

# MISTERTON PARISH COUNCIL

## Minutes of a Meeting of the Council held in the Church Room on Tuesday 13th November, 2007

**Present:** Councillor H. M. Brand, Chairman. Councillors Batty, Burton, Keat, Moffett, Rimington, Simmons, Stead, Wheewall and White

Five members of the public were present.

### 07/08/269 APOLOGIES

Apologies for absence were submitted by Councillors Adams (holiday) and Marsden (work).

### 07/08/270 COUNCILLORS ADAMS AND RIMINGTON

The Chairman welcomed Councillor Rimington to his first meeting of the Parish Council.

The Clerk reported that Councillors Adams and Rimington had each signed their Declaration of Acceptance of Office on 17<sup>th</sup> October, 2007.

### 07/08/271 DECLARATIONS OF INTEREST

The following standing declarations of personal interest were made:

Cllr. Batty	Charles Cooper Trust	Parish Council Nominated Trustee
	Joint Burial Committee	Parish Council Representative
	Safer Neighbourhood Group	Parish Council Representative
Cllr. Brand	MAP Ltd.	Member
	Misterton Sport Social Club	Member
	MAP Ltd.	Chairman of Trustee Directors
	Joint Burial Committee	Parish Council Representative
	North East Bassetlaw Forum	MAP Ltd. Representative/Chairman
	NALC Northern Area Committee	Parish Council Representative
	Primary School Governors	Governor
	Poors Fund	Parish Council Nominated Trustee
	Standrings Charity	Parish Council Nominated Trustee/Chairman
		Wells Charity
Cllr. Burton	Bassetlaw District Council Standards Committee	Substitute Parish Council Member
	MAP Ltd.	Member
	Misterton Sport Social Club	Member
	South-east Misterton	Resident of the area
	The Newells Terrace Mgt. Co.	Director
	Safer Neighbourhood Group	Parish Council Representative

Cllr. Keat	Poors Fund Standrings Charity Wells Charity	Parish Council Nominated Trustee Parish Council Nominated Trustee Parish Council Nominated Trustee
Cllr. Marsden	North East Bassetlaw Forum	Parish Council Representative
Cllr. Moffett	North East Bassetlaw Forum Quality Councils	Parish Council Representative Managing Director of the Octagon Group of Companies which publish the Parish Council's 'Quality' Publications on a non profit-making Basis
Cllr. Simmons	Swimming Pool Committee Charles Cooper Trust	Parish Council Representative Parish Council Nominated Trustee/ Chairman
	Joint Burial Committee MAP Ltd. Poors Fund Standrings Charity Misterton Sport Social Club	Parish Council Representative Member Parish Council Nominated Trustee Parish Council Nominated Trustee Member
Cllr. Stead	NALC Northern Area Committee	Substitute Parish Council Representative
Cllr. Wheewall	MAP Ltd. South-east Misterton Misterton Sport Social Club The Newells Terrace Mgt. Co. Standrings Charity	Member Resident of the Area Member Director Parish Council Nominated Trustee
Cllr. White	MAP Ltd.	Member

**07/08/272 MINUTES OF A MEETING OF THE COUNCIL**

Resolved: That the minutes of a meeting of the Council, held on 9<sup>th</sup> October, 2007, be approved as a correct record.

**07/08/273 MATTERS ARISING FROM THE MINUTES**

There were no matters arising from the Minutes.

**07/08/274 PUBLIC DISCUSSION RELATING TO AGENDA ITEMS**

Pursuant to Minute No. 07/08/176(d) of September, 2007, a 15 minute public discussion period was permitted on agenda items.

