

EASTON ON THE HILL PARISH COUNCIL

Parish Office

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Minutes of the meeting of Easton on the Hill Parish Council held on **Monday 12th November 2018** at 7.00pm

Present:

- Cllr E Hanson – Acting Chair
- Cllr P Bates
- Cllr J Ward
- Cllr A O’Grady
- Cllr A Cutforth
- Cllr J Rawlinson
- Clerk/RFO

	ACTION
<p>18/176 - To receive written applications for the office of Parish Councillor and to Co-Opt a candidate to fill the existing vacancy. Applications were received from Mrs Anne Cutforth and Mr Jerry Rawlinson for the post of Councillor for Easton on the Hill. The Chairman invited both to introduce themselves and give a short brief. It was then Resolved to Co-Opt Anne Cutforth and Jerry Rawlinson as councillors for Easton on the Hill. The clerk ensured all the paperwork was signed and both councillors took their place at the meeting.</p>	
<p>18/177 - Approve the resignation of Cllr Moll, Cllr Tomblin, Cllr Baker and Cllr Wheatley and to approve the process to recruit a new councillor. – It was Resolved to accept all the resignations. The clerk has already informed the Electoral Officer and the Co-Opting process has begun</p>	
<p>18/178 – Apologise for absence Apologise sent from: Cllr Simpson and Cllr Stokes, RESOLVED: To approve the absence of all Cllrs named above (approved unanimously)</p>	
<p>18/179 – To receive declaration of interest under the Council’s Code of Conduct related to business on the agenda. Both Cllr Hanson and Cllr Bates declared an interest for item 18/186a</p>	
<p>18/180 – To Receive and Approve for signature The Minutes of the meeting held on Monday 23rd July 2018 and Monday 08th October 2018. There were no amendments to the minutes IT WAS RESOLVED: That the minutes of Monday 23rd July 2018 and Monday 8th October 2018 be signed by the Acting Chairman as a correct record of the meetings.</p>	
<p>18/181 – To Receive and Approve for signature the Minutes of the EGM held on Thursday 6th Sept 2018 – It was Resolved that the minutes of Thursday 06th September 2018 be signed by the Acting Chairman as a correct record of the meeting.</p>	
<p>18/182 – Matters arising from these minutes only. 18/172- The first phase of replacing the street lighting will begin in the new year.</p>	
<p>18/183 – Governance Matters – a) Communication with Councillors - This matter was discussed and it was Resolved that emails sent need to be more succinct and relevant to the individual councillors. Emails should be checked every couple of days to ensure the business is done in a timely manner. As one councillor doesn’t have an email account it was agreed that all relevant correspondence be posted to them on a weekly basis. It was also Resolved that where possible any payments will be published in the agenda.</p>	
<p>18/184 – Clerks Report – <u>Correspondence since last meeting</u> a) A couple of emails had been received to ask for an update on the broken speed sign at the top of High Street. The Clerk said that this had been reported to Highways and was scheduled to be repaired within 3-6 months b) Communication had been received about the trees in Spring Close and that they need attention.</p>	

