

STADHAMPTON PARISH COUNCIL

Minutes of the Extraordinary Meeting *held on* Wednesday September 11th 2019 at the Community Hall, Stadhampton Primary School.

Attendees	Cllr. Stephen Dawson (SD) – Chairman, Cllr. Robert Campbell (RC), Cllr. S Gilligan (SG), Cllr. Catherine Odell (CO) Michael Pawley (Clerk) and 21 members of the public.
Apologies	Cllr. Doug Struthers (DS), Cllr. Stuart Wells (SW) – Vice-Chairman

Ref	Item	Notes	Action
169/19	To receive and note apologies for absence	Apologies had been received from Cllr. Doug Struthers and Cllr. Stuart Wells. These were noted. The Chairman reported that the views of these councillors had been made known to those councillors present so that these could be taken into account as appropriate	For info
170/19	To receive and record Declarations of interest from members regarding items on the agenda	There were none	For info
171/19	To receive and discuss a proposal from solicitors acting for Mr & Mrs Davis in respect of Allotment 13 and the adjoining land	<p>The Chairman explained that the reason for the additional meeting was that the proposal received from the solicitors acting for Mr & Mrs Davis had been received too late to be included on the agenda for the meeting on 2nd September.</p> <p>The Chairman clarified the process that the Council would follow in considering the proposal and how the views of those members of the public would be taken into account. He reminded all those present that recording of meetings by members of the public was allowed (and indeed that the Council did record meetings itself for the purposes of producing the minutes)</p> <p>The Clerk summarized the recent history in relation to Allotment 13; he reported that a Court hearing had been held on August 13th and the District Judge had directed that both parties should seek to resolve the dispute through Alternative Dispute Resolution by 30th September. Subsequently the Council had filed a response to the Defence that Mr & Mrs Davis had submitted and on Friday 30th August the Council's solicitors had received a proposal from Mr & Mrs Davis's solicitors as to how this dispute might be settled. The Clerk referred to a plan that had been attached to the proposal, copies of which had been made available to those attending the meeting (attached as Appendix 1). The Council had until Friday 13th September to respond to this proposal.</p> <p>Cllr Dawson then outlined the principle of the proposal which amounted to an exchange of land which would result in the Council retaining an area of land of equivalent size to Allotment 13 – this was the land hatched in black on the plan. The area of Allotment 13 had been determined in a survey of the allotments in 1985 and was a matter of record.</p> <p>The principle of this was AGREED by all councilors.</p> <p>A question was raised from the floor in respect of the value that this transaction would add to the value of Church Farm House and hence whether a payment would be due to reflect this as the</p>	

Council would be disposing of an asset and would be bound to secure consideration for this. Cllr Dawson confirmed that the Council would consider this in the light of the advice of their solicitors on the proposal in the Closed Session

Mr Davis commented from the floor that he and his wife already owned the adjacent land having purchased it from their neighbours so the proposed swap would transfer full title ownership of the part that they already owned to the Council and they would support the Council in its registration of the remaining land

Cllr Dawson reported that the proposal suggested that the land currently designated as Allotment 13 should be registered by Mr & Mrs Davis. After discussion it was AGREED that it would be preferable that the Council seek registration prior to the land exchange.

Cllr Dawson reported that the proposal suggested that the various grants and surrender of rights of way indicated on the plan would be dealt with as part of the proposed Agreements. This was AGREED subject to discussion in the proposed Closed session in relation to the rights of access marked in purple. The Clerk reported that he had received a bundle of documents in relation to the accessways

Cllr Dawson reported that the proposal suggested that the stone wall adjoining Copson Lane would be extended (removing the hedge) to include the land that Mr & Mrs Davis would own following the proposed exchange and then along the line of separation between that land and the revised Allotment 13. He noted that as a statutory consultee the Council could not be bound in terms of its response to any future planning application as proposed by Mr & Mrs Davis but noted that the Council had not objected to any previous applications in relation to the property.

Cllr Dawson reported that the proposal suggested that Mr & Mrs Davis should then be granted a lease of the newly created Allotment 13. He advised that legal advice would be sought on this in the light of the circumstances of the proposal and in view of the waiting list for allotments. He reminded the Council that when the Council had previously agreed in principle to let the allotment to Mrs Davis in January 2018 she had been advised to approach the Allotments Officer to progress this. Subsequently Mr & Mrs Davis had elected to follow a different course of action. It was noted that any lease of Allotment 13 to any party would be on the same terms as any other allotment let by the Council.

Cllr Dawson then invited members of the public to ask questions or raise relevant issues

Mrs Davis commented from the floor that she was not seeking any preferential treatment in relation to a letting of Allotment 13; she claimed that she had met with the Allotments Officer and had received an Agreement from him following the meeting in January 2018 but that this had not been signed by herself once it was clear that the land was not registered to the Parish Council. In response the Allotments Officer stated from the floor that he disputed this, he had not given an Allotment Agreement to either Mr or Mrs Davis, further he stated that he was never involved in issuing Allotment Agreements to any allotment holders as this was always done by the Clerk or, during the vacancy in 2017/18, one of the Councillors.