- (a) As PCSO Mitchell was present and had a busy evening ahead of him, he was allowed to discuss matters with Members before leaving the meeting. The main issues covered were:
- Pressure through the Safer Neighbourhood Group for new village traffic surveys, as the latest were several years old.
  - Dangerous parking, which he continued to monitor and act on.
  - Heavy traffic, including school buses, on Wharf Bridge, which he continued to monitor and act on where necessary.
  - Late night surveillance

- (b) Mr. B. Kay, Managing Director of Andromeda Trading Ltd., was present together with his site manager, Mr. N. Hooper. Mr. Kay expressed his opinion on various issues concerning the Station Road common land. The main points made were:
- He continued to claim that the common land was registered as common land in error, and he was challenging the registration.
  - He continued to claim that the Parish Council did not own the common land, and that he knew who the rightful owner was.
  - His recent resurfacing of most of the common land was done for health and safety reasons
  - His recent resurfacing of most of the common land complied with his planning condition regarding access to the housing development on the former Packet Inn site.
  - His recent resurfacing of most of the common land did not require Defra's approval because it only amounted to routine maintenance.
  - He had decided against purchasing the common land because he feared his title could be challenged by the rightful owner.
  - He gave information relating to Mr. A. Hughes, of Wykeham Estates (Northern) Ltd., and explained the reason why he considered Mr. Hughes wished to purchase the common land

In conclusion, Mr. Kay said that he wished to maintain a good relationship with the Parish Council, and was always happy to talk.

**07/08/275 RESIGNATION OF FORMER COUNCILLOR SHIPLEY**

Letter was submitted from former Councillor Shipley, submitting his resignation as a member of the Parish Council. The Notice of Casual Vacancy had been published and no request was made for an election

Resolved:

- (a) That the Clerk write to Mr. Shipley, expressing the appreciation of the Parish Council in respect of his past service.
- (b) That notices be published, inviting expressions of interest in serving as a co-opted member.

**07/08/276 ACCOUNTS**

Resolved: That the Accounts be approved for payment.

**07/08/277      BANK RECONCILIATION**

Members received the bank reconciliation statement to 30<sup>th</sup> September, 2007.

**07/08/278      MONTHLY BUDGET MONITORING**

The Clerk submitted the November budget monitoring statement with explanatory notes.

**07/08/279      CHAIRMAN'S REPORT**

Councillor Brand submitted a report as follows:

- (a) Councillor Ken Cleary, Chairman of the National Association of Local Councils, had visited Misterton on 30<sup>th</sup> October, 2007, together with his wife, Councillor Sandra Cleary, Councillor Jim George, Chairman of Nottinghamshire Association of Local Councils, and Mrs. Lynda Ogilvie, County Secretary to the Nottingham Association of Local Councils. After the visit, Councillor Batty and the Clerk entertained the party to lunch.

A letter was subsequently received from Mrs. Lynda Ogilvie, saying that Councillor Cleary and his wife were very impressed with The Misterton Centre and were interested to hear about various projects. The Parish Council was thanked for its hospitality.

- (b) The Parish Council was to hold a Christmas lunch at Members' expense.
- (c) Presentation of Awards took place at the Nottinghamshire Association of Local Councils Annual General Meeting on 29<sup>th</sup> October, 2007. The Parish Council was presented with certificates for (a) being runner up in the NALC/Aon Council of the Year Competition, and (b) for winning third prize in the LCR/Co-operative Bank Annual Report of the Year Competition. Councillor Brand was also presented with a bouquet of flowers.

There had been considerable media coverage of the Parish Council's success, and a letter was submitted from the Chief Executive of Lincolnshire Co-operative Ltd., saying she was delighted to read that the Parish Council was the best parish council in the country. It was a well deserved distinction and a real accolade for the village. She congratulated everyone. She went on to say that she hoped the old Co-op shop was proving a good home for the Parish Council and its partners, and she looked forward to working with everyone closely in the future for the benefit of the area.

- (d) Nominations for the annual Citizen of the Year Awards should be with the Clerk by the deadline of 31<sup>st</sup> December, 2007.

- (e) The Remembrance Service was well attended, and she particularly praised the contribution by youth organisations. She expressed the hope that the wreaths laid at the War Memorial would remain in place until the service in 2008, as a constant reminder of those who had given up their lives for the country - and were still doing so.

