

COLDEN COMMON PARISH COUNCIL
MINUTES OF THE MEETING OF THE FULL PARISH COUNCIL
HELD ON MONDAY 7th NOVEMBER 2016 AT 7.30PM IN THE
BERT STRATTON LOUNGE, COLDEN COMMON COMMUNITY CENTRE

Present Cllr Richard Izard
Cllr Maggie Hill
Cllr Pam Glasspool
Cllr Ann Brown
Cllr Barbara Kelly
Cllr Jean Bligdon
Cllr Laurence Wilks
Cllr Ron Hancock
Cllr Steve Badham
Cllr Jill Stevenson

Apologies Cllr Patrick Hunter

In attendance Debbie Harding (Clerk)
Cllr Sue Cook (WCC)
18 members of the public
Cllr Rob Humby

FPC **TO RECEIVE APOLOGIES FOR ABSENCE**
115/16

Apologies were noted as above.

FPC **TO FORMALLY RECEIVE CLLR CARRY'S RESIGNATION FROM**
116/16 **THE PARISH COUNCIL AND DECLARE A VACANCY**

Cllr Izard confirmed that Cllr Carry had resigned from the Council with immediate effect. Cllr Izard led the thanks to Cllr Carry for this contribution on what has been Cllr Carry's second term as a Parish Councillor.

The Council has a vacancy for a Parish Councillor which will be advertised in due course.

FPC **TO RECEIVE ANY DECLARATIONS OF INTEREST RELATED TO**
117/16 **SUBSEQUENT AGENDA ITEMS**

No declarations of interest were declared.

FPC **TO APPROVE AND SIGN THE MINUTES OF THE EXTRAORDINARY**
118/16 **MEETING OF THE FULL PARISH COUNCIL HELD ON THE 3rd**
OCTOBER 2016

The minutes of the Parish Council Meeting held on 3rd October 2016 having been circulated, were considered and agreed as an accurate record of the meeting and signed by the Chair, proposed by Cllr Steve Badham, seconded by Cllr Pam Glasspool and carried with an abstention by Cllr Jill Stevenson.

FPC **TO RECEIVE ANY QUESTIONS FROM MEMBERS OF THE PUBLIC**
119/16 **RELATING TO ANY MATTERS ON THE AGENDA, OR ASK ANY**
QUESTIONS TO DISTRICT AND COUNTY COUNCILLORS

Rob Veck asked if the Council has any update on the solicitor error in the transfer of land adjacent to 14 Whitebeam Close and any details of legal cover within the Parish Council insurance schedule. The Clerk confirmed that the legal cover in the Parish Council insurance is for legal cover in relation to claims, and sadly not general legal insurance.

Shenton's solicitors have informed the Council that they have passed the matter onto their insurers and therefore are no longer able to act for us to resolve the errors they made on the transfer of land to adjacent 14 Whitebeam Close.

The Clerk has taken legal advice as follows:

This is now turning into professional negligence claim as you tell me that the solicitors have referred the matter to their insurers. You also tell me that the Council's insurers will not take on this case.

It is clear that the solicitors admit that there were errors –a transfer of more land than instructed, wrongly executed documents, the procedures in s 127 of the Local Government Act 1972 not followed. It is also clear that the solicitors (and counsel) hoped that the matter could be put right by a negotiated settlement with the recipient. Evidently, the recipient does not admit that there was a mistake or are not prepared to return the position back to where the Council wishes the position to be.

I note that counsel considers that even if a mistake were made as to the extent of the land transferred, the recipient might be able to make a claim to the land in dispute on the basis of adverse possession.

The Council needs to be clear where it wants to end up. If its priority is to secure the return of the disputed land and does not want to take up the recipient offer then there could be a costly and lengthy dispute. It is not clear that the insurers would want to get involved in such a protracted argument. If the Council wishes to seek financial recompense from the insurers then that might be more straightforward but would still necessitate a full and argued claim.

I suggest that you would want to receive legal advice. This is not the kind of case in which I would wish to become involved because, as you will know, litigious cases are normally passed to litigators. So far as time limits are concerned, there is no reason to suppose that a limitation of other than six years' from the solicitors' breach of duty applies.

The matter will be on next month's agenda for decision.

