

OXBOROUGH PARISH COUNCIL

2021/2
MINUTES

EXTRAORDINARY MEETING -via ZOOM

Thursday 18 February 2021, starting at 7.30pm

PRESENT:	Mr. Simon Willies	Chair
	Mr. Bernie Chapman	Councillor
	Mr. Graham Allison	Co-opted Councillor

21 Members of the Public

Open Forum (questions regarding the Agenda)

The Chair advised all present that besides for agenda item number 4, no other business will be conducted: the public were urged to only express views regarding the specific motion. Andrew Leclercq stated that only Oxborough Farms Ltd (OFL) should need to be signing a letter of approval. Hilary Gay understands that the business is to consider the location, but could the PC be more precise about the location and the layout of the equipment, and whether the railings and path would need to be considered. The Chair confirmed that the play area would be a rectangle (20m x 10m) and located between the existing pedestrian gate and vehicular gate, but that the railings would probably not be installed at the same time. Cllr Chapman advised that the play equipment would be approximately 2m away from the vehicular gate. Cate Tomlinson relayed a message from Nicola Wray, asking if the fencing would be erected quickly as dogs run loose and if not, could temporary signs be displayed requesting dog owners keep dogs on leash. The Chair responded that the budget is the constraint, so additional funds would be required for the railings, agreeing that signage could be considered.

1. APOLOGIES FOR ABSENCE

Cllr Buckingham sent in apologies for absence, due to work commitments and Cllr Monson sent in apologies as he had declared an interest.

2. DECLARATION OF INTEREST AND ANY REQUESTS FOR DISPENSATION

Cllr Monson had declared an interest the agenda item number 4, hence his absence.

3. DECLARATIONS OF RECORDING AND SOCIAL MEDIA USE

Parish Clerk will be recording the meeting via zoom application. The Chair asked members of public to mute themselves.

4. MOTION: FOR THE PLAYGROUND EQUIPMENT TO BE INSTALLED AT THE ALTERNATIVE LOCATION BEHIND THE BUS SHELTER ON THE WESTERN END OF THE VILLAGE GREEN ADJACENT TO THE POUND AND SO TO ACCEPT AND SIGN THE UPDATED LETTER OF CONSENT FROM OXBOROUGH FARMS LTD.

The Chairman opened with his statement:

There has been a lot of correspondence and social media opinion about the proposed play area on the green. Overall, it would seem the majority are in favour of a play area however, some residents are still concerned about the new proposed location behind the bus shelter. We met with NGF (playground contractors) on Tuesday (16 February) and it would appear that the new proposed location is the best solution. Quite rightly there is concern over the clause relating to the 5-year review. I think this is an attempt to classify the play equipment as "not permanent" and satisfy item 4.1.2 of the transfer deed. Residents also suggested legal opinion be sought. The legal advice OPC received was that OPC needed the consent of OFL to proceed with the play area development. OFL has accepted the new location behind the bus shelter. OPC requested OFL amend their original Consent letter with conditions to reflect the new location and to add to clause 3 "if the playground falls into disrepair". A response was received this afternoon (day of the EGM) that as the time had run out OFL await any new proposals from OPC once the minutes have been issued. Seems unjust as OPC went back before the deadline requesting amendments be made. This may be viewed as unreasonable behaviour by OFL. It is worth noting that NGF have held the cost of the play equipment although they have seen their costs escalate (COVID-19 and Brexit); we have already had an extension to the funding window and any considered legal action would be costly (something OPC cannot afford) and take a long time.

I would suggest we consider it in two parts: the new proposed location of the play area behind the bus shelter and then the Amended letter of consent from OFL - this has not been forthcoming so would suggest we go back to OFL with the amendments OPC sent out on 12 February 2021 to OFL.

The Chair asked his fellow councillors for their opinions:

Cllr Chapman added that the PC need to get on with it, as costs may increase due to current situations, so just get it sorted out and the village can get a play area as soon as possible.

Cllr Allison requested clarification of the location (as he continues to have issues with his zoom connection and had not heard much of the Chair's statement) - he thought that the area behind the bus shelter running north towards the existing pedestrian

gate and existing pathway would be best, as then a path could be created from that point. The grass on the pub boundary is wet and soggy and Jamie Tuckwell is now unwilling to install (for free) a new pedestrian gate at this point; further, the playground would definitely be in the way of any vehicles using the area for car parking. He asked if the request for an extension (of 14 days) to the deadline (Monday 17 Feb) issued by OFL had received a response. The Chair advised no, only that OFL had written to say that as the original deadline had run out, OFL would wait for a proposal from OPC once the minutes were available to be read.

Cllr Allison advised that he only received news of this at 7.28pm and that there was nothing about the request for extension - so it appeared that the PC request for an extension (of a further 14 days) had been ignored. The Chair confirmed that OPC had responded to OFL last Friday before the deadline had expired. Cllr Chapman approved the location of the play equipment (going North towards the pedestrian gate) as it includes the existing bench for parents to sit on and watch the children. The Chair confirmed that the rectangle shape (and not an alternative horseshoe shape) was included on the original letter of consent (which included drawings).

Cllr Willies repeated his proposal to split the motion in two: (1) the new proposed location of the play area starts behind the bus shelter and extends towards the top of the road and (2) to resend the letter with amendments OPC sent out on 12 February 2021 to OFL. Cllr Allison asked if there would be a deadline for a response - Cllr Chapman agreed. The Chair reminded them that OFL would only respond after reading a copy of the minutes. Cllr Allison asked if anyone were in favour of just going ahead - both Cllrs Chapman and Willies said no; Cllr Allison said he would as he did not think the amended letter of consent would work. The Chair repeated that he would not be willing to proceed without it, as this was based on the legal opinion received and Cllr Chapman agreed that OPC must not go ahead with the playground until the amended letter of consent was signed, adding that if Cllr Monson goes against this then he should not be on the Parish Council or involved with the village, as it is not good for the village. Cllr Allison agreed with Cllr Chapman's comments. But the Chair reminded the council that the only item under discussion was the motion, and that any other matters could be discussed at later meetings. The Chair asked if the councillors were in favour of the first part concerning the location - all agreed. The Chair asked if the councillors were in favour of the second part regarding amending the letter of consent (with the new location plus the additional words added to condition number 3: 'if the playground has fallen into disrepair'). Cllr Allison said yes but suggested a deadline; he asked if another meeting would be required once a response is received, before going further. The Chair said this would depend on the response and then a decision would be taken on what next meeting should be arranged. Cllr Allison suggested 3 days (as 48 hours would be unreasonable) but the Chair thought 3 days was unreasonable, rather looking at 14 days. Cllr Chapman went for 7 days adding that Cllr Monson should not see the minutes until he has made a decision, as he has declared an interest and Cllr Allison agreed. The Chair thought that he could not be prevented from seeing the minutes and the clerk will be checking with District Councillor Mike Nairn. Cllr Allison asked if there was an extension to the deadline of March 27 (National Lottery funding deadline) and the Chair advised that during a brief site meeting with the contractors NGF (a few days earlier) he had gotten the impression that work on the playground could start without much delay, so the funding deadline would be met. Cllr Allison repeated that time was running out but agreed to the deadline to OFL of 7 days. Cllr Chapman added that this would be more than sufficient time for OFL to respond, as the amendments had already been notified to OFL. Cllr Allison repeated that OFL had given OPC an unreasonable deadline of 48 hours to respond, knowing that the PC would need to call a meeting. However, OFL does not have to call a meeting and the response could be easily supplied within 48 hours or even seconds.

The Chair begrudged the shorter deadline, but then asked if everyone agreed to 7 days - all in favour. The clerk asked when the 7 days deadline should start; the Chair stated this should be the same date as the draft minutes were issued, and so the amended letter of consent to OFL would have the same date. Cllr Chapman urged again that things should get sorted without more delays. The Chair advised that the business of the EGM was completed and that if a further meeting was required, information would follow. Cllr Allison asked to be informed of the date the draft minutes and amended letter (of consent) would be sent out and the date of the response received. The Chair responded that the clerk would be prompt to supply the information to the council, as always.

He thanked everyone for their participation, ending with his hope for a positive resolution and way forward.

The meeting closed at 8pm.