

**MINUTES OF THE EXTRAORDINARY MEETING OF WOLSTON PARISH COUNCIL  
HELD AT WOLSTON LEISURE AND COMMUNITY CENTRE ON THURSDAY 26<sup>th</sup> AUGUST 2021 AT 7PM**

**This meeting was held in accordance with Government Covid Regulations.**

**PRESENT** Cllr T Harvey-Smith (Chair), Cllr G Fewkes (Vice-Chair), Cllr Miss T Ball, Cllr D Cross, Cllr R Grainger, Cllr J Milne, Cllr A Parker, Cllr Mrs M White, Cllr L Wright and Mrs M Meede (Clerk).

Plus: Mr J Taylor (Allotments Association and 10 members of the public).

After members of the public and Councillors had been given the opportunity to raise any issues, the Chairman thanked everyone for attending, and the Parish Council meeting commenced at 7.20pm.

**61. APOLOGIES FOR ABSENCE**

No apologies were given.

**62. DECLARATIONS OF INTEREST (existence and nature) for items on the Agenda**

No declarations of interest were given. The Chairman advised that Councillors could declare an interest later in the meeting should this become apparent for any agenda item.

**63. EXCLUSION OF PRESS AND PUBLIC**

In accordance with Paragraph 1 (2) of The Public Bodies (Admission to Meetings) Act 1960, the Parish Council was invited to Resolve that the press and public be excluded from the meeting during consideration of the following two agenda items owing to the confidential nature of the business to be transacted and the public interest would not be served in disclosing that information.

Reasons for Exclusion – The exclusion is on the grounds that items of business to be discussed are likely to include discussions about a lease, items of a commercially sensitive nature and items relating to Human Resources and Staffing. Due to the discussions due to take place, and content that may be shared, Cllr Fewkes proposed excluding press and public, which was seconded by Cllr Milne and the motion was passed. The Chairman explained that Mr Taylor had been formally invited to attend as a representative from the Allotments Association. (In accordance with paragraph 31 of the NALC Legal Topic Note 05).

**RESOLVED: For members of the public still present to leave the meeting for the next two agenda items, with the exception of Mr Taylor.**

**64. ALLOTMENT LAND**

Cllr Wright asked Mr Taylor if the Allotments Association felt they had been kept up to date on matters by the Parish Council. Mr Taylor responded, explaining that at the start of the process there had been a lot of face-to-face meeting and communication, but that it had tailed off over the past few months. He recognised that Covid-19 had played its part in this, and also the fact the Parish Council had instructed a Land Agent and Solicitor to do a lot of the negotiations and there wasn't as much to report. He also advised he had recently had conversations with Cllr Miss Dobinson and he was happy with the level of communication, which reflected the information that was available to share. Cllr Miss Dobinson also added that the disconnect seemed to be between Rosconn and the AWG (which includes the Allotments Association) as new information is less frequent now.

a) The Lease

Cllr Miss Dobinson explained that over the last six months the Allotment Working Group (AWG) have been working on the new lease. The initial purpose was to update the existing 1991 lease removing or amending the anomalies, inaccuracies and unhelpful clauses (eg the term of notice by the landowner from 12 months to 15 years + 5 years + 5 years).

The AWG did this in consultation with the Association committee with whom they had two Zoom meetings, conversations on the allotment site and many email exchanges. The negotiations were with Rosconn and Godfrey Payton (for the landowners) through Moule & Co (Land Agents). The Parish Council solicitor then raised a few queries which were being addressed.

Cllr Miss Dobinson explained that when the AWG asked for the approval on what had been agreed at the beginning of July, she thought the process was nearly complete. However the landowners' solicitors then became involved and they wrote a new, longer and more complex lease which appears to be significantly more restrictive, and which our solicitor is now contesting vehemently and states that in his opinion needs a complete rewrite.

Cllr Grainger highlighted the fact that it was Godfrey-Payton, as Agents for the Landlord, who had advised the Parish Council that the Landlord proposed just amending the original lease and they did not want to re-write it,

and Councillors agreed that the applicants should be reminded of this point (the fact the Landlord was committed to a revised lease not a new lease).

Cllr Wright suggested that the land owners could be asked to donate the remaining (south side) allotment land to the village as a gift, which would negate the need for a lease. Cllr Grainger noted that this proposal had already been put forward and rejected by the agents for the Landlord, but agreed there was no reason why the suggestion could not be made again.

