

**HOXNE PARISH COUNCIL**  
**Minutes of Parish Council meeting held on**  
**Thursday 7 July 2016 at Hoxne Playingfield Pavilion at 19.30 hours**

**Present**

Cllrs Edward O'Connor, Iain Gibson, Michael Knights, Hannah Mayhew, Kevin Potter, Mick Procner, Steve Rich, Rod Searle and Richard Whiting. Also in attendance three members of the public, District Councillor Gibson-Harries (left 20.09), County Councillor McGregor (arrived 19.47, left 19.58) and the Clerk, Sarah Foote.

**1. Apologies**

Apologies were received from Cllr Brawn and accepted by the Council.

**2. Order of Business**

Councillors were content with the Order of Business. Councillors were reminded of the requirement to update their Registers of Interests as Appropriate. All those present were reminded of the newly enacted Openness of Local Government Bodies Act 2014 and that the meeting may be filmed or recorded by any member of the public

**3. Declarations of Interests**

None..

Councillors were reminded to individually update their register of interests as appropriate.

**4. Public Forum**

Mid Suffolk District Council – Cllr Gibson Harries reported that Babergh and Mid Suffolk had voted in favour of East Anglian devolution.

**5. Confirmation of Minutes**

The Minutes of the Parish Council meeting held on 2 June 2016 and the Planning Committee on 29 June were agreed (one typographical change to 2 June minutes). The minutes were duly signed by the Chairman.

**6. Matters arising from Minutes of 2 June and 29 June (Planning) 2016**

Cllr Whiting asked for further details on CIL funds and why CIL could not be used for maintenance of recreation and sports facilities when it could be used for the maintenance of green spaces. Cllr Gibson-Harries suggested the Parish Council contact Mr P Isbell in the Planning Department. *Action: Clerk.*

Suffolk County Council – Cllr G McGregor also reported on devolution and suggested that the 'train had started' and there could well be a change. Examples quoted were Cornwall, who had become a unitary Council with a clear purpose. Cllr McGregor was asked to report about the failure to repair potholes in the village.

**7. Planning**

a. The following planning applications were considered:

Ref	Location	Decision
2214/16	The Lodge, Reading Green	Change of use of workshop into self contained dwelling, with associated parking spaces, landscaping and boundary treatment.
It was agreed (nine votes in favour, one against) to recommend SUPPORT for the application with no objections, however, the means of access to the new dwelling is not clear and this must be clarified including a stipulation that it does not have access from the adjacent footpath.		

b. Planning Determinations

None.

c. Other planning matters:

Cllr Searle reported that he had received representation from two local residents objecting to the Birch Farm applications that were considered at the last meeting. He had listened to their concerns and referred them to the planning authority. Residents had also approached the District Councillor.

**8. Playingfield Land and Suffolk County Council Lease to Consortium Academy Trust**

a. The Parish Council had received the following legal advice in respect of the lease of the County Council owned section of the Playingfield to the Primary School (Consortium Academy Trust). Full details are appended to the minutes but can be summarised as follows:

1. There is a prescriptive right to use the footpath which leads from Cross Street across Suffolk County Council. land (and then Parish Council land) as far as the playing field pavilion.
2. There is a prescriptive right to use the small piece of land which is part of the corner of the vehicular access to the playing field.

The Council were in agreement that there needs to be a formal written record that these existing prescriptive rights exist for either party. It was suggested that these could perhaps be included in the Memorandum of Understanding as detailed in 8b or in a separate document. *Action: Clerk and Chairman to pursue.*

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b. Memorandum of Understanding – was still awaited from the Consortium pertinent to the day to day management and responsibility for the playingfield including grounds maintenance and insurance. It would be for the Association to make comment on this document once received.

c. To date, no legal costs had been incurred. However, the Parish Council were mindful that expert advice could still be needed to look at draft memorandum of understanding and provide comments, therefore a budget of £750 for this work was agreed.

### 9. Hire agreement for use of Low Street Green

A draft document was considered by the Council. It was agreed to adopt this policy document with an amendment to make a clear differentiation between private and public use, and that the agreement would be for publicly advertised events which would require insurance and licensing as appropriate. It was agreed to clarify if the tarmac areas are part of the green or the highway.

*Action: Clerk to contact Highways. .*

### 10 Reports from the Chairman and Clerk

The Clerk reported:

Parishioners Survey 2016 – 55 questionnaires had been returned and they would be analysed. *Action: Cllr Whiting.* All parishioners who had expressed an interest in a Parish/Neighbourhood Plan would be contacted and an initial meeting arranged.