Councillor White expressed disappointment at the low turnout by parish councillors.

**07/08/280 THE MISTERTON CENTRE**

The Clerk reported that the District Council offices would be closed for business on 24<sup>th</sup> to 26<sup>th</sup> December, 2007 and 1<sup>st</sup> January, 2008. He had consulted the District Council and Police about the possibility of The Misterton Centre closing additionally on 27<sup>th</sup> to 29<sup>th</sup> December, 2007, and there were no objections.

Resolved: That The Misterton Centre close for business at 2.00 p.m. on Saturday 22<sup>nd</sup> December, 2007 and reopen at 10.00 am on Wednesday 2<sup>nd</sup> January, 2008.

**07/08/281 PACKET INN SITE AND COMMON LAND ADJOINING**

The Clerk submitted a brief report on recent developments, including site activity and progress regarding a possible sale of the common land.

On 24<sup>th</sup> October, 2007, he and a party of Members visited the site following reports of excavation works by Andromeda Trading Ltd. He was informed by the Site Manager, Mr. N. Hooper, that a visitor had recently been injured, and all that was happening on the common land was that stone was being put down in the interests of safety. However, on 26<sup>th</sup> October, 2007, the whole of the common land apart from the picnic area was resurfaced with tarmac and kerbstones. Appropriate action was being taken by the Parish Council.

With regard to a sale, Andromeda Trading Ltd. had been given 14 days in which to better an offer of £100,000 by Wykeham Estates (Northern) Ltd. Nothing had been heard from Andromeda Trading Ltd., and it was now clear from Mr. Kay's remarks earlier in the meeting that his company had no intention of purchasing the common land.

**07/08/282 MISTERTON COMMUNITY TRUST**

The Clerk reported that planning permission had been obtained for residential development on the Village Hall site. He had since met Mr. C. P. Goodall on site, when the site was measured. Mr. Goodall was to liaise with Mr. Tierney over whether there was a need to register the land in advance of a sale.

The next step, in order to comply with the Charities Act 1993 in securing the best terms reasonably available, was for Mr. Goodall to obtain an estimate of the cost of demolition.

Mr. Goodall proposed that the eventual marketing should be by way of Informal Tender.

Resolved (by the Parish Council in its capacity as trustee):

- (a) That the power granted to the Clerk, at Minute No. 07/08/249 of October, 2007, be extended to cover ongoing movement towards an expeditious sale.
- (b) That bank accounts be opened at NatWest Bank in the name of Misterton Community Trust.

**07/08/283      AUDIT OF THE ACCOUNTS FOR THE YEAR ENDED 31<sup>ST</sup> MARCH, 2007**

Letter was submitted from UHY Hacker Young, the Parish Council's External Auditor, confirming that the audit was complete. The Parish Council had received a clear certificate.

The Auditor made certain comments in his covering letter:

- (a) He queried why figures relating to the Poors Fund were contained in the Annual Return. The Clerk had since clarified the matter in a letter to the Auditor explaining that, unlike the Haxey Gate Endowment where the Parish Council was sole trustee, the trustees of the Poors Fund were three nominated parish councillors. Therefore, the Poors Fund figures were correctly included in the Annual Return.
- (b) The balance for year ending 31<sup>st</sup> March, 2006 had not been restated following the change in procedure effective from 1<sup>st</sup> April, 2006, which required figures relating to trusts where the Parish Council was sole trustee to be excluded from the Annual Return. The Clerk explained that this was because the audit instructions from UHY Hacker Young had not required such restatement. No further action was necessary.
- (c) The Parish Council had given a negative answer in Box 6 of the Annual Governance Statement, although this was accepted by the Auditor. The Clerk confirmed that the reason for the negative answer was, as previously reported, that the amended Regulations 4 and 6, effective from 1<sup>st</sup> April, 2006, had not been notified to parish councils until after 31<sup>st</sup> March, 2007. The Parish Council had since appointed an Audit Committee in order to comply with the amended Regulations.

