parish Hall.**

**Meeting Commenced at 7pm.**

**Councillors Present:** Ian Hames (Chair), Emily Wheeler-Booth, Jo Miles, James Rowe, Clive Hill

**Public:** 15

**County Councillor:** Ian Hudspeth

**District Councillor:** None

**Clerk:** Not Present

### **AGENDA ISSUES DISCUSSED ITEM**

435. **To receive apologies for absence.** Rachel Johnson ( Clerk )

436. **Declarations of Interest.** No further issues were raised.

437. **Minutes and matters arising of the last meeting:** The minutes of the last meeting were presented.

An amendment was proposed to the minute against item 431section III, Ledwell Village Green, replacing the first three paragraphs.

The text of this amendment was read out, and it was agreed to adopt this amendment, as shown below:

*Cllr. Ian Hames gave a report on the current situation regarding the boundary dispute. Following the outcome of the Tribunal, we applied to the First Tier Tribunal for permission to appeal the decision, but that was refused on 27 June. The refusal order permitted a further application to appeal to the Upper Tribunal within 14 days. On 12 July an order was issued by the Tribunal requiring the Parish Council to pay Mr and Mrs Simpson's costs relating to the dispute, although such costs may be assessed by the court in favour of the Parish Council if they cannot be agreed and if there is doubt over the amount or whether they were reasonably incurred. The Parish Council has paid £7,500 of its legal costs out of reserves, and a further £7,500 is claimed by the Parish Council's solicitor but is subject to further discussion. Three Councillors met with Keith Butler (Monitoring Officer) and Jenny Poole (Finance Officer) from WODC. They advised the council to speak to Publica, an organisation set up to support local government, to request legal and financial support. Further discussion with them is pending. On the 12th July, the Council received a demand from Mr and Mrs Simpson to pay their full costs amounting to £29,535.10. On the 26th*

*July, the Council received a letter from Mr and Mrs Simpson offering to accept reduced costs and flexible terms for payment, to bring this dispute to a close. The council wish to consider the costs and get advice from Publica.*

Matters arising: Cllr. Ian Hames gave a summary of efforts to obtain legal advice from Publica through West Oxfordshire District Council. This has involved a succession of communications between the Parish Council and District Council, since May, that were initially positive about such advice being made available. Cllr. Ian Hames read out an email received from WODC Monitoring Officer, Keith Butler this week, which effectively concludes that advice from Publica is not available to the Parish Council.

The PC will consider a response to this email, but it was agreed that there is effectively no means for the PC to obtain free legal advice.

438. **Ledwell Village Green**

Mr and Mrs Simpson wrote to the PC on 26 July, making an offer to accept reduced costs based on certain conditions and timings. Copy of letter shown in appendix 1.

Before voting on whether to accept this offer, there was a general discussion on matters relating to the offer and the present liability.

These included:

1. Reluctant acceptance by the PC that as a result of the late clarification that advice from Publica, would not be available, the PC is obliged to consider the Simpsons' offer letter without prior legal comment.
2. Councillor Hames explained that before the dispute was committed to the Tribunal process, a number of parishioners had made pledges in support of the PC's position. The total of these pledges, which have not all yet been redeemed, was not stated, but it was noted that it was between £10,000 and £20,000.
3. Mr Simpson raised the issue that the PC had applied for leave to appeal to the Upper Tribunal, and sought clarification of the current position, particularly in relation to the potential acceptance of the offer letter. It was stated that this application was made to keep this door open at a particular time when other issues (for instance the possibility of advice from Publica) were live. It was stated that the PC does not now intend to apply to the Tier 2 Tribunal, and steps to formalise this position will be taken.

4. Cllr. Emily Wheeler-Booth reported that she had spoken that day to WODC, Monitoring Officer, Keith Butler, who advised that there is no cap on next year's Parish precept, meaning that in principle cost liabilities that cannot be met by other means can be met by an increase in the precept.

5. County Cllr. Ian Hudspeth noted the importance of maintaining an adequate reserve in the annual budget planning.

6. Cllr. James Rowe read out an extract from the letter from Mr & Mrs Simpson.

**RESOLVED: THAT** the PC accept the terms laid out in the letter from the Mr and Mrs Simpson and will in consequence make three payments, as laid out in the letter, to a total of £25,000, with the caveat that this commitment is contingent on the precept being raised by an amount sufficient to bridge the gap between pledges raised and the agreed amount.

A copy of these draft minutes is to be sent to the Mr and Mrs Simpson, prior to these minutes being approved at the next PC meeting.

439. Finance Matters

**I. VAT refund submission - approved**

**II. Clerk access to Parish Council bank account**

Noted that the Parish Clerk needs access to the parish council bank account. A discussion followed about how to achieve this, and whether this should be a "read-only" type access. Cllr. Emily Wheeler Booth will investigate further.

**III. Additional cheque to cover VAT for Clerk Training -£24 – approved and claimed back.**

440. **Planning - Application: 18/02329/HHD + 18/02330/LBC**

**Southfield House, Manor Road, Sandford St.Martin**

Proposals for Southfield House were tabled and discussed.

The deadline for objections is 18 September.

**RESOLVED: THAT** the PC to comment on the Planning Portal that a chimney has been constructed that does not correspond to the drawings in the planning application. **Action IH**

441. **Any other Business**

- I. Parishioner Luke Ponsonby noted that the Great Tew Estate had made a second application for retrospective planning permission for the road constructed from Beaconsfield Farm to Ledwell Lane.

He noted that the deadline was 6 September.

There was a general discussion, and the view of both councillors and public attending the meeting was that the negative aspects of this proposal merited an objection by the PC.

**RESOLVED: THAT** the PC to raise formal objection to the proposals. **Action JR**

- II. Parishioner Luke Ponsonby noted that Gigaclear have carried out extensive works to bring fibre optic broadband lines to the edge of the villages. Parishioner Ian Simpson noted his recent discussion with Gigaclear that the intention is to bring fibre to a point adjacent to each household.

- IV. Parishioner Luke Ponsonby asked Councillor Ian Hames if it was his intention to resign following the outcome of the Tribunal. Cllr.Ian Hames noted that this was not his intention.

V. **Dates of next meetings (subject to change )**

Thursday 4<sup>th</sup> October 2018

6pm at Sandford St.Martin Parish Hall

**Exclusion of the Public and Press**

That in view of the special or confidential nature of the business transacted, the public were instructed to withdraw.

442. **Ledwell village green**

1. There was a general discussion concerning the appropriate means to give action to the various resolutions from the public meeting.
2. It was discussed and noted the importance of preparing a robust budget.

Meeting closed at 9pm