

# BARFORD SHERBOURNE AND WASPERTON JOINT PARISH COUNCIL

Minutes of the meeting of the Joint Parish Council  
held at Sherbourne Village Hall on Monday 12th November 2007

**Present:** Cllr J V Murphy (Chairman)  
Cllrs: Mrs P W Barlow, R Clay, Mrs M A Hayward, R G Mulgrue, A B Rhead,  
S G Starkey, W Worrall, Mrs A Gordon, Dr M J Metcalfe, N F J Thurley, J T Wright,  
**Apologies:** Cllrs: M P Byerley, Mrs D S Cobb, Mrs P L Johnston, Mrs P W Wilkinson,  
**In Attendance** Cllr C Sawdon

## Opening

- 216 The meeting opened at 7:30 pm
- 217 No members of the public were present.
- 218 Apologies for absence were noted.

## Declarations of Personal and Prejudicial Interests

- 219 The following members declared a personal interest in the agenda item on the grant of a lease to Barford Village Shop Community Interest Company:
- Cllr Mrs M A Hayward
  - Cllr R G Mulgrue
  - Cllr A B Rhead
  - Cllr W Worrall

## Barford Bypass – Noise Abatement

- 220 The planned presentation by Mr Chris Davis (WDC) was cancelled because of his indisposition.

## Police Matters

- 221 The inadequacy of notice of the non-attendance by the mobile police station at Wasperton was noted.
- 222 The theft of a horse box in Sherbourne on 7<sup>th</sup> November, probably by the driver of a wine-coloured Mercedes car with a tow bar, was reported.

## Minutes of the Meeting of Council 8<sup>th</sup> October 2007

- 223 The minutes were accepted as a true record.

## Matters Arising

- 224 Minute 183. It had been confirmed by Cllr Caborn that the task of lopping the tree in Sandy Way was on the works schedule.
- 225 Minute 184. Cllr Mrs Sawdon reported that the WDC had considered placing a bid for the purchase of Oakley Woods.
- 226 Minute 196. Revision of the Financial Regulations had been postponed until the latest model had been published by NALC

227 Minute 213. The subject of rights of way (claims currently lodged with WCC) at Wasperton and Mill Lane, Barford is to be included on the next agenda

### **Minutes of the Meeting of the Planning Committee 8<sup>th</sup> October 2007**

228 The minutes were approved as a true record. There were no matters arising.

### **Planning**

229 The recommendations of the adjourned meeting of the Planning Committee on 24<sup>th</sup> October 2007 were adopted

### **Reports from JPC Representatives to Other Bodies**

230 The Clerk had attended a NALC symposium on changes to the Audit Regulations.

231 The Chairman and Clerk had attended the WALC AGM.

232 The Chairman had visited West Berkshire under the auspices of the Rural Excellence scheme to discuss parish plans and was able to support significantly greater support from superior authorities for Parish Plans in that area than we currently enjoyed locally.

### **Cash Balances as at 1<sup>st</sup> November 2007**

233 Members took note of the following cash balances:

HSBC	£ 3,221.98
Alliance & Leicester	£31,173.43
TOTAL	£34,395.41

### **Receipts and Payments**

234 Members endorsed the following:

<b>Date</b>	<b>Payee</b>	<b>Category</b>	<b>Sum</b>
1 Oct 07	Central Networks	Wayleave	3.97
3 Oct 07	MFM Services	Mowing Charges	(189.00)
3 Oct 07	Alliance & Leicester	Bank Interest	77.25
4 Oct 07	Prontaprint	Printing and Stationery	(58.59)
14 Oct 07	Moore & Tibbits	Legal Fees	(2118.00)
16 Oct 07	HMRC	Employment Expenses	(407.93)
19 Oct 07	BS&GSG	Allotments Water Charges	(76.73)
30 Oct 07	S&D Window Cleaners	Bus Shelters Maintenance	(60.00)
31 Oct 07	J F Johnson	Employment Expenses	(593.14)
31 Oct 07	J F Johnson	Office Accommodation	(46.25)
31 Oct 07	RoSPA	Open Spaces Maintenance	(155.10)