A discussion took place about legal issues relating to the lease, and the advice given by the Parish Council Solicitor.

Councillors felt they should accept the advice of the Parish Council Solicitor, and following discussions it was felt there were three possible options that could be taken.

- i) Insisting that the original 1991 lease is revised and amended as per the proposal put forward initially by Godfrey-Payton, as this option was agreed at the time by the Parish Council and the Land Agents for the Wilcox Trust.
- ii) To try and work with the new lease put forward by Blythe Liggins (although the majority of Councillors feel the lease is unacceptable in its current form).
- iii) Approaching the Wilcox Trust (via Godfrey-Payton) to enquire about the feasibility of the land being donated to the village of Wolston rather than leased. The land could be a gift of goodwill to the village.

Cllr Miss Ball proposed that these options be put to the Parish Council Solicitor so he can give his opinion and advice. This was seconded by Cllr Grainger and the motion was passed.

**RESOLVED: For the Allotment Working Group to agree wording for an email to be sent to the Parish Council Solicitor, asking for his opinion and advice.**

b) Notice to Vacate

It was confirmed that the Parish Council, as the Tenant, had received a Notice to Vacate the whole allotments site and that this notice had been passed on to the Allotments Association. Mr Taylor expressed concerns about the apparent lack of adequate land provision on the north side for nursery beds for crops whilst the development of the proposed new allotment site takes place on the south side. He also raised serious concerns about timescales which may impact on their critical growing season. It was originally agreed the Allotments Association would vacate in September/October and plot holders appreciated they may lose their winter growing season but would expect to come back in Spring. Mr Taylor confirmed that losing any of their main growing season would be hard to deal with as this is critical to most allotment holders.

A discussion took place about the information received from the Parish Council's Solicitor, which included his concerns about the Notice to Vacate and the advice he had given to the Parish Council.

Councillors agreed that the advice given by the Parish Council Solicitor should be followed. Cllr Grainger proposed that Counsel be appointed and costs be agreed up to £1500. This was seconded by Cllr Wright and the motion was passed.

**RESOLVED: For the Parish Council Solicitor to be instructed to appoint Counsel, and for costs to be agreed up to £1500.**

c) Contract with Moule & Co.

Cllr Miss Dobinson explained that the AWG believe that Moule & Co have now completed what the Parish Council asked them to do in terms of negotiating the new lease with Rosconn and Godfrey Payton. It was felt that it is now a legal process to come to a final agreement on the wording of the lease, and the AWG are having a huge number of emails between all parties on this matter.

Cllr Miss Dobinson therefore proposed that the Parish Council Solicitor takes the lead with authority to refer to Moule & Co on any specific details relating to their special area of expertise. It is hoped this will make for a cleaner, more cost effective and hopefully speedier result.

A discussion took place, and it was confirmed that Moule & Co had carried out the initial work going through what was involved with managing land and the negotiations around this. Mr Dumbleton will still be able to use their expertise when required, but Cllr Miss Dobinson reiterated it would simplify the process and stop duplication of work (using expertise where appropriate).

After a discussion, Cllr Miss Dobinson proposed that Mr Dumbleton be asked to take the lead in the process, and seek advice and information from Moule & Co where required (he will liaise with the AWG via the Clerk before making contact with Moule and Co). This was seconded by Cllr Wright and the motion was carried.

**RESOLVED: For the Parish Council Solicitor to take the lead in negotiations on behalf of the Parish Council. If required he will seek advice from Moule and Co following confirmation from the AWG.**

A discussion took place about the proposed new allotments site, and it was agreed that if any Councillors have any questions or concerns at all (for example drainage or dilapidation) then they should email these to the AWG outside the Parish Council meeting. Cllr Miss Dobinson reminded Councillors that if they have any queries or questions about anything to do with the allotment land then they should ask the AWG at any time and not wait for a Parish Council meeting.

d) Toxic waste

A discussion then took place about toxic waste on the historic landfill site adjacent to the allotments. Cllr Miss Ball suggested the AWG meet to discuss the issue following this Parish Council meeting and go through all the information they are aware of which can then be reported back to Councillors. Cllr Grainger supported this idea.

Councillors discussed the fact the Environment Agency map shows the allotment site is an historic landfill site, but it is known the area shown on the map is incorrect. It was also noted that the water table slopes down across the road the Brook, and in the early 1980's there was pollution in the Brook which could be seen by no fish or vegetation. Nowadays the Brook is full of watercress and fish which is a sign the water is unpolluted.

Councillors felt that they require a geotechnical survey on the South side as well as the North side of the allotment site. Cllr Miss Ball said the Parish Council should take the concerns seriously which all Councillors agreed with, and she felt the AWG should also discuss what steps the Parish Council should take next in relation to this matter.

Cllr Grainger then asked Councillors to consider that, if and when it is time for plot holders to move plots, the Parish Council consider ways they can support the Allotments Association to provide help to some plot holders that may struggle on their own. This may involve getting volunteers, or paying for someone to assist.

As there were no other items relating to the allotments land to be discussed, the Chairman thanked Mr Taylor for his time. It was agreed that, when possible, and meaningful updates are available in relation to the Notice to Vacate and/or the lease, information will be shared with the Allotments Association, and they will be kept up-to-date.

*Note: Mr Taylor left the meeting at this point of the meeting, at 8.55pm*

## **65. HUMAN RESOURCES**

The Chairman read out a letter of resignation from the Parish Council Lengthsman which included his reason/s for leaving. The HR Working Group had met prior to the meeting, and advice had also been sought from WALC. It was confirmed that the HR Working Group had started to look at the job description and advert, and they will meet again to confirm some details, including looking at the best way to get a replacement (which may include looking at contracting out the work).

Councillors were then reminded of their obligations as representatives of the Parish Council, in its role as an employer, and also to comply with policies and procedures which includes Equality and Diversity.

The Chairman also reminded Councillors that Parish Council email addresses are for Parish Council business only, and that the sharing of email addresses and passwords is not permitted.

Correspondence relating to the behaviour and attitudes of some Councillors at Parish Council meetings was also discussed, and the impact that this can have on those present.

## **66. DATE OF NEXT MEETING/S**

The Chairman confirmed that the next Parish Council meeting is due to take place on Thursday 2<sup>nd</sup> September 2021 at 7.00pm at Wolston Leisure and Community Centre

As there were no further items on the Agenda the Chairman declared the meeting closed at 9.25 pm.

Signed:..... Chairman

Date: .....

**Notes on the Public Forum and Parish Matters held during the Extraordinary  
Parish Council Meeting on 26<sup>th</sup> August 2021.**

The Chairman welcomed everyone to the meeting and invited representations from anyone at the meeting.

A question was asked about the illumination of the War Memorial, and it was explained that there is currently a problem with the electrics underground which has been reported.

A discussion then took place about the allotment land site, and the adjacent historic landfill site where toxic waste was believed to have been disposed of, and residents raised serious concerns about the issue.

Cllr Grainger advised that a full intrusive survey would need to take place before detailed planning permission was granted (the land owners only have outline planning permission at the current time) which should address the risks being discussed and determine if there is any potential for contamination at the allotments site. Cllr Grainger also mentioned that he and Cllr Wright had visited WCC a couple of years ago to look at the records and information from the archives relating to this site, and the records available indicated the situation was worse than they had originally understood. Cllr Grainger confirmed that documents in the archives acknowledged that illegal tipping had taken place, but no formal records were found about what prohibited substances had been dumped there.

A further discussion took place about the concerns, and Cllr Wright then read from a desktop study commissioned by the developer, which also indicates that landfill may be located on the allotments site, although the records from Ordnance also contained in the same report, confirmed that the land had been in continuous use as allotments since before the landfill site opened. The report recommended that further investigations need to take place. This geotechnical study is in the public domain on the RBC Planning Portal. Councillors understood the concerns and agreed to discuss the matter later in the meeting and agree how they would take this forward.

A resident who lives near the proposed development raised concerns about the development causing dust and disruption to residents. The Chairman advised that the developers will have to manage the situation, and it was noted that the Local Planning Authority should put on planning restrictions including hours of work and how the site is managed and controlled.

Cllr Wright said that some public footpaths in the village were being overplanted and some were impassable. Some residents have reported the issues direct to WCC, and reports can be made direct to WCC using their website and online reporting system. The Clerk is also happy to report any issues if given the exact locations and details.

As there were no further comments or questions, the Chairman declared the public forum part of the meeting closed at 7.20pm.

*Note: Borough Councillors Bearne, Poole and Willis and Mrs Malyon gave apologies and left the meeting at this point.*