

THORNBOROUGH PARISH COUNCIL

MINUTES of MEETING

Monday 11th August 2014 at 7.00p.m.

Present: (Chair), Cllr Andy Spurr, Cllr Melanie Staff, Cllr Ray Goodger, Cllr Mary Taylor (from 8.00p.m.), Cllr Mark Cole, Maggie Beach (Clerk)

BCC Cllr Warren Whyte, AVDC Cllr Sir Beville Stanier.

Public: 9 members of the public

1.	Apologies: Cllr Stuart Mitchell, Cllr Charlotte Moore.	
2	Public Participation session: None	
3	<p>Thornborough Pre-School update</p> <ul style="list-style-type: none"> - 3 members of the Thornborough Pre-school attended to update TPC on their progress. The position in 2012-13 was that the Pre-school ran at a loss of £12,000. For 2013-14 the Pre-school made a surplus of £1,000 so there is a substantial improvement in the financial Pre-school's stability. There are 11 children confirmed to attend next year and the financial expectation for 2014-15 is to break even. There will be a grant of £8,000 from BCC this year. Fundraising by the committee continues. - Most children go on to Thornborough Infant School which is good for the school. Of the 11 children who are coming to Thornborough Infant School in autumn 2014, 7 will have come from the Pre-school. - The Pre-school has recruited another member of staff. There will also be an apprenticeship which has been filled from the village. - An Ofsted inspection is expected soon. - The Pre-school is planning extended opening hours to fit in with local need. It will possibly take on the 'Mums and Tots' which recently started in the village but then closed, and also provide more flexible childcare. - The licence agreement to use the Horsa cabin at the back of the school finishes in January and the Pre-school is looking at other options before re-licensing, both with the licence agreement which they would wish to change if they continue in the Horsa and with other venue options. The committee is considering the option of renting the Sports Pavilion from TPC. - TPC is in favour of renting the Sports Pavilion to the Pre-school. Rent would be negotiated. - Agreed that members of the committee should look at the Sports Pavilion to see if it is suitable. Extra storage facilities in the shed and possibly a safety picket fence could be offered. A member of the committee will talk with Cllrs AS and RG about moving equipment etc down should they choose to go ahead with this option. 	
4	Declaration of interest in items on the agenda —A dispensation for Cllr MS to be heard in item15a	
5	Minutes of the meeting of 14th July 2014- Agreed	
6	<p>Review of Action Points Action Points from Mtg.14.10.13 Item 10. Benches –TPC will organise the movement of their bins. Cllr AS still to get quote Item 14 Allotments -The work on the fencing still needs to be completed and the triangle of land TPC no longer want returned to BCC. Action Points from Mtg. 14.7.14. Item 6 Thornborough Community Woodland – on agenda Item 7 Road issues – on agenda</p>	<p>The bins have now been moved.</p> <p>The fence has now been removed.</p>

	<p>Item 8 Street Lighting– on agenda Item 11 Lights Out Event, 4th August 2014- This was a successful event. 4 Councillors attended and there were about 20 people at the War Memorial for the lighting of the candle Item 12 LAF report The Clerk has sent the letter concerning toilets in Cornwall’s Meadows Car park as directed. Item 15 AVTUG Mtg. 10.00am 22nd July. Buckingham Community Centre – notice sent to Thornborough News Item 16 Thornborough Parish Plan - in progress. Item 17a, b, c Planning – responses sent. Item 17d Land next to Sunnybrook, High Street– on agenda. Item 17e Spring Lane – on agenda. Item 14 Finances: b) Audit 2014 Report and Recommendations – on agenda. d) Request for new computer equipment for publishing Thornborough News from Rod James. Cllr SM has sorted the problem. e) Request from Mark Roberson for funding – on agenda. d) Payments - all cheques raised and sent Item 19 A.O.B. other correspondence and any other Councillors’ Issues Clerk has circulated two items as directed. Councillors Issues i. Hedge on Bridge Street needs trimming ii. The stream bed up stream of the bridge in Bridge Street has become blocked by plants - both items on agenda under Item 17</p>	<p>Clerk to put Parish Plan on a future agenda</p>
7	<p>Thornborough Community Woodland i. Lease signing – the Clerk has now heard from Samantha Perkins at BCC that the lease will be signed by BCC in 3 weeks time. BCC Cllr Warren Whyte has also been requesting information on a date for BCC to sign the lease. ii. Cllr MT has previously reported that Tanya Pepin’s application for funding through the People’s Millions scheme on behalf of the Thornborough and Coombs Community Woodlands Management Committee has been unsuccessful. iii. The Clerk reported that as a result she has not progressed the request for the remaining section 106 money due to Thornborough Parish Council from the Orchard Close development (£6,244) at this point. She has received information from AVDC about what information is required for an application for the money and will check the closing date. (NB Now confirmed by AVDC that the money should be accessed by the end of February 2021.) There will also be further Section 106 money from the Coomb Farm development.</p>	
8	<p>Road issues i. List of Road Closures – none new ii. Cllr WW was able to confirm that there would be road maintenance on the road from the Lone Tree to Thornborough. He had been pressing for this to be done. He also confirmed that the Buckingham Ring Road works originally planned to last 30 weeks had now been extended to 50 weeks; in part due to extra drainage works needed near the Tesco roundabout.</p>	
9	<p>Street Lighting - update The two remaining lights to be upgraded should now have been upgraded by E-on. The Clerk will check that they have been done.</p>	
10	<p>Allotments The allotment ‘triangle’ has now been returned to the neighbouring farm. The Clerk has informed BCC and is now sorting out the rent for the Allotment Land with BCC.</p>	<p>Clerk to continue to progress</p>
11	<p>Village Hall Trustees</p>	

	<p>The Clerk has received information that Bernard Garbe has resigned as a Village Hall Trustee. Thornborough Parish Council thanked him for his Trusteeship over the many previous years. David Wise, Village Hall Trustee has written to Thornborough Parish Council to say that this reduces the number of Trustees to 3 and could a Councillor please volunteer to be a Trustee as Thornborough Parish Council are the owners of the Village Hall. Cllr RG volunteered. The Clerk will inform the Village Hall Committee.</p>	<p>Clerk to inform Village Hall Committee</p>
12	<p>Playground Hedge-roots removal and planting</p> <ul style="list-style-type: none"> - The hedge around the playground has been cut down to ensure safety for the playground users. However it does look very untidy. Graham Smith has offered to take the roots out for free. TPC can then decide a more appropriate planting scheme. - The obsolete piece of fencing where the entrance once was will also be removed. Cllr AS will talk with Martin Thomas about its removal. - The removal, repair and cleaning of the playground equipment that needs to be done as a result of the inspection is in hand. 	<p>Cllr AS to continue to progress all actions</p>
13	<p>Stream/Pond – letters from residents</p> <p>The Clerk has received two letters from residents about the state of the pond and stream. This will be dredged and the banks tidied once the wild flower seed has set and the Moorhen chicks are a bit bigger after 20th August. The Clerk will respond explaining this.</p> <p>One of the letters also mentioned the lack of street lighting along the High Street between the pond and Lower End. The Clerk will respond explaining that there are plans to install pavement lighting along this stretch.</p>	<p>Clerk to respond to letters.</p>
14	<p>AVALC. Minutes, 26-6-14 - next Mtg. 7-9-14, 7 pm - Council Chamber, High Street, Winslow - all noted..</p>	
15	<p>Planning:</p> <p>a) <u>Ref. 14/02081/COUAR.</u> –Land at back of Old Kilns, Back Street, Thornborough, Bucks. Determination as to whether prior approval is required in respect of transport and high impact, noise, contamination risk, flooding and locational considerations for conversion of two agricultural barns into three dwellings (under Class MB(a) and in relation to design and or external appearance of the building (Class MB(b)).</p> <p>Cllr MS presented a dispensation to TPC to ask that she be allowed to speak and to vote on this issue. TPC voted unanimously to allow the dispensation.</p> <p>There was considerable discussion concerning this item. Issues raised both from Councillors and from the floor included</p> <ul style="list-style-type: none"> • Incursion beyond the current building line into open countryside • The intention is to <u>convert</u> buildings, so the same building footprint as that of the site of Lower and Middle Barns would have to be used. (looks too small and tight?) • Adjacent designated right of way alongside an agricultural landscape would become adjacent to a residential landscape • Narrow village lane unable to support extra residential traffic for development • Lane currently reduced to a single carriageway by residential parking • Development on a bend, with very restricted lines of sight and difficult access. • Adjacent to a ford where the lane reduces to a single lane which in times of flood is un-passable. <p>In their response to the previous application 13/02965/APP concerning Old Kilns for change of use of land and retention of a shed, Thornborough Parish Councillors <i>‘expressed concerns about whether this could extend the envelope</i></p>	<p>Clerk to send response</p>

	<p><i>of the village and make it easier for planning permission to be given on adjacent plots of agricultural land.'</i></p> <p>Proposed Cllr MC seconded Cllr MS that Thornborough Parish Council opposes on grounds of adverse highways impact. Agreed unanimously.</p> <p>b) <u>Ref.12/00044/APP and 12/00045/ALB</u> – Amendments for information - Thornborough Mill, Mill Lane, Thornborough MK18 2ED –Change of use from Annexe to holiday let accommodation incl. Addition of 1 no. Window to south elevation, 3 no. Rooflights and new boundary wall on south - noted</p> <p>c) Land next to Sunnybrook, High Street.-update The Clerk has sent letters as directed but has not yet had a response.</p> <p>d) Spring Lane update -The Clerk has now been given a previous TPC file which shows that this issue has been a concern to the Council and a lot of research was carried previously. The committee convened at the time to research this issue made a statement to the Parish Council of their findings and a shorter statement of the result of the research was published in Thornborough News in July 1997.The original statement is attached as Appendix 1. - A Caution on the land in question has now been registered for Cllr MT whose access is over the land.</p> <p>e) Buckinghamshire Draft Statement of Community Involvement (SCI): Public Consultation from 17th July to 28th August 2014 noted. BCC Cllr WW explained that there will be a risk locally because the Government is planning to extract local gravel for use in the building of HS2. This could be an issue for Thornborough.</p> <p>f) Aylesbury Town Centre Plan noted AVDC Cllr Sir Billy Stanier explained this would be a big improvement.</p> <p>g) Bulletins and other updates - noted</p>	
<p>16</p>	<p>Finances:</p> <p>a) Bank Reconciliation – July 2014. Current Account £11,174.60 Reserve Account £11,659.00 Current liabilities:£400.00 Total £22,433.60</p> <p>b) Audit 2014 Report and recommendations</p> <ul style="list-style-type: none"> • Review of Corporate Governance <ul style="list-style-type: none"> ○ R1 Council should retrospectively approve the value of the 2014-15 precept recording the adopted value accordingly in the minutes at the next meeting. <p>Proposed Cllr MC, seconded Cllr MS: Thornborough Parish Council's Precept request for 2014-15 is £17,345.60 which will result in the Precept being the same as that received for the year 2013-14 once the grant from Aylesbury Vale District Council is added. This request was forwarded to Aylesbury Vale District Council on Monday on 7th January 2014. Minute to be added retrospectively to Minute 17c 9th December 2013. Agreed unanimously.</p> <ul style="list-style-type: none"> ○ R2 A consistent value at which formal tender action is required should be established in both Financial Regulations and Standing Orders, ideally at the lower value as currently recorded in the Financial Regulations. <p>Proposed Cllr MT, seconded Cllr RG: That the value at which formal tender action is required is set at £25,000 in both Thornborough Parish Council Financial Regulations and Thornborough Parish Council Standing Orders. Agreed unanimously.</p> <ul style="list-style-type: none"> • Review of Income <ul style="list-style-type: none"> ○ R3 Council should formally review the level of charges for both the allotments and the sports field annually, recording the outcome of 	<p>Clerk to add to minutes as detailed</p> <p>Clerk to amend Standing Orders and Financial Regulations as detailed.</p> <p>Clerk to action</p>

