

STADHAMPTON PARISH COUNCIL

Minutes of the Extraordinary Meeting *held on*
Wednesday May 15th 2019 at the Community Hall, Stadhampton Primary
School.

Attendees	Cllr. Stephen Dawson (SD) – Chairman, Cllr. Robert Campbell (RC), Cllr. Catherine Odell (CO), Cllr. Doug Struthers (DS), Cllr. Stuart Wells (SW) – Vice-Chairman, Michael Pawley (Clerk) and 17 members of the public.
Apologies	Cllr. S Gilligan

Ref	Item	Notes	Action
105/19	To receive and note apologies for absence	Apologies had been received from Cllr. S Gilligan. These were noted.	For info
106/19	To agree to receive and approve the minutes of the meeting held on 7th May 2019 at the next Council Meeting	This was AGREED	For info
107/19	To receive and record Declarations of interest from members regarding items on the agenda	There were none	For info
108/19	To receive an update from the Clerk in relation to Allotment 13 and to consider options open to the Council taking into account comments from the public	<p>The Clerk explained the background to the discussion in that Allotment 13 was currently unregistered land and has been used as an allotment for many years. The Land Registry had declined to register the land due to the lack of deeds; following the occupation of the land by the owners of Church Farm House and having sought new legal advice the Council had agreed to pursue its rights to occupation on the grounds that the Council have occupied the land and let it as allotments for many years and have superior rights to those of the owners of Church Farm House. The Council's solicitors had issued a letter on 26th April giving 21 days' notice to vacate, a response had been received on 9th May and the Council's solicitors had further responded dealing with the points raised and extending the notice period to expire on 24th May.</p> <p>The Clerk explained that if the land had not been vacated at that time the Council would have three options:</p> <ol style="list-style-type: none"> i. To issue legal proceedings to obtain an injunction. This would incur a significant amount in legal fees ii. To do nothing iii. To revert to the original plan to register the land at the Land Registry <p>Cllr Dawson invited the parishioners present to comment prior to the Council deliberating on the matter. Many of the questions raised related to whether the land was or ever had been part of Church Farm House or Church Farm – the Council confirmed that they had no evidence that this had ever been the case and indeed had evidence from previous owners that they had not owned the land. A question was also asked regarding the plan attached to the grant of an easement which appeared to evidence that the Council did not own Allotment 13. Cllr Dawson replied that legal advice had</p>	For info

		<p>been received that the plan in question only evidenced that land which was registered in the name of the Council at the Land Registry and no inference as to non-ownership could be drawn from the fact that Allotment 13 was not included. The Council's Allotments Officer also confirmed that for as long as he had been in post the land had always been used as an allotment.</p> <p>The Council's position was that under the principle of better entitlement having occupied and let out the land for (well) over 12 years the Council had better entitlement to the land than any other party.</p> <p>In view of the financial implications of taking action to recover the land Cllr Dawson sought the views of the public present – there was strong support for continuing the action.</p> <p>The Clerk outlined the costs for seeking an injunction which were in the order of £7,500 - £10,000; in the event of the Council succeeding then the owners of Church Farm House would be required by the Court to pay part/all of these costs. Conversely in the event of the Council losing the case then the Council would in turn be required to pay part/all of the legal costs of the other side. Further litigation could escalate the Council's legal costs to the order of £50,000. However, at this stage the Council were only considering the first step</p> <p>Cllr Dawson reported that offers of donations towards the cost of legal action had been received from parishioners. At this stage this was not being called upon. Cllr Dawson also reported that ongoing discussions were taking place with the District Council who may be able to offer additional legal support or support with costs.</p>	
109/19	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	It was RESOLVED that the next agenda item should be held in closed session (Proposed: SD Secoded: RC)	For info
110/19	CLOSED BUSINESS: To receive further legal advice from the Council's solicitors and, in the light of that advice to discuss and agree the Council's course of action in respect of Allotment 13 including any financial commitments	<p>The Council met in Closed Session to consider an item of confidential business in relation to a legal dispute regarding the land known as Allotment 13.</p> <p>Given the current demand for allotments (the Clerk reported a waiting list for allotments), the anticipated demand due to the new housing at Hampton Meadows and potentially other housing development, the support from the parish evidenced at this and other meetings and also the extensive records relating to the land's use as an allotment, then after lengthy discussion it was RESOLVED to instruct the Clerk to have further discussions with the Council's solicitors regarding the next steps in the event of the owners of Church Farm House not vacating the land by Friday 24th May, and that in the event that the advice met the Council's expectations that the Clerk should instruct solicitors to commence proceedings in trespass with an interim injunction application.</p>	<p>For info</p> <p>CLERK</p>

	associated therewith		
111/19	Date of next Council meeting	Tuesday 4th June 2019 at 8pm (Planning)	For info
112/19	Meeting Closed	9.55pm	