<p>Cllr Bates will contact a tree surgeon and seek their advice. Cllr Bates will report back at the December meeting.</p>	<p>Cllr Bates</p>																												
<p>18/185 – Public Time - The Acting Chair thanked all the public for attending the meeting and asked if anyone would like to speak. Mrs Janice Wilson asked to speak and was invited to do so. Mrs Wilson gave a brief background on the ongoing issue over the Church Yard gate. She mentioned that in April 2016 the council had agreed to put in pedestrian gates but this had not happened. She hoped that when the matter was discussed later on in the meeting that this matter would now be resolved. Mrs Wilson also asked that when a councillor was absent from a meeting a reason was given so that the public are aware. The Acting Chair thanked Mrs Wilson for her comments. Mr Tim Nicol asked to speak and was invited to do so. Mr Nicol echoed Mrs Wilson’s comments on the Church Yard Gates, he also stated that the council had made a mistake when the gates were originally put in and now was the time put right that mistake. Mr Nicol also asked what the process was for co-opting a parish councillor. The Clerk explain this. The Acting Chair thanked the public for their comments.</p>																													
<p>18/186 – To Receive a report from the Planning Committee for the application</p> <ol style="list-style-type: none"> 18/01844/FUL- Proposed new dwelling to the rear of 23 Westfields at land rear of 28, 30 and 32 Western Ave Easton on the Hill. As only one councillor was available to access this application the clerk will request an extension so that new members of the Planning Committee can assess it 18/01897/TPO – T1 Lawsons Cypress. Fell and replant 1 Aler Griseum at 30 High Street Easton on the Hill. The Planning committee reported No Objection and the Clerk reported this to ENC Planning Department. 18/02008/TCA – 2no Leylandii (T1, T2) to be felled due to excessive shading and low amenity value, Replant with 2no, dwarf trees which will grow to 8-10 feet tall at 13 High Street Easton on the Hill. The Planning committee reported No Objection and the Clerk reported this to ENC Planning Department. It was Resolved that Cllr Cutforth and Cllr Rawlinson would become members of the Planning Committee 																													
<p>18/187 –Finance.</p> <p>a) ICC’s report – monthly bank reconciliation and invoices are approved: Receipts and Payments to Date</p> <table border="1" data-bbox="76 1193 1177 1272"> <tr> <td>DC – HMRC-Vtr</td> <td>277.24</td> </tr> <tr> <td style="text-align: right;">Total</td> <td></td> </tr> </table> <table border="1" data-bbox="76 1328 1305 1630"> <thead> <tr> <th><u>Chq no.</u></th> <th><u>Description</u></th> <th><u>Amount</u></th> </tr> </thead> <tbody> <tr> <td>102398</td> <td>Leicestershire Gardens- Grass Cutting for September 2018</td> <td>£ 570.00</td> </tr> <tr> <td>102399</td> <td>SSE – Electric Supply July-Oct 18</td> <td>£ 1103.39</td> </tr> <tr> <td>102400</td> <td>The Air Ambulance – Section 137 Payment</td> <td>£ 100.00</td> </tr> <tr> <td>102401</td> <td>D Lattimore – Grass Cutting – Sept – Oct 2017</td> <td>£ 500.00</td> </tr> <tr> <td>102402</td> <td>D Barrett – Wages and Expenses</td> <td>£ 698.31</td> </tr> <tr> <td>102403</td> <td>Village Hall Management Committee – Rental Contribution</td> <td>£ 150.00</td> </tr> <tr> <td>102404</td> <td>British Legion Poppy Appeal</td> <td>£ 25.00</td> </tr> </tbody> </table> <p>It was Resolved to accept the ICCs’ approval and payments made under the Local Government Act 1982 and subsequent financial legislation for all payments except the one to D Lattimore. Under a separate vote it was Resolved to pay this invoice.</p> <ol style="list-style-type: none"> To Review the proposed Budget for 2019/2020 - The Clerk presented a draft budget and explained that the increase would be larger than normal as the previous precept had not been set by the council. To approve the payment to Cllr Simpson of £44.00 for the Statutory Declarations and appendix that require being sworn in in front of a solicitor. Cllr Ward asked to see the Statutory Declaration before making any decision. It was agreed that Cllr Simpson would be asked to provide the details at the December meeting To approve the payment to the Land Registry of £60.00 to apply for the title of the land at the playing field at The Land Registry. It was Resolved to move this item to December’s meeting. To discuss the renewal of the Domain name Hub on the Hill. It was Resolved to move this item to Decembers meeting where more information about the council’s commitment could be presented. 	DC – HMRC-Vtr	277.24	Total		<u>Chq no.</u>	<u>Description</u>	<u>Amount</u>	102398	Leicestershire Gardens- Grass Cutting for September 2018	£ 570.00	102399	SSE – Electric Supply July-Oct 18	£ 1103.39	102400	The Air Ambulance – Section 137 Payment	£ 100.00	102401	D Lattimore – Grass Cutting – Sept – Oct 2017	£ 500.00	102402	D Barrett – Wages and Expenses	£ 698.31	102403	Village Hall Management Committee – Rental Contribution	£ 150.00	102404	British Legion Poppy Appeal	£ 25.00	
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18/188 – To receive a report from Trees and Greens