**07/08/284      NOTTINGHAMSHIRE ASSOCIATION OF LOCAL COUNCILS**

Members noted two training courses:

New Councillor Training – 5<sup>th</sup> December, 2007 – Epperstone  
Budget & Finance Training – 11<sup>th</sup> December, 2007 – Retford

**07/08/285 DARE**

Pursuant to Minute No. 07/08/245(b) of October, 2007, the Clerk reported that discussions with the Head Teacher indicated that the most satisfactory way of allocating the £500 grant from the Local Community Empowerment Fund for Quality Councils was to donate the whole amount to the school, as a contribution towards the cost of DARE 2007, which would also fully cover the cost of the Awards tee shirts. The DARE policeman would be consulted about using the grant to enhance the 2007 scheme.

Resolved: That the full grant be donated to the school.

**07/08/286 MISTERTON SPORTS SOCIAL CLUB**

Letter was submitted from Mr. John Mann, MP, inviting the Parish Council to be represented at a meeting at his Worksop office on 7<sup>th</sup> December, 2007, to discuss with the County Council Youth Service a proposal by the Club to share a venue with the Youth Club.

Resolved: That Councillor Moffett and the Clerk be authorised to attend.

**07/08/287 PLANNING APPLICATION 33/07/33  
ERECT 79 DWELLINGS AND CONSTRUCTION OF AN ESTATE  
ROAD, PRIVATE DRIVES AND ASSOCIATED CAR PARKING, NEW  
ACCESS, AT LAND AT MARSH LANE, MISTERTON**

Pursuant to Minute No. 07/08/268 of October, 2007, the Clerk reported receipt of further correspondence from the developer's agent and the District Council, relating to the offer of transfer of the freehold of part of the sports field to the Parish Council. An area stretching from the playground along the cricket outfield to and including the sports pavilion would be retained by Langley Homes Ltd.

The Parish Council had since taken legal advice, which would be considered later in the meeting in the absence of the press and public. Misterton Sports Social Club had also been consulted, and the Club's response outlined a number of reservations about the proposal. The Club was confident that the Parish Council would, after due consideration, reach a decision beneficial to the community in general.

**07/08/288 PLANNING APPLICATIONS**

There were no planning applications.

**07/08/289 PLANNING DETERMINATIONS**

**33/07/39**

Misterton Parish Council

Demolition of village hall and redevelopment of site for residential use.

Permission Granted

**33/07/42**

C. H. Catherall

Erect dormer bungalow and construct new access on land at 1 Wharf Road, Misterton – resubmission of 33/07/18

Permission Granted

**33/07/43**

Maxwell Homes Ltd.

Erect two double garages at Plot 2 & 3 Debdhill Road on land adjacent to 6 & 8 Church Street, Misterton

Permission Granted

**33/07/45**

Mr. & Mrs. Atkinson

Erect single-storey rear extension, entrance porch to the front and bay window at 9 Haxey Road, Misterton

Permission Granted

**33/07/46**

Mr. C. Howarth

Erect steel dutch barn at Park Side, West Stockwith Road, Misterton

Agricultural notification submitted, but full planning application required by Bassetlaw District Council

**33/07/50**

David Slade

Erect detached single garage on land adjacent to 7 Colton Street, Misterton

Permission Granted

**07/08/290 APPEAL AGAINST REFUSAL OF CONSENT TO FELL TWO WEEPING WILLOWS AND SIX BLACK POPLARS AT BLEAK HOUSE FARM, GROVEWOOD ROAD, MISTERTON**

Appeal dismissed.

**07/08/291**

The Clerk would report to the County Council the need to prune the weeping willow nearest to Grovewood Road, as it was obstructing highway visibility.