### 11. Correspondence

The following items of correspondence, previously circulated for information, were noted:

Received	From	Subject
29.06.16	Parishioner	Rumble Strips on Green Street
22.06.16	Hopkins Homes	Annual Review
22.06.16	Suffolk County Council	Road Investment Strategy Programme
20.06.16	Mid Suffolk District Council	Town and Parish Newsletter June 2016
09.06.16	Mid Suffolk District Council	Community Infrastructure Levy (CIL) guidance for Town and Parish Councils
27.05.16	Suffolk County Council	Adoption of revised Suffolk Flood Risk Management Strategy – protecting vulnerable communities

### 11. Financial matters

**a. Financial Statement.** The Clerk reported the bank balances as; Current Account £15,157 including VAT Reclaim of £779.67 and the Business Account as £5,658.

**b. Payments:** It was agreed to make the following payments.

Amount	Payee	Details	Chq No	Power
£392.60	Mrs S Foote	Clerk's salary July 2016	101271	LGA 1972 S112 (ii)
£172.72	Mr J Lambert	Street Caretaker salary July 2016	101272	LGA 1972 S111 (i)
£9.60	HMRC	PAYE	101273	LGA 1972 S111 (i)
£14.50	Mr J Lambert	Street Cleaning Sundries	101274	LGA 1972 S111 (i)
£75.00	Hoxne Playingfield Association	Meeting Room Hire	101275	LGA 1972 S111 (i)
£121.18	Mrs S Foote	Clerks Expenses May, June and July	101276	LGA 1972 S111 (i)
£38.24	Cllr M Procner	Reimbursement of expenses for repair of steps to monument	101277	LGA 1972 S111 (i)

### 12.Consultations

Suffolk County Council Countryside Access Consultation – it was agreed that Cllr Procner and Cllr Knights would view the consultation and respond on behalf of the Parish Council. .

### 13. Reports

Brakey Wood and Footpaths – Footpaths are overgrown and several complaints had been received.

Hoxne Playingfield –no report.

St Edmund's Hall – Cllr Baxter reported on last week's meeting and summarised as; no e-cigs inside hall, bookings increasing, curtains in activity room, oil tank to be replaced in summer and the website was receiving 600 hits per month.

Vehicle Activated Sign – Cllr Whiting provided the latest data from Green Street. The VAS was currently situated at Abbey Hill. Green Street identical to previous. Technical support was being sought from Germany and the chairman asked if it could be ascertained if the VAS could be powered by solar means.

### 14. Matters of report by individual Councillors

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Edward O'Connor (Chairman)..... Date: .....

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Cllr Knights – thanked the farmers who had cut the overgrown verges.  
Cllr Mayhew – asked if the road sweeper could visit to clear the road surfaces.  
**15 .Urgent matters and matters for information.** None.  
Date of next meeting: Thursday 4 August 2016 at the Playingfield Pavilion.

**The meeting was closed at 20.50.**

**ADVICE FROM JACKAMAN SOLICITORS WITH REFERENCE TO AGENDA ITEM 8A**

1. Your main concern as I understand it is the footpath from Cross Street. That goes over land which is registered – probably as belonging to Suffolk CC to be the subject (if not already) of the usual 125 year Lease to the Academy. I haven't been able to find any formal right which

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allows people to use the land but, if it has been used as a footpath going back to the 1960s, then there will be a “prescriptive right” (as we lawyers call it) for it to be used. If Suffolk does lease the land (or even look to sell it in the future) then the right continues and the new tenant / owner are stuck with it. Whilst it would be preferable for Suffolk to agree a formal arrangement, if only to ensure the situation is properly documented, it is not essential to allow the right to continue. In practice, I would not expect there to be any attempt to alter the present situation so the simplest / cheapest course is probably just to carry on as you are. You could apply to the Court for a declaration but that won’t change the position and could involve some expense. It will only be if someone looks to change the status quo (eg puts up a fence) that any formal steps would become necessary.

- 2. The vehicular access doesn’t quite follow the land belonging to you – it cuts across some of Suffolk’s land. Again, the same comments as above apply.
- 3. I don’t know if Suffolk currently use that vehicular access to allow eg grass cutters to access the fields. If they do, and have done so for over 20 years, then they would have prescriptive rights. However, if there is a lease granted to the Academy which would want to use the access, then I would have thought they might be pressing for a formal arrangement. On the other hand, if Suffolk haven’t used this access (eg because the Parish Council deals with grass cutting) then the Academy would have no right to do so and could only do so with a formal agreement. This could give you some leverage to look for everything to be recorded “properly”.

My own view is that you need not do anything to preserve your existing rights and, unless eg the Academy seeks to interfere with them, the easiest / cheapest course is to do nothing. Conversely, you cannot interfere with any existing right of the Council but if Suffolk want a formal record (which I suspect they will not) or if there is no right at present but one is felt necessary in due course, you may have leverage to push for Suffolk to agree a Deed.

Paul McGrath, Partner, Jackamans Solicitors.