The only item on Tree's was discussed under the clerk's reports.

18/189 – Playing field Matters

a) **Playing Field Update from Cllr Simpson – The report below was presented to all councillors**

Statutory Declarations

The changes requested to my own and one of the other three Statutory Declarations have been finalised. The solicitor acting on behalf of the Parish Council, Stapleton & Son, believe that the four Statutory Declarations, my own and the other three from village residents, are robust. Whilst Stapleton & Son cannot guarantee that the four Statutory Declarations will be enough, the evidence should be sufficient to:

1. Prove Easton on the Hill Parish Council's title to the area known as the Playing Field, and
2. To demonstrate that the Bridleway known as Ketton Drift was always intended to be a vehicular access and should be re-classified to a Byway open to All Traffic (BOAT) to allow vehicular access to the car park and Easton on the Hill Cricket pavilion; my declaration confers no ongoing liability to the maintenance of the proposed BOAT on Easton on the Hill Parish Council or other users of the proposed BOAT.

Some might question whether the Bridleway was always intended to be a vehicular access to the Playing Field. A condition of the application to turn the use and purpose of the land from agricultural to that of a playing field, the County Planning Officer stipulated that a car park should be built. I cover this point in my Statutory Declaration with supporting evidence.

Some people may be questioning the length of time it has taken to complete these Statutory Declarations. I think it is important to point out, in regard of my own and that of the other three villagers, and I quote from a note from the solicitor "...it is vital to remember that these Declarations are their own documents setting out what they want to say and what they believe and so all of you should feel free to make changes to the Declarations and also add in anything else which you wish to say."

Next Steps

1. To ensure we have followed protocol, **I propose, or in my absence request a Councillor proposes that Council seeks to prove and obtain title with the Land Registry a. To the land know as Easton on the Hill Playing Field (Ordnance Survey reference 91 and 162), and**

b. To change the classification of the Bridleway known as Ketton Drift to become a Byway open to All Traffic (BOAT) to allow vehicular access to the car park at the Playing field and to Easton on the Hill Cricket Club pavilion with no ongoing liability to the maintenance of the proposed BOAT to Easton on the Hill Parish Council or users of the Playing Field.

2. To achieve 1 above, the four Statutory Declarations now need to be sworn before a solicitor, other than Stapleton & Son, in accordance with the Statutory Declarations Act 1835. The cost of this will be £5 per Statutory Declaration and £2 for each addendum/appendix to the main declaration. These costs will have to be paid in cash to the solicitor witnessing the Statutory Declarations. My declaration will have up to 12 addenda to be witnessed so the total cost will £44. **I propose, or in my absence request a Councillor proposes a. The Parish Council makes a cash advance to me of £42 to cover the cost of the witnessing so the solicitor can be paid in accordance with the Statutory Declarations Act 1835.**

Playing Field Update November 2018

3. Once 1 above has been completed, Stapleton & Son can prepare and submit the HM Land Registry Application Form to the HM Land Registry for registration of the land. The HM Land Registry fee should be £60.00. **I therefore propose, or in my absence request a Councillor proposes that the Council agree to the expenditure of £60 to apply for the title of the land at the Land Registry, this excludes Stapleton & Son cost for advising and completing this work.**