FPC 120/16 TO RECEIVE UPDATES FROM THE ELECTED DISTRICT AND COUNTY COUNCILLORS

Cllr Rob Humby – Household Waster Recycling Centre. The DLCCG has made a statement through trade press stating that charging for non-household waste is not permitted. 11 other authorities have been charging for non-household waste since 2008 so HCC are challenging this statement from the DLCCG.

Fridges and freezers' – Manufacturers are responsible for disposal of fridges and freezers due to the gas contained within them. The Government have a contract for processing them and recycling. The targets that have been set were so low, that the requirement has been met. HCC are storing the fridges and freezers but the storage space is now full. The number of units received at the HWRC are up 40% in the last year.

HCC have contacted the environment agency who will not allow HCC to store any more. If HCC are successful in obtaining a license to store more units, they may fall outside the recycling scheme and tax payers may have to pay for their disposable.

Cllr Sue Cook – HCC Council have negotiated with Tesco's PLC and the Garrison ground land has been purchased by the Council to give the go ahead for the new sports facility.

The Christmas operation hours for the park and ride will be extended by an additional hour and additional car parking spaces will be made available.

Colden Common Scouts hosted a successful bonfire and BBQ on Saturday.

The Christmas in Winchester 2016 brochure has been produced.

The Issues with commercial parking over spilling into the residential roads off Wessex Way has eased in recent weeks. The Trustees of the Church Rooms were unable to offer parking to the businesses of Wessex Way as it would felt it would obstruct availability for parking for its own patrons.

Cllr Richard Izard – The Winchester regeneration group have issued a brief to urban designers and interviews for an appointment will be made on the 6th December. Professor Biddle spoke at the last meeting and stated that a full-scale archaeological dig was not needed and was impractical. At the next meeting a representative from HCC (passenger transport) and Stagecoach will be coming to speak. Consultation will start early in the new year, with a draft supplementary planning document available mid-2017.

A devolution briefing to all members will take place on Monday 5th December at 6pm.

The next PACT meeting will be held on Tuesday 22nd November in the Recreation ground pavilion at 7pm. This meeting is hosted by the safer neighbourhood team and will be advertised by them shortly.

FPC **UPDATE ON MINUTES; CORRESPONDENCE AND RELEVANT**
121/16 **MATTERS NOT INCLUDED ELSEWHERE ON THE AGENDA FOR**
 INFORMATION ONLY

The Clerk reported as follows:

The Clerk is still working on a submission to the Boundary Commission. The deadline is 5/12/2016

Skateboard park repairs are complete and the insurance claim has been made.

The Councils insurers are in touch with a 3rd party regarding the damaged gate at Colden Common Park

The Clerk had a meeting with Mike Seed, HCC Principal Engineer. HCC have agreed to carry out some siding of footpaths to full width on Church Lane, Highbridge Road and Spring Lane. Lots of the issues raised by the Clerk can be traced to glitches on the online reporting system and the new HCC call centre.

A further meeting with Nick Earl, Service Improvement Manager will take place to feedback the issues with the online reporting tool.

The online representation on the Local Government finance technical consultation has been submitted.

The CCTV improvement works organised by the Community Association has been completed. The works have been funded 50/50 with the Community Association.

The Council welcomes Matt Anstey as Assistant Grounds person who joined us on the 31st October.

A resident of Church Lane would like the Parish Council to install a street light outside his house. At certain sections of the road the lights are every other telephone pole, at some sections on every telegraph pole. The Clerk has explained concerns over precedent and asked the householder to write to the Council for consideration at a later date.

FPC TO RECEIVE THE MINUTES FROM THE RECREATION MEETING
122/16 HELD ON THE 3RD NOVEMBER 2016

The full minutes of the last meeting is on the Parish Council Website.

Cllr Glasspool congratulation the Tennis Club for the opening ceremony of the new courts.

It is proposed to call for volunteers on the 20th November to clear some of the hedging between the Skateboard Park and the car park/St Vigor Way to help open the area to help with passive surveillance.

Once the area is opened, the Council will consider turning the lighting back on until 10pm when it must be switched off to comply with the planning permission.

The Committee resolved to remove the wooden fencing around the ramp area of the skateboard Park.

A member of the public raised frustration that the lighting was switched off and that the actions of few were affecting many who wish to use the ramps in the evening. The box was broken into as the lights were tripping out.

It was confirmed that the lights will be switched back on when the area has been thinned out.

The matter of a Youth Parish Council will be discussed at the next Parish Council meeting and skateboard park users are very welcome to attend.

