

MINUTES OF THE GRINDALE ANNUAL PARISH MEETING HELD IN THE CHURCH ROOM GRINDALE ON MONDAY 2nd JUNE 2014 AT 7.30 PM

PRESENT: 17 electors.

Cllr R Allerston and Rev B Hodgson also attended

APOLOGIES: There were no apologies.

MINUTES: The minutes of the previous A.P.M. held on the 20th May 2013 were read. R Fletcher proposed, seconded by R Atkinson and all agreed that these be signed as a true record.

MATTERS ARISING: There were no matters arising from the minutes.

PARISH COUNCIL CLERK/RFO'S REPORT: The Clerk/RFO reported as follows:

“The Parish Council has met three times during the last year, plus one extraordinary meeting and the AGM.

Mr Garry Kirk was co-opted to fill the vacancy for a parish councillor following Mr M B Read's resignation

The Parish Council considered one planning application, for ground mounted photovoltaic solar arrays and infrastructure at Finley Hill Farm, and recommended its approval.

The Chairman had attended a liaison meeting with ERYC planners, which had been informative, including advice on updates in planning legislation.

There was a maintenance walkabout with the ERYC officers in 2013. Concern had been expressed regarding a lack of verge cutting around the village during the spring months, which had resulted in overgrown footpaths and potential danger for road users. Thanks are due to Mr R Garbutt, who stepped in and cut much of the grass himself before the ERYC machines arrived. Because of financial restrictions, only urgent maintenance matters were possible.

A further 364 day grazing licence has been granted to Mr R Garbutt for the former pit site at a fee of £100.

The Parish Council continues to pay for the cutting of the churchyard. Thanks are due to Messrs H W Atkinson and Sons, who continue to undertake this at considerably less than market rates.

The most pressing issue this year has been a County Court action brought against the Parish Council by Mrs Christine Clark, alleging negligence. In a letter handed to the Chairman immediately following the close of the Annual Parish Meeting in 2013, Mrs Clark alleged, with regard to the former Pit Site on Bridlington Road, that Grindale Parish Council had acted “unlawfully by charging for a grazing licence when they had neither Absolute Title nor Possessory Title to the land”. Furthermore, she demanded “compensation of £1180.50 for the grazing fees paid, plus accumulated interest to date at 8% totalling £3484.97 plus £15 for fees paid to the Land Registry”. An alternative suggestion was made that the Parish Council “give Title of the Land to the Yorkshire Wildlife Trust or The Woodland Trust, to be used as a nature reserve for the enjoyment and benefit of the people of Grindale”, with an additional requirement that the Chairman reimburse to Mrs Clark £750 in respect of money spent on “legal fees and other expenses”, in which circumstances Mrs Clark would not pursue the matter further. A similar letter was received in June and in July the Parish Council agreed unanimously to deny liability for the claimed compensation. The County Court claim was issued in September. By

unanimous decision of the Parish Council, professional advice was sought, initially from Ulllyotts, but when the first defence was struck out, the services of Graham & Rosen, solicitors, of Hull were sought. At an Allocation Hearing before Judge Neaves at Bridlington Magistrates Courts in January, Mrs Clark's claim was struck out. Mrs Clark has submitted a notice to appeal this decision. Unfortunately, the Parish Council has no right to claim costs.

This case has used up all the Council's Contingency Reserve and it has been necessary, after holding the precept at just £650 for eleven years, to increase this to £1000. By delaying a couple of payments, it has been possible to meet all expenses. A copy of the Receipts and Payments Account for 2013/2014 has been circulated and it is to be noted that £361.39 VAT can be reclaimed."

MATTERS ARISING FROM CLERK'S REPORT: Roadside verges Mr Read raised the matter of the danger of overgrown verges. He was advised that this matter had arisen at the Parish Council A.G.M., where it had been agreed that the Clerk contact ERYC to request earlier cutting of verges in future years.

Pit Site: It was asked whether the grazing licence for this site had been put out to tender. The meeting was advised that this had never happened during the period of some twenty years over which licences had been issued to Mrs Clark. It was noted that both Mrs Clark and, more recently, Mr Garbutt had spent money securing the site during the period of their first licence. The Parish Council had considered it reasonable in both cases to grant further licences so that they could benefit from their improvements. Mr Garbutt's current licence, his third, runs out in March 2015 and it was agreed that in early 2015 the Parish Council invite offers for the licence via a notice on the village board.