4. One point which has been raised concerns the detail or how the land should be registered with the

<p>Land Registry. I have discussed this issue by email with the solicitors and I have included my question in regard of this matter, and their response:</p> <p>“One point we discussed when we last spoke, a Councillor has asked for an Agenda item at the next Parish Council concerning the Ownership wording of the playing field with the Land Registry. The background to this is there is a belief that the land in question was gifted to the village for the benefit of the children and people of the village. As a result, the question has been raised whether we should ‘register’ the land for the benefit of the people of the village, or the “children and people of the village or in trust for the children and people of the village.”</p> <p>My understanding from our conversations is the Parish Council is registering the ‘title’ to the land, and the access rights via the current Bridleway. Am I correct in this and if I am, could you provide a lay person guide to the meaning of title as opposed to the ownership, for example ‘for the benefit of the children and people of the village of Easton on the Hill’?</p> <p>The solicitors’ response is:</p> <p>“I do not think that the Land Registry will be concerned about what the playing field is to be used for. The sole purpose of registering the land as owned by the Parish Council is to show ownership backed by the Land Registry guarantee (which applies to all registered title land in the Country). This is important for the Parish Council because at the moment the land is unregistered and there is no Transfer Deed or Conveyance in existence which proves the Parish Council owns the land. It would, therefore, be in the interests of the people of the village that its Parish Council can show that it is the owner of the land in question because the alternative is simply that no one has any legal title to the playing field.</p> <p>I note that there is some suggestion or belief that the playing field was “gifted to the children for the benefit of the children and people of the village” but there does not seem to be any document which shows that this is the case.</p> <p>I would have thought that the Parish Council’s overall responsibility as a Council is to provide any property it owns as something which must be used for the benefit of the children and people of the village and over the years that has been the case.</p> <p>In short, therefore, I think this process is to register the title of the Parish Council to the land and that only.”</p> <p>As a result, I think it clear that this process is to register the title of the Parish Council to the land and that only.</p> <p>5. Just one final point. In the Land Registry Application Form we have to give an address for where the registered proprietor of the land can be contacted. This may be difficult with Officers like Chairman and Clerk changing. One option might be to use Stapleton & Son’s address at 1 Broad Street, Stamford. I therefore propose, or in my absence request a Councillor proposes that we agree to enter Stapleton & Son’s address on the Land Registry entry.</p> <p>Playing Field Update November 2018 Councillor M A Simpson 04/11/2018</p> <p>As Councillor Simpson was absent it was Requested that Cllr Simpson be available at the December meeting to answer any questions other councillors have on this matter. It was Resolved to bring back to Decembers meeting</p> <p>b) To discuss the Ownership wording of the Playing Field. –It was Resolved to bring this matter back to Decembers meeting</p>	
<p>18/190 – Under the Special Resolution from 18/161 of Octobers meeting it was Resolved to bring back to Novembers meeting the request to install a Pedestrian Gate at the entrance to the New Church Yard Extension.</p> <p>Following a discussion it was Resolved that the Parish Council would not pay to change the gate at the new church yard to include a Pedestrian gate.</p>	
<p>18/191 – To Review the request to move an existing Parish Council owned Grit Bin or provide a new one to the entrance to West Mill. It was Resolved that Cllr Hanson would do a full review of all the Grit Bins in the village, mapping where they were and to make any suggestions for moving some for maximum</p>	Cllr Hanson

effect. The Clerk will seek costs for adding a new Grit Bin to the entrance to West Mill.	
<p>18/192 – To discuss the possibility of having a workshop between Villagers and CIPS to come up with ideas to see what can be done to Mitigate the impact of traffic.</p> <p>It was Resolved that this was not a matter for the Parish Council but for the residence of Church Street to possibly form a Workshop with CIPS.</p>	
18/193 – Checkers for December – Cllr Hanson will do the Checkers for December	
18/195 – The meeting closed at 9.00 pm The next meeting will be on Monday 10th December 2018 at 7.00pm in The Village Hall.	

Signed: _____

Date:

DRAFT