**PUBLIC DISCUSSION**

The following were raised:

- (a) A resident reported an overgrowth of vegetation obstructing the pavement on Church Street and also a street light out at The Pudge.
- (b) A brief discussion took place about an interruption of the meeting earlier in the proceedings.
- (c) A brief discussion took place about the Parish Council's ownership of the Station Road common land and issues relating to maintenance, etc.
- (d) A brief discussion took place about the history of the former almshouses off Station Road.
- (e) A resident was informed of the approximate cost to the Parish Council to date of dealing with the Andromeda Trading Ltd. issue concerning the Station Road common land.

**07/08/292**

**PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

Resolved: That, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public be excluded, and they are requested to withdraw.

**07/08/293**

**PACKET INN SITE AND COMMON LAND ADJOINING**

Consideration was given to the following:

- Letter from Andromeda Trading Ltd., dated 8<sup>th</sup> November, 2007, covering the issues raised by Mr. Kay earlier in the meeting, together with information relating to the right of way over the common land.
- Email from Bassetlaw Planning Department dated 12<sup>th</sup> November, 2007, giving details of the response of Andromeda Trading Ltd. to an enquiry about the resurfacing of the common land.
- Email from Wykeham Estates (Northern) Ltd., offering to purchase the common land for £100,000 plus reasonable costs.
- Correspondence and oral advice from Tierney & Co., relating to a possible sale to Wykeham Estates (Northern) Ltd.
- Discussions between the Clerk and Mr. Tierney in which Mr. Tierney advised on action which should be taken with regard to the resurfacing of the common land by Andromeda Trading Ltd.

With regard to a possible sale to Wykeham Estates (Northern) Ltd., the factors exercising Members' minds were:

- (a) The Parish Council had been put in a predicament by the decision of Bassetlaw District Council to grant planning permission, despite a strong objection by Nottinghamshire County Council on access grounds and a request by the Parish Council that the application be not determined until access questions had been resolved. The problem had now been ongoing for almost five years. Significant difficulties could face the Parish Council and the commoners with the building of the road, especially if the County Council in the future decided to require the entrance road to be brought up to adoptable standards, or to require private streetworks.
- (b) A sale had been advised by Counsel.
- (c) Whilst the original intention had been to sell to Andromeda Trading Ltd., that company had now made it clear that it was not interested in purchasing. The Clerk had discussed the possibility of a sale to Andromeda Trading Ltd. with Mr. Roger Snowdin, of UHY Hacker Young, the Parish Council's External Auditor, on 22<sup>nd</sup> December, 2006, when Mr. Snowdin confirmed that, given the difficult nature of the problem, a sale to the company at £50,000 plus costs, following receipt of a professional valuation, would be acceptable to him. A sale on the open market was a possibility, but that would involve delay, and, in the current circumstances, time was of the essence.
- (d) Whilst matters remained unresolved, the Misterton Council Tax was having to bear an increased burden. Continued threats of legal action by Andromeda Trading Ltd. put real pressure on local finances.
- (e) Unfriendly acts by Andromeda Trading Ltd., including the resurfacing of the common land without the permission of the Parish Council or approval by the Planning Inspectorate under Section 38 of the Commons Act 2006, following an assurance by the site manager only two days before the resurfacing that it would not happen.
- (f) The intentions of Wykeham Estates (Northern) Ltd. were irrelevant to the Parish Council. The benefits sought by Andromeda Trading Ltd. over the common land had a financial value to the Parish Council, which Andromeda Trading Ltd. was not prepared to pay, and the Parish Council had a duty to realise such value on behalf of the Council Tax payers of Misterton.

Two motions were eventually put:

- (i) That, subject to contract, the common land be sold to Wykeham Estates (Northern) Ltd. for £100,000 plus reasonable costs, and that Mr. Tierney's advice on a certain aspect of the matter (to be referred to in a communication to Mr. Tierney) be accepted.
- (ii) That the Clerk be authorised, in consultation with Members, to instruct Tierney & Co. to take any necessary action against Andromeda Trading Ltd., with regard to the company's recent actions concerning the common land.