Ownership of the site was again queried by Mrs Clark. The Clerk confirmed that the Parish Council was satisfied that the site belonged to them. An Absolute title had been granted to the Parish Council by the Land Registry in 2013.

Finance: Mrs Clark queried the amount of money expended on professional fees. The Clerk/RFO circulated a prepared statement, as follows:

"The Parish Council owns land on the south side of Bridlington Road, Grindale ("The Land") the title for which was registered by the Land Registry in the name of the Parish Council under Title YEA70384 with effect from the 13th February 2013. As part of the application for registration it was necessary for the Parish Council to establish its title to the Land as it did not hold any title deeds. Fees were incurred in this connection.

For some years the Parish Council has derived income from the Land by granting seasonal grazing licenses, including a number to Mrs Christine Margaret Clark ("Mrs Clark").

By her own admission Mrs Clark unsuccessfully sought to persuade the Land Registry that the title to the Land should not be registered in the name of the Parish Council. Having failed to do this Mrs Clark made a claim through the County Court against the Parish Council for a refund of grazing licence fees paid over a number of years by her to the Parish Council

The Parish Council considered Mrs Clark's claim to be without merit but nonetheless was obliged to defend the claim and in doing so incurred costs. The Parish Council Chairman and Clerk attended the County Court on the 24th January 2014, when the County Court Judge struck out Mrs Clark's claim as having no real prospect of succeeding.

The Parish Council has incurred costs which would not otherwise have been incurred solely as a result of Mrs Clark's actions."

Mrs Clark denied having challenged the Parish Council's title to the land with the Land Registry. It was pointed out that she had advised the previous A.P.M. of her intention to do so and, that

following the close of that meeting, she had given the Parish Council a copy of a letter dated 20th May 2013 to the Land Registry to this effect. She had advised this would be hand delivered on the 21st May 2013.

Mrs Clark advised the challenge had not been submitted at that time and that the Land Registry had suggested other courses of action she might choose to take.

CHURCH ROOM: Mr R Atkinson advised that funds were low and that insurance and maintenance was being paid for from church funds. Following the recent EU elections, a payment was due from the ERYC in respect of use of the Church Room as a polling station.

SAFETY ISSUES: The provision of a handrail along the edge of the pavement outside nos. 1- 4 Front Street, where there is a steep drop to the road, was raised. The Parish Council has requested this previously with Highways and been advised that it was not possible. It was agreed to make a further request. There was also a request for concerns about the parking close to the corner at the bottom of Front Street to be raised with Highways again.

CONSULTATION RE DEFINITIVE MAP MODIFICATION ORDER TO ADD A BYWAY OPEN TO ALL TRAFFIC (BOAT) IN BOYNTON, RUDSTON AND GRINDALE:

This matter had been part of the order considered by the Parish Council late in 2012, when it had been hoped to also downgrade the byway to prevent motor vehicles being used on the route. Because of an objection from vehicle users, the order had been withdrawn, as advised at the previous A.P.M. However, the Definitive Map still requires modification to add the existing BOAT. Any objection to this modification would have to “refute the evidence that the order is based upon”. In these circumstances, the meeting agreed to support the order, but the Parish Clerk was instructed to advise that for future reference the electors of Grindale would prefer this byway to be reduced in width and made a bridleway or similar unsuitable for motor vehicles.

ANY OTHER BUSINESS: Publication of minutes There was a request for the minutes to be circulated electronically to electors who so wished and a list requesting e-mail addresses was circulated.

The Chairman advised that the matter of the electronic circulation of planning applications had been raised at the recent ERYC Planning liaison meeting he had attended. It had been generally agreed that this was not financially viable for many small Parish Councils with limited budgets.

Mrs Clark raised queries of ownership about a number of sites in the village and past Parish Council involvement. R Jackson suggested that it was time to put the past behind us and move on.

Mrs Clark suggested that the Parish Council was not fit for purpose. This was not supported. Mr Boldy said he had lived in the village for fifty years and was very grateful to the Parish Council for the good job they had done during that time. A number of electors applauded this statement.

The Chairman called the meeting to order. There being no further business, the Chairman declared the meeting closed at 8.25 pm.

Signed

Chairman