TO CONSIDER ANY MATTERS ARISING FROM THE SPECIAL GENERAL MEETING OF COLDEN COMMON COMMUNITY ASSOCIATION IN RELATION TO THE LOCATION OF A PARISH COUNCIL OFFICE.

The Council wishes to thank the Trustees of the Colden Common Community Association Centre for hosting a special general meeting last evening. The meeting was well attended by members of the Public.

It was unanimously agreed by the Trustees and the members of the public present that the Parish Council office should be within Colden Common Community Centre.

Those present were given the opportunity to view the Gloucester Store Room, the stage store room and a changing room.

To move this matter forward it was suggested to use the services of mediators who will work with two members of the Parish Council and two Trustees of the Colden Common Community Association. Grateful thanks to Andrew Browning and David Bowker who volunteered their services, which was gratefully accepted and agreed by the Community Association Trustees and those members of the Parish Council present last night. It was felt that the representatives chosen should be members who had not taken part in discussion in the past

It was proposed by Cllr Glasspool that Cllr Wilks represents the Parish Council during this process with the Clerk, seconded by Cllr Kelly and carried.

David Bowker and Andrew Browning have asked in the first instance for a list of requirements for a Parish Office, making no mention of **a location in the Community Association**. The Clerk is suggesting the following list

REQUIREMENT	ESSENTIAL	DESIRABLE
Unrestricted, exclusive access of a secure Parish Office	X	
Room for 2 desks, photocopier, 3 filing cabinets and one storage unit for lever arch files or similar	X	
Internal access – to toilet, disabled toilet and tea/coffee making facilities	X	
Phone line / Wifi (whether PC own or use of CCCA)	X	
Access to a CCCC Network point (currently required to use photocopier wirelessly) may be a work around?	?	
Long term lease of the space to run in parallel with the lease of the CCCC to the CCCA	X	
Room for a small table to seat 6- 8 people for small sub-committee meetings		X
Annual payment to be agreed using an independent valuation for use of the space based on a price of office space per square metre	X	

It was agreed that this list would be sent to the CCCA and the mediators as the office requirement for the Parish Council

The CCCA Trustees have confirmed the Clerk could continue using the Stage Store Room in the interim period. The Clerk returned to work in the office this morning.

The Closing date for the role of Assistant Parish Clerk is this Friday and confirmation of relaxation of working hours and days of week is required to be able to continue with this appointment. The Clerk was asked to clarify this matter with the Trustees of the CCCA.

TO CONSIDER THE RECENT MEETING WITH COLDEN COMMON BOWLS CLUB IN RELATION TO THE FEASIBILITY OF THE “GREEN ROOM” AT COLDEN COMMON PARK BEING CONVERTED TO A PARISH OFFICE.

It was noted that The Colden Common Bowls Club are trying to reassure members that they will not be without a club room for 2017-18 season.

At this time, the option of an office at Colden Common Park will not be pursued, pending further conversations with the Community Association.

The Chairman would like to noted that he received a telephone call from land owner who sold Colden Common Park to the Council regarding the potential provision of a Parish Office at Colden Common Park. The landowner referred to a covenant on the land which stated that the land should be used for recreational purposes only and advised the Council that he was not in favour of provision of a Parish Office. They advised they would be taking legal advice and invited to the Council to do the same.

The Parish Council has taken legal advice as follows:-

It is a question of fact and degree whether an office the main purpose of which is to administer the recreational purposes of the Council is for recreation. Recreational facilities are of course defined in s 19 of the Local Government (Miscellaneous Provisions) Act 1976. I should have thought that something small and incidental to the premises and mainly for the use would not contravene the covenant but the matter is, of course, not beyond doubt.

**FPC
124/16** **TO RECEIVE ANY QUESTIONS FROM MEMBERS OF THE PUBLIC RELATING TO ANY MATTERS DISCUSSED ON AGENDA ITEM 123/16**

David Bowker spoke as one of mediators and confirmed that the list of Parish Councils office requirements was not a pre-purposed acceptance of providing these requirements but a starting point.

A member of the public suggested that the list of desirables should consider the further expansion of the village and consider the need for future space for the Parish Office. This matter was debated as difficult as we have no concept what future proofing against.

A discussion took place about a provision in the lease for any office space to have an opportunity to reassess, no firm agreement was made on this point.