Councillor White requested a recorded vote on both motions.

On being put to the vote, all Members voted in favour of both motions, other than Councillor White who voted against.

**07/08/294 INTERNAL AUDIT**

Pursuant to Minute No. 07/08/267 of October, 2007, the Clerk reported that Mr. D. Ingman, of Carlton in Lindrick, was prepared to act as Internal Auditor, for an annual fee of approximately £125.

Resolved: That Mr. Ingman be appointed Internal Auditor.

**07/08/295 PLANNING APPLICATION 33/07/33  
ERECT 79 DWELLINGS AND CONSTRUCTION OF AN ESTATE  
ROAD, PRIVATE DRIVES AND ASSOCIATED CAR PARKING, NEW  
ACCESS, AT LAND AT MARSH LANE, MISTERTON**

Consideration was given to the matter referred to earlier in the evening. A letter from Tierney & Co. giving legal advice on the matter was submitted.

Resolved: That the offer by Langley Homes Ltd. to transfer ownership of the freehold of part of the sports field to the Parish Council be not accepted.

In the circumstances, the Parish Council now proposed a Section 106 agreement to provide a new social club/community building on land to be provided by Langley Homes Ltd.

Community gain was the object of the discussions between Langleys' architects, Spawforths, and MAP, initiated by Spawforths, but the community's aspirations had fallen away one by one, with the exception of planning permission being obtained for the four live/work units.

One of the Parish Council's principal aims was to secure the future of Misterton Sports Social Club, which was under notice to quit from Langleys. Furthermore, as well as needing a new social club, the village desperately needed a community hall - the only suitable building being the Methodist Hall, but which had an alcohol ban. There was an opportunity here to secure these aspirations by means of a Section 106 agreement to provide a new club/community building elsewhere in the village.

If this planning application were successful, Langley Homes Ltd. would, when taken with its permission to build 65 dwellings on Fox Covert Lane, have a total approval to build 144 dwellings at Marsh Lane/Fox Covert Lane, with no community gain. This represented an increase in the village housing stock of around 17%.

There was a recent precedent for this type of planning gain at nearby Gringley on the Hill, where the Home Office obtained planning permission to build 47 dwellings, and to provide a £450,000 community building on its own land to replace the inadequate and outmoded village hall. Clearly the Langleys development at Misterton was on a much bigger scale than the Gringley on the Hill development, and offered a clear opportunity to benefit the community by providing a new club/community building. It was proposed that Langleys offer the land, design and build, together with removal of the existing club building from its current site and landscaping or redevelopment of that site.

## **07/08/296 ESTABLISHMENT MATTERS**

The Clerk left the meeting at this point.

Pursuant to Minute No. 07/08/266 of October, 2007, the Chairman reported that, because of the major issues currently facing the Parish Council, there was a requirement for the Clerk to work more than his contracted hours.

Among the matters that the Clerk would deal with was the question of sports field maintenance and inspection, etc. Some Members currently checked the sports field for broken glass, litter, etc., but this was not tenable in the long term, and requirements needed to be considered in due course.

There was also an opportunity to formally transfer some of the Clerk's less onerous duties to the Receptionist at The Misterton Centre, who was capable of, and willing to do, such work, within current working hours. It would, however, be necessary to supplement her pay to reflect the level of work carried out (to be met by the Parish Council). This should be done on a permanent basis, in order to ease the pressure on the Clerk and to provide resilience to the Parish Council and public at times when the Clerk was unavailable.

Resolved:

- (a) That, for a period of six months, the Clerk be paid an additional 7.4 hours per week. Post-meeting note: the Clerk offered to defer payment until the Village Hall was sold or until April, 2008 at the latest.
- (b) That the question of sports field inspection, etc. requirements be considered in due course.
- (c) That, subject to agreement of the Parish Council's partners at The Misterton Centre, the post of Receptionist be re-established, with effect from 1<sup>st</sup> April, 2008, and consideration be given in due course to how this should be achieved.