There were a number of comments from the floor supporting the view that Mr & Mrs Davis should not receive any preferential

		<p>treatment in respect of their application to let the new Allotment 13 particularly with the increase in the number of houses in the village and the need that those residents would have for allotment land for the original purposes that allotments were created</p> <p>In response to a question regarding access to the new Allotment 13 Cllr Dawson replied that the Council would create this from Copson Lane and would be open to public access as all allotments were</p> <p>Mr Davis confirmed from the floor that the proposed boundary wall extension along Copson Lane and along the line of separation would be of the same Cotswold stone as the existing boundary wall that they had previously constructed</p> <p>In response to a question regarding the other vacant allotments it was confirmed that all of the 5 vacant allotments, 3 would need either substantial clearance work and in the case of the 2 grassed over allotments on the left hand side of Copson Lane, these would need to be created. Accordingly none of the vacant allotments could be let immediately. The Clerk confirmed that there were currently 4 people on the waiting list.</p> <p>In response to a question regarding the land marked on historic plans behind the churchyard which was marked as Allotment Gardens Cllr Dawson confirmed that this land, known as Chick's Copse previously Badger's Copse, had been planted with trees as it had been deemed unsuitable for allotments as it was low lying and prone to flooding</p> <p>In response to a question on legal costs Cllr Dawson confirmed that this was not covered in the proposal but would be considered as part of the Council's response; he also confirmed in response to another question regarding disposal of an asset and enhancement of property value that this point would be considered in the light of legal advice received from the Council's solicitors</p> <p>Mr Davis claimed that he and his wife had offered to settle this dispute via alternative means prior to the Council taking legal proceedings and that as the party in possession they would be losing land if the proposal were accepted</p>	
172/19	<p>To consider a resolution to exclude the press and public for Agenda Item 5 in accordance with Standing Order 3d due to the confidential nature of the business to be discussed and so as not to prejudice any legal proceedings</p>	<p>It was RESOLVED that the next agenda item should be held in closed session (Proposed: SD Seconded: RC)</p> <p>Cllr Dawson thanked everyone for attending and closed the open meeting at 8.55pm</p>	<p>For info</p>
173/19	<p>CLOSED BUSINESS: To receive legal advice from the Council's solicitors and, in the light of that</p>	<p>The Council met in Closed Session to consider an item of confidential business in relation to the legal dispute regarding the land known as Allotment 13.</p> <p>The Council considered the detail of the proposal contained in the letter dated 30th August 2019 from Bower & Bailey Solicitors acting for Mr & Mrs Davis in the light of the discussions earlier in the</p>	

<p>advice to discuss and agree the Council's response to the proposal received</p>	<p>meeting and in the light of advice received from the Council's solicitors. It was noted that 17 days had elapsed between the Court hearing and receipt of the proposal</p> <p>In relation to the proposed exchange of land the principle of this was AGREED. In relation to the question of the potential enhancement of the value of Church Farm House it was agreed that further advice would be sought from the Council's solicitors</p> <p>In relation to the registration of the land currently designated as Allotment 13 it was AGREED that the response should be that the Council should seek to register the land at the Land Registry and that Mr & Mrs Davis should agree to support the registration as Mr Davis had himself indicated during the meeting</p> <p>In relation to the grant of rights of way by vehicle and pedestrian access and surrender of existing rights the proposal was AGREED with Yellow A1 to be removed, blocked up and replaced with a stone wall</p> <p>In relation to the removal of the hedge and the building of a stone wall along Copson Lane and the line of separation this was AGREED in principle so long as there were no gateways apart from that marked Green 1. Following completion the Council would remove the fencing that would remain around the new Allotment 13 and establish an access to Allotment 13 either from the turn in to Church Farm Barns or from Copson Lane at the far end of the new Allotment 13.</p> <p>In relation to the proposal that the Council would not object to the planning application for the new wall it was AGREED that the Council could not bind itself in respect of a future planning application which it had not seen.</p> <p>In relation to the proposal that Mr & Mrs Davis be granted a lease of Allotment 13 it was firstly clarified that leases were not granted in respect of any of the Council's allotments. Instead a Tenancy Agreement would be issued if appropriate. In the light of the events since the January 2018 Council Meeting, the demand for allotments and the current waiting list it was AGREED that the Council could not agree to this part of the proposal</p> <p>In relation to the proposal that there be a mutual announcement, that no disparaging comments be made by either party and that the details be raised at a subsequent Parish Council meeting it was AGREED that advice should be taken from the Council's solicitors on this particular point. In any event the final details of any agreement would be disclosed and agreed at a Parish Council meeting</p> <p>In respect of legal costs it was AGREED that a substantial contribution towards the Council's legal costs should be sought and that this should be discussed with the Council's solicitors.</p> <p>It was also AGREED that the recent substantive evidence regarding ownership of the land that had been received by the Council from a previous occupier of Church Farm House should be forwarded as part of the Council's response.</p> <p>It was AGREED that the Clerk should discuss the above points with the Council's solicitors, agree the content of the response and that a response should be sent to Bower & Bailey Solicitors by Friday 13th September.</p>	<p>CLERK</p>
---	--	---------------------

174/19	Date of next Council meeting	Tuesday 1st October 2019 at 8pm (Planning)	For info
175/19	Meeting Closed	9.40pm	