

MINUTES OF AN EXTRAORDINARY MEETING

Held BY POULSHOT PARISH COUNCIL

Held on Wednesday 29th May 2013, 7.30pm, at Poulshot Village Hall

PRESENT: G Collett (Chair), S Housby (Vice Chair), A Baber, T Coleman, B Hamilton, N Hunloke Clerk: R Jeffries	
1.	Apologies & Acceptance of Apologies <ul style="list-style-type: none"> • Tim Nixon
2.	Register of Members' Interests <ul style="list-style-type: none"> • A Baber registered an interest in item 5a
3.	Draft of the minutes from the Parish Council meeting on 13/5/13 is available on the village noticeboards and website and will be approved at the Parish Council meeting on 15 th July 2013.
4.	Matters arising from the minutes of the Parish Council meeting on 13/5/13 <ul style="list-style-type: none"> • Matters arising from the Parish Council meeting on 13/5/13 will be dealt with at the Parish Council meeting on 15th July 2013.
	Update from the Chairman regarding the rights of access issues across the Green <ul style="list-style-type: none"> • The Chairman called the meeting to clarify the Parish Council's position on the ongoing issues of access across the Village Green and to deal with the matters transparently and fairly. • The Chair expressed the Parish Council's apologies to Mr & Mrs Bullen for not clearly understanding the Parish Council's legal position regarding granting permission to construct a new track across the Green. • After questions from some villagers about the decision made by Poulshot Parish Council on 5th March 2013, legal advice was sought from Wansbroughs solicitors. • The Parish Council has been told definitively that it cannot give permission for a new track to be constructed across the Village Green.
5a	Following the receipt of legal advice from Wansbroughs Solicitors, the Parish Council voted on a resolution that houses using a right of way across the Green before 2009 (when the Poulshot Parish Council were registered as the legal owners of the Green by the Land Registry) will not be asked to pay for that right retrospectively. Motion was proposed by S Housby, seconded by B Hamilton. Councillors were in favour (5) (A.Baber did not vote). The motion was carried.
5b	Access across Poulshot Village Green to Middle Green Farm
i.	The Chair stated that any decision made by the Parish Council (for example the vote taken on 5 th March 2013) to grant permission for a new track to be constructed across the Green was made ultra vires (i.e. beyond their powers) and was therefore invalid. Question from the audience: Why was it resolved previously on 2 occasions by the Parish Council that a track could be built across the Green? Response: The Parish Council acted in good faith at the time of the resolution. Legal advice was sought subsequently and it has been discovered that the Parish Council acted beyond its legal powers. Although the Parish Council might wish to grant permission, it is not within its powers to do so. It was commented that there are numerous tracks in existence across the Green and common sense should prevail. Response: That is correct and the Parish Council wishes to legalise the position of those houses that were using tracks across the Green before 2009. As previously stated, regardless of the wishes of the Parish Council, it must act within the law.
ii.	The Parish Council confirmed that it cannot grant permission to construct any new track across the Green. A Councillor stated that part of the Green could be de-registered. The Chair responded that that was possible but that the Parish Council did not wish to take that approach.
iii.	The Parish Council voted on a proposal to grant a right of access using the existing track to the new residence being built by Mr D Bullen at Middle Green Farm subject to the condition set out

	in item 5.b. iv. (Planning Application no:E/2012/1050/FUL). Proposed by B Hamilton, seconded by S Housby. All Councillors were in favour . The motion was carried.	
iv.	<p>The Parish Council voted on the amount that should be paid for the granting of access across an existing track to the new residence at Middle Green Farm. It was proposed that a sum of £5000 should be requested for the granting of access across an existing track. (Clerk's note: This motion confirms the letter sent from Wansbroughs Solicitors to Mr D Bullen dated 25 April 2013). Proposed by S Housby, seconded by T Coleman. The motion was carried (4 in favour, 2 against).</p> <p>A question was asked by the audience about how the sum of £5000 was reached. The response from the Chair was that the Parish Council believed that was a fair sum. It was stated that the Village Green belongs to everyone in Poulshot. There is the option for the applicant to obtain an alternative valuation for the cost of the access from an independent surveyor.</p>	
v.	The Parish Council resolved to formulate a policy on granting rights of access across the Green in line with the legal advice received.	
5c	Access across Poulshot Village Green to Higher Green Farm	
i.	The Parish Council voted to accept legal advice that the Green cannot be accessed for the new intended purpose and that consent is not given at this time. A brief meeting has taken place with Pippin Construction and there will be further consultation. More information will be available at the next Parish Council meeting.	
5d	The proposal, by the Parish Council that all new buildings on the Green need permission from Poulshot Parish Council to use an existing right of way and as such a charge will be applied, was deferred until the next Parish Council meeting on 15 th July 2013 in order that the definition of 'new building' can be clarified. Proposed by S Housby, seconded by N Hunloke. Matter was deferred.	
	<ul style="list-style-type: none"> • Next Parish Council meeting – Monday 15th July 2013, 7.30pm, Village Hall 	

Signed: Chairman Date: