

MINUTES OF THE EXTRA ORDINARY
ERLESTOKE PARISH COUNCIL MEETING
Held in the Parish Church Monday 18th March 2013 at 7.15pm

Present: Councillors, Mr S Jonik (Chairman), Mr D Moore (Vice-Chairman), Mr A Pinnington, Mr K Lewcock, Mrs D Oram and Mrs A Whittle (Clerk)

Open Forum:

Mr G Phillips reported his consultation with the Open Spaces Society's legal advisor concerning the legality of creating a car park on the Secret Garden under section 126(4A) of the Local Government Act 1972. His advice was as follows:-

1. That car parking there was illegal unless the Act was strictly adhered to,
2. That the item on the agenda of the 8th of August 2012 was illegal because of the failure to specify the matter,
3. That the Parish Council has failed to keep to the letter of the above law before installing the bollards.

Mr Phillips also queried the wisdom of threatening (in a letter) the M O D with a High Court injunction over the sale of the Garden Road to the cricket club. Re the minutes of the 6th of March 2013.

Patrick Stayt, member of Erlestoke and Coulston Cricket Club and Grounds man at the club addressed the council. He advised that as far as the club were aware they thought they were purchasing just the walled garden not the garden road as well. He felt that as the vendor it should have been the MOD's task to advise the other parties with access rights over the garden road about the sale. However the council letter of objection has stalled the purchase process jeopardising the funding being available for the purchase.

34/13 Apologies – Apologies were received from Cllr Durham.

35/13 Declaration of Interest – No declarations of interest where made.

36/13 Secret Garden – MOD re garden road. To agree expenditure on legal advice and services from Wansborough Solicitors re the acquisition of the Garden Road by Erlestoke and Coulston Cricket Club, and the future legal position re access to the Secret Garden and maintenance of the Garden Road surface. The councils solicitor had suggested that the council go back to the MOD and ask for a covenant to be included in the deeds of sale to the Erlestoke and Coulston Cricket Club. The council agreed this should happen and in order to not jeopardise the purchase of the walled garden by the cricket club the clerk was asked to send the following letter to the MOD:

Reference our letter of the 7th of March 2013, we wish to make it clear that we have no objection to the sale of the walled garden to the Erlestoke and Coulston Cricket Club. However our concerns were raised with regards to the sale of the Garden Road to the Cricket Club and how the sale may impede the only access we have to the Secret Garden.

In order to provide assurance to the Parish Council that we have clear rights of access and in perpetuity, we would ask that a covenant be included in the transfer of ownership to Erlestoke and Coulston Cricket Club stating that the MOD agree to impose a restrictive covenant in the Transfer of the Cricket Club for the benefit of the Parish Council as owners of the Secret Garden (being the property comprised in the Conveyance dated 31 March 1982) that the Cricket Club will not park or permit any person to park upon the road leading to the Secret Garden (which will have to be clearly marked in the Transfer to the Cricket Club) nor otherwise obstruct the road.

We would respectfully request to see the covenant before it is officially included in the deed of transfer document and at that point we will drop our objections to the sale of the road to the Erlestoke and Coulston Cricket Club.

Proposed Cllr Pinnington **Seconded** Cllr Moore All in Favour.

A discussion then took place regarding any future cost to the Parish Council of the upkeep of the Garden Road. It was felt that until the purchase had been completed by the cricket club they could not be expected to make any comment or agreements with the Parish Council on this matter. The council will revisit the issue once the sale has completed.

Meeting closed at 8.35pm

The next meeting, Wednesday 10th April 2013

All meetings start at 7.15pm and are held in the village church.

Annual Parish Meeting

Wednesday 17th April 2013, Starting at 7.30pm in the village church

Erlestoke Village website – www.erlestoke.org