

SHIPTON GORGE PARISH COUNCIL
MINUTES OF THE EXTRAORDINARY MEETING HELD AT CHURCH VIEW,
BROOK STREET, SHIPTON GORGE DT6 4NA ON WEDNESDAY 20 AUGUST 2008

Present: Cllr David Smith (Chairman) (DS), Cllr Charles Errington (Vice-chairman) (CE), Cllr Mrs Jean Ayers (JA), Cllr Mrs Heather Cowland (HC), Cllr Richard Cunningham (RC), Cllr Robert Langran (RL), Cllr Mrs Amy Steele (AS), Cllr Robert White (RW).

In attendance:

Parish Clerk Ernie Thomas.

528. Apologies for absence

Apologies for absence had been received from Cllr Colin Green (CG) on the grounds of attendance at a Village Hall Trust meeting. This absence was approved.

529. To pass a resolution to exclude members of the public from the rest of the meeting in accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 by reason of the confidential nature of the business

It was proposed by CE, seconded by RC and resolved unanimously to exclude members of the public from the rest of the meeting in accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 by reason of the confidential nature of the business.

530. To sign as a correct record the minutes of the meeting held on 11 April 2008

The minutes of the extraordinary PC meeting of 11 April 2008 were agreed and signed by DS.

531. To consider matters arising from the minutes including future action

DS read out a letter sent to Mr Gary Mitchell on 10 May 2008 informing him of the grant of the lease to the PC of an area of land in front of Brook Cottage. He circulated copies of a letter of 22 May 2008 from Messrs Kitson & Trotman, solicitors, saying inter alia that they had been consulted by Mr Mitchell in connection with the letter of 10 May and referring to correspondence from the Stangways (*sic*) Estate in 1984. DS said that the PC had no copy of any such correspondence and Nigel Hyde was similarly unaware of it. The solicitors' letter indicated they were taking further instructions. Copies of a further letter from them dated 19 June 2008 making certain proposals on behalf of their client (evidently Mrs Mitchell) were also circulated. The proposals were based on an assumption that their client held a superior interest in the land in question to that of the PC. DS said he and CE had consulted with Mike Harvey of Nantes at a meeting on 23 July 2008 and he briefed Councillors on the matters discussed. Mr Harvey had suggested an approach to a Conservation Officer to seek his views. Mr Harvey's advice was that the granting of the lease put the PC in a strong position and that the PC should proceed with the implementation of its plans for the future use of the land in an independent manner. In replying to Messrs Kitson & Trotman the PC should make it clear it had taken legal advice on this matter. RW said it was important to be careful about costs. DS said the PC had agreed to proceed although RW was not present at the relevant meeting. There followed discussion about the history of the area known as the Village Green and Councillors gave their individual views on the proposals made in the letter of 19 June. The consensus was that these should be rejected completely and that the other side should be asked to prove their alleged superior title. Only if they could do so would the PC reconsider the proposals. CE said that whilst the PC should not spend an unreasonably large amount in pursuing this matter, it was worthwhile contesting the assertion of a superior interest given the positive advice from Mr Harvey on the validity of the PC's leasehold interest. CE said he personally wanted an open space restored and this would involve removal of the existing fencing. The Clerk observed that under the terms of the lease, the prior consent of the lessor would need to be obtained. Agreed that the **Clerk and DS** should draft a reply to the solicitors' letter and circulate this to all Parish Councillors for agreement before DS signed and issued a reply. CE said the letter should make it clear that the matter would be discussed in public at the November PC meeting. It would no

longer be possible to justify a closed meeting. DS said that under the terms of the PC's insurance policy, the land must be inspected weekly to ensure any obvious hazards or other problems were dealt with. The Clerk had hitherto carried out the inspections, but it was agreed that the inspection log should in future be circulated between RL, RC and HC as they lived closest to the site. It was noted that the next inspection was due by 24 August.