

HORMEAD PARISH COUNCIL

Minutes of the Extraordinary Parish Council Meeting, Friday 10 August 2012, 6.15pm in the Meads Pavilion

PRESENT: Cllr Robb Denham (RED), Chairman; Cllr David Ginn (DEG), Vice-Chairman; Cllr Elaine Harding (EH); Cllr J Kilby (JK)

Clerk: Colin Marks (CM)

Also present: 8 members of the public, including Dist Cllr Rose Cheswright, plus PC Duncan Wallace and PCSO Amanda Higham

ACTION

12.129 Apologies for absence

- 1. Councillors:** none
- 2. Other Councillor absences:** None
- 3. Others:** None

12.130 Declarations of Interest

Cllr Ginn, Cllr Harding and Cllr Kilby each declared a personal interest in respect of Hormead Village Hall; Cllr Denham a personal interest in respect of the School, being a Governor.

12.131 Casual Vacancy

The Council discussed the co-option application by David Baseley. Cllr Ginn said that, although he did not know Mr Baseley, he had good credentials and, as a past chairman of the Hormead & Hare Street Village Hall & Sports Committee (which was not accepted by Cllr Kilby), he had useful experience of parish matters. He therefore proposed that the application be accepted. Following a vote it was **RESOLVED to accept David Baseley as a member of the Parish Council.**

CLERK

12.132 Minutes of Parish Council Meeting, 21 June 2012

It was **RESOLVED that the Minutes of the Parish Council Meeting of 21 June 2012 be accepted as a true and accurate record.** The Chairman signed the Minutes.

12.133 Code of Conduct

A new Code of Conduct, based on the latest available NALC model, was discussed in order for the Parish Council to be compliant with the new requirements of the Localism Act. It was **RESOLVED to accept the new Code of Conduct based on the NALC model.**

12.134 Title of Village Hall land

Following the resolution of 12.107, EGM, 1 June 2012, and the subsequent responses of the Charity Commission and Land Registry, there was a discussion on authorising a budget for the Clerk to deal with a solicitor of his choice regarding the title of Village Hall land.

Cllr Kilby asked why this was being pursued and what the Council hoped to achieve? The Clerk replied that in response to his letter to Land

Registry in June regarding ownership of the land, Land Registry said they were unable to give legal advice and suggested the Parish Council sought independent legal advice. The Charity Commission had previously said they could not say who held legal title and invited the Council to provide evidence of ownership. Therefore all other avenues to determine ownership had been exhausted. The Chairman read an extract from Land Registry's letter of 15 June (which had been circulated to Councillors) where they stated their inability to help. The Parish Council had a duty to parishioners to clarify the ownership position.

Cllr Kilby asked the Clerk why he had refused to give him copies of the Parish Council's correspondence to Land Registry. The Clerk said he had given Cllr Kilby a full explanation of his actions and that he had taken advice from HAPTC who, in turn, referred to NALC.

On being pressed, the Clerk explained and read an extract of those emails. He said he believed that, as a Parish Councillor, JK had a conflict of interest in his position as chairman of the VHMC, with whom the Council may have a dispute regarding the VH land. The Clerk said he had not been sure about the correctness of releasing PC documents on a subject not discussed by Council and upon which the Council might decide to take independent legal advice, as suggested by Land Registry.

The Clerk quoted Section 22 of the NALC revised Standing Orders: "*(a) Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council and request a copy for the same purpose.*"

The Clerk also said that he understood the position may be one of legal privilege where, in the case of a dispute, the release of documents prematurely might compromise the Council's position. He said he had the responsibility to exercise due diligence to ensure that did not happen.

Cllr Kilby asked why the Clerk had gone to HAPTC rather than seek District Cllr Rose Cheswright's advice, to which the Clerk replied that the Council's membership of HAPTC made them the appropriate body to refer to.

Cllr Kilby asked the Chairman why he had withheld returning the VH deeds to the Committee, saying they were not the property of the Parish Council, but belonged to the VHMC? The Chairman said that firstly they were conveyances of land to the Parish Council for the community and secondly VHMC owned no land and no Deeds. Mrs Kilby had not been honest in saying to both Cllr Ginn and the incoming clerk, Caroline Jones, that she did not have the deeds, to which Mrs Kilby replied that she had not known where the deeds were until she found them in a box from Heather Moore some time after her own resignation as clerk in May 2010.

The Chairman said that the true ownership of the land was what the Parish Council wanted to establish.

The Chairman asked Councillors to vote. Cllr Kilby asked for it to be recorded, and it was **RESOLVED by a majority of 3:1 to authorise the Clerk to deal with a solicitor of his choice regarding the title of Village Hall land, with a budget of up to £500.** In favour: Cllr Denham, Cllr Ginn and Cllr Harding; opposed: Cllr Kilby.

CLERK

12.135 Standing Orders

The draft of new Standing Orders was before the Council for members to consider in light of the changes imposed by the Localism Act and the new Code of Conduct. Cllr Ginn proposed the discussion be deferred until members had had the opportunity to consider the details more fully. All members agreed to defer the discussion and decision until the next Parish Council meeting.

ALL

The Chairman said there was no further business and declared the meeting closed at 6.45 pm.

Signed **Dated**

*Statement by the Clerk regarding the Minutes:
Minutes of Parish Council meetings are not meant to be a word-for-word record of the evening's dialogue. Rather, they should simply record the general points of any discussion relevant to the Council's business, ie the making of its decisions. However, in the case of this Extraordinary Meeting, more dialogue has been included than would normally be the case in an effort to reflect the arguments made at the meeting.
Colin Marks, Clerk to Hornead Parish Council*