### **Use of Credit Card**

235 Cllr J V Murphy was granted authority to use his personal credit card to purchase items on behalf of the JPC:

- Materials for soundproofing the skate board ramps: £243.55
- A Remembrance Day wreath: £20.00 (Section 137 expenditure)

### **Grant of Lease to Barford Village Shop Community Interest Company**

- 236 It was reported that no progress had been achieved in granting the lease.
- 237 A prerequisite for this was a release from the restrictive covenant in the conveyance which forbids such construction. Mr Smith-Ryland had agreed to the release for a consideration of £15,000 but he was unwilling to give a legal assurance that he was the sole beneficiary of the covenant and without such a guarantee the JPC could not conclude the agreement and grant the lease for fear that subsequently other beneficiaries would be identified and claim their consideration.
- 238 Attempts to expedite matters have failed because Mr Smith-Ryland's solicitors state they are awaiting instructions from their client.
- 239 As a fall-back, the JPC's solicitors have been instructed to investigate insuring against the risk of multiple beneficiaries from the covenant being discovered.
- 240 General dissatisfaction was expressed and a number of ways to gain momentum was suggested.

### **Graffiti**

- 241 Preparations for the removal of graffiti in Barford by the Probation Service are complete.
- 242 The JPC approved the expenditure of approximately £150 for this task, to cover materials only.

### **Bus Shelters**

- 243 Cllr Rhead tabled a comprehensive "Condition Report on JPC Bus Shelters"
- 244 This would be used a specification to obtain competitive quotations from contractors.
- 245 Cllr Rhead estimated a rough order of costs of £1,500 to £1,700.

### **Affordable Housing**

- 246 The Chairman reported that the Section 106 Planning Agreement, designed to give those applicants with closest Barford connections priority in allocation, was, in the opinion of the JPC, being misinterpreted by WDC. All applicants were first filtered according to WDC's criteria and only then was the second filter of the Section 106 prioritization being used. This reversal in the sequence of applying the "filters" largely negated the intention of the Section 106, significantly diminishing the prospects of many of those applicants with closest Barford connections.
- 247 A meeting between representatives of the JPC and WDC had taken place to try to salvage something from this unsatisfactory situation and although the WDC elected member was inclined to be sympathetic to the JPC's case his compromise, which was acceptable to JPC members present, was vetoed by the WDC Solicitor on the grounds of possible illegality and reported case-law. Advice received so far from WALC, NALC, WRHA Planning Aid and the Rural Housing Enablers does seem to support the JPC's position but none is able or willing to take up the matter legally on the JPC's behalf.
- 248 Unfortunately there was not an opportunity to rectify the mistakes in the allocation of affordable housing in Barford Burrows but there was a strong feeling that this wrong should be put right if ever Sections 106 were to play a proper part in housing allocation. To that end the following was agreed:
- A schedule of the case law which persuaded WDC that it was acting lawfully should be demanded.
  - Intensive lobbying at District, County and Government level should continue.

- A complaint should be lodged with the Local Government Ombudsman if WDC does not respond appropriately to representations made by the JPC Chairman to WDC Chief Executive, Mr Chris Elliott.

249 Cllr Mrs Sawdon stated that WDC plans to review its letting policy

**Draft Protocol for Greater Involvement of Parish and Town Councils in Service Delivery to Enhance the Quality of Specific Services at Parish Level**

250 The JPC decided that it wished to welcome this initiative and the Chairman and Clerk were deputed to draft a reply.

**Any Other Business**

251 Green Issues. Proposals had been received for the development of Warwick Castle Park. A working party was appointed to study them and report to the JPC. It comprised:

- Cllr Mrs Gordon
- Cllr Mrs Hayward
- Cllr Dr Metcalfe
- Cllr Worrall

252 Barford Pre-School. A request for financial assistance had been received from Barford Pre-School. Further financial details will be requested and the matter put before the JPC at some future meeting.

253 Tree. The signature tree in the grounds of the Glebe Hotel is showing signs of distress. To be reported to WDC.

**Closure**

254 There being no other business the meeting closed at 9:30 pm.

**Date of Next Meeting**

255 The next ordinary meeting of Council is on Monday 14<sup>th</sup> January 2008 at 7:30 pm in Barford Memorial Hall.