

**Draft Notes of the Ingoldsby Annual Parish Council Meeting held via Zoom on
Wednesday 14 July 2021 at 8pm in the Village Hall, Ingoldsby**

Public Forum: There were six parishioners in attendance via zoom and four parishioners present at the village hall. County Councillor Martin Hill was also in attendance.

Vice-Chairman Councillor Kenyon welcomed everyone and opened the meeting by explaining that the public forum had been extended to a period of 30 minutes at the request of parishioners. He stated that the Parish Council would be making a statement about Askey Lane but in the first instance the Council would open the public forum to other areas of interest.

Helen Lewis stated that a meeting had taken place on Rosemary Rise with Richard Fenwick from Lincolnshire County Council to discuss the issue of parking (or the lack thereof) on Rosemary Rise. She said that he was sympathetic to the problem but highlighted cost as a potential issue. Mr Fenwick has reportedly since met with the Senior Traffic Managers and his report back is awaited. Helen Bone described the parking situation as chaotic and she will take the lead on raising a petition. County Councillor Hill explained that Mr Fenwick is constrained by County Council priorities: potholes and roads. Councillor Hill explained that Mr Fenwick is looking to see if there are any funds in the highways budget that can be used to improve the situation. Councillor Hill said that there are multiple options that can be explored to improve parking on Rosemary Rise.

Action: Helen Lewis to keep the Parish Council updated accordingly.

Mr Fairchild raised the issue of a complaint he had made to the Parish Council about an individual Councillor. The Clerk reminded Mr Fairchild, per her email to him dated 21 June 2021, that this is not a complaint that the Parish Council can investigate as it does not meet