A member of the public felt that the space should be exclusive use which could host confidential and private discussions without interruption

Cllr Ron Hancock – hoped that a deal between the parties would be forthcoming within a short timescale, in the interests of all parties and give the Bowls Club some stability in order to drive 2017 membership.

FPC TO RESOLVE THE LOCATION OF THE PARISH COUNCIL OFFICE.

125/16

It was resolved that it is the wish of the Council that the Office remain in the Community Centre, and the Council will re commence dialogue with the Community Association with the help of two independent parishioners as mediators to achieve this if possible. Proposed by Cllr Richard Izard, seconded by Cllr Kelly and carried unanimously.

FPC TO RECEIVE THE MINUTES FROM THE POLICY AND PROCEDURES COMMITTEE HELD ON THE 12TH NOVEMBER 2016

126/16

The full minutes of this meeting are available on the website.

Cllr Hill highlighted the draft policies recommended by the Committee for adoption by the Parish Council at the December meeting.

FPC TO NOTE THE ACTION AGAINST DESTRUCTIVE DEVELOPMENT CAMPAIGN AND THE PUBLIC MEETING IN THE COMMUNITY CENTRE ON THE 14TH NOVEMBER TO UPDATE PARISHIONERS ON THE EASTLEIGH LOCAL PLAN

127/16

Cllr Izard is meeting with Keith House leader of Eastleigh Council in his capacity of District Councillor. Cllr Izard also has a meeting with the AADD group.

Action against destructive development (AADD) is hosting a meeting on the 14th November at Colden Common Community Centre. The meeting will be advertised on the Colden Common Information system. The campaign group also is included in the Parish Council section of the village newsletter to aid in local knowledge of the Eastleigh Local Plan and the potential impacts on the village.

Mark Bailey a represented from AADD, thanked the Parish Council for its support., which was returned to the AADD campaigners from Parish Councillors.

AADD will be producing banners to advertise the group and suitable locations were discussed.

FPC **COUNCILLORS INFORMATION AND QUESTION TIME**
128/16

No questions were asked by Councillors

FPC **TO RAISE ANY ITEMS FOR THE NEXT AGENDA**
129/16

Items for the next agenda will include

Legal matters in relation to land adjacent to Whitebeam Close
Consideration of the request for disposal of land adjacent to 2 Hazel Close
Policy recommendations from the Policy and Procedures Committee
Consideration of the formation of a Youth Parish Council

The Clerk reported that priority will be given to accounting and budgeting matters which will probably take at least a week.

It is likely a budget will be available for adoption in January 2017

FPC **TO APPROVE ACCOUNTS FOR PAYMENT BY COLDEN COMMON**
130/16 **PARISH COUNCIL**

The Clerk has passed the accounts for payment for September and October to Cllr Badham for him to verify the invoices against the schedule.

It was proposed that subject to these checks the accounts for both September and October are authorised for payment by Colden common Parish Council. Proposed by Cllr Pam Glasspool, seconded by Cllr Laurence Wilks and carried.

FPC **TO CONSIDER A RECOMMENDATION FROM THE POLICY AND**
131/16 **PROCEDURES COMMITTEE TO INCREASE THE ROLE OF**
ASSISTANT CLERK FROM 12 HOURS PER WEEK TO 16 HOURS
PER WEEK

The Policy and Procedures Committee recommend to the Council that the Assistant Clerk role be increased from 12 to 16 hours per week.

To increase the Assistant Clerks working hours from 12 to 16 hours per week at an approx. maximum cost of £36.08 per week (£433 per year) in salary, plus any NI or pension costs.

It was noted that savings may come from loss of working from home allowance which currently is £15.00 for the Assistant Clerk and £18.00 for the Clerk per month. Which totals £396 per annum

I was resolved to accept this recommendation and recruit for the vacant role on this basis, proposed by Cllr Pam Glasspool, seconded by Steve Badham and carried.

FPC
132/16

**TO CONSIDER CONFIDENTIAL MATTERS WHICH IS EXEMPT
UNDER SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972
CONFIDENTIAL ITEMS**

- To ratify the recent employment contractual details of the Assistant Grounds person's appointment
- To ratify the enrolment of the Assistant grounds person on the Local Government Pension scheme

The meeting closed to discussed confidential matters in relation to contractual details for the Assistant Groundsman.

Please see confidential meeting minute.