	<p>deliberations appropriately, even if agreement is reached that no increase should be applied</p> <p>Action Thornborough Parish Council agreed to review this every year in March for the following financial year.</p> <ul style="list-style-type: none"> • Asset Registers <ul style="list-style-type: none"> ○ R4 Council should ensure that the value of fixed assets as held on the asset register, Annual Return and Statement of Accounts remain consistent. <p>Action Thornborough Parish Council agreed to review this every year in March for the following financial year</p> <ul style="list-style-type: none"> • Statement of Accounts and Annual Return <ul style="list-style-type: none"> ○ R5 Council should amend Box 6 on the Annual Return to show a value of £32,465. <p>ACTION: This has already been amended for the External Audit return and signed by Thornborough Parish Council Chairman Stuart Mitchell.</p> <p>c) Payments:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Sponsorship Mark Roberson</td> <td style="width: 20%; text-align: right;">£300.00</td> <td style="width: 20%;">Cheque No. 561</td> </tr> <tr> <td>E-on (unmetered supplies)</td> <td style="text-align: right;">£23.68</td> <td>Cheque No. 562</td> </tr> <tr> <td>E-on electricity for Sport Pavilion.</td> <td style="text-align: right;">£43.03</td> <td>Cheque No. 563</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td>Duck Food</td> <td style="text-align: right;">£26.80</td> <td>Cheque No. 564</td> </tr> <tr> <td>Clerk's Salary cheques – August</td> <td style="text-align: right;">£357.13</td> <td>Cheque No. 565</td> </tr> <tr> <td>HMRC - Clerk's Income Tax</td> <td style="text-align: right;">£89.20</td> <td>Cheque No. 566</td> </tr> <tr> <td colspan="3">(PAYE Ref. 475/SA75351 Accounts office Ref. 475PE00369213)</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">£839.84</td> <td></td> </tr> </table> <p>Direct Debits - None</p> <p>d) Receipts - None</p>	Sponsorship Mark Roberson	£300.00	Cheque No. 561	E-on (unmetered supplies)	£23.68	Cheque No. 562	E-on electricity for Sport Pavilion.	£43.03	Cheque No. 563				Duck Food	£26.80	Cheque No. 564	Clerk's Salary cheques – August	£357.13	Cheque No. 565	HMRC - Clerk's Income Tax	£89.20	Cheque No. 566	(PAYE Ref. 475/SA75351 Accounts office Ref. 475PE00369213)			Total	£839.84		<p>Clerk to action</p> <p>Clerk to raise cheques</p>
Sponsorship Mark Roberson	£300.00	Cheque No. 561																											
E-on (unmetered supplies)	£23.68	Cheque No. 562																											
E-on electricity for Sport Pavilion.	£43.03	Cheque No. 563																											
Duck Food	£26.80	Cheque No. 564																											
Clerk's Salary cheques – August	£357.13	Cheque No. 565																											
HMRC - Clerk's Income Tax	£89.20	Cheque No. 566																											
(PAYE Ref. 475/SA75351 Accounts office Ref. 475PE00369213)																													
Total	£839.84																												
17	<p>A.O.B. other correspondence and any other Councillors' Issues</p> <ul style="list-style-type: none"> i. The Clerk has a notice of a Games session to be run weekly in the Buckingham Library. She will post the notice. <p>Councillors Issues</p> <ul style="list-style-type: none"> i. Hedge on Bridge Street has been trimmed. The owner has visited the Clerk to explain why it has been overgrown; ii. Clerk has contacted riparian owners with regard to the stream bed up stream of the bridge in Bridge Street which has become blocked by plants. Cllr MT noted that although unfinished the stream already looks better as it has been cleared for some distance iii. Cllr MC volunteered to attend the next LAF meeting as it is near him at Silverstone. iv. Cllr MT reported that the lines of sight for the Bridge Street junction onto the A421 are badly compromised by the overgrown hedges on both sides. v. Cllrs MT and MS reported that dog barking at The Folly is currently a big problem. Cllr RG said he would visit and talk to the owners. 	<p>Clerk to send notice to TNews. Clerk to report Hedges to TfB</p> <p>Cllr RG to visit The Folly and talk with the owners about the dog barking problem.</p>																											
18	<p>Date of next meeting; 8th September 2014 The meeting closed at 9.10 p.m.</p>																												

Appendix 1

STATEMENT FOR PARISH COUNCIL

Re: Spring Lane

Many months ago the Parish Council formed a small working party to establish the Parish Council's ownership of Spring Lane and to register the land. The Parish Council ownership of the land has been disputed recently and in the past. However the Parish Council felt confident in ownership from a long history of Spring Lane issues as documented in the Parish Council Meeting Minutes going back to the early 1900s.

The working party spent a great deal of time gathering and considering all the evidence available, then applied for first registration in 1996. Since then there has been much communication with the solicitor at the Land Registry and with the Parish Council's own solicitor.

The Parish Council's application to register the land has finally failed. All possible avenues and arguments for claiming ownership have been explored, but on the positive side it seems that we now have a clear position, albeit different to that expected.

The Thornborough Enclosure Act of 1800 defines Spring Lane as a public carriageway. The Enclosure Act does not transfer ownership of Spring Lane to any named party. This from this definitive document even if the Rural District Council had transferred Spring Lane to Thornborough Parish Council this would give title without evidence of a trail from the Enclosure Act to the old RDC. As it happens no such document can be found to exist in any case.

Adverse possession is a perfectly legitimate way to acquire land under English law. To do this the land must be "occupied" for a minimum of 7 years. Although the Parish Council has over the last 90+ years prevented fencing, sign-posted it (one still survives), rented parts of the land etc., none of these documented activities are sufficient to establish the legal definition of "occupation."

Further, sworn testimonial evidence of Parish Council occupation, which would be another legitimate method of establishing occupation, cannot be obtained simply because no actions consistent with the legal definition of occupation have been performed.

In short the Parish Council do not own the land, they never have owned the land and it is unlikely that the Parish Council could ever "occupy" the land in order to establish ownership by adverse possession.

I thus propose that we minute a definitive statement about Spring Lane. Also to put a simpler statement into the village newsletter to let the people know the Parish Council's position, i.e. that we have established that Spring Lane is a public carriageway NOT owned by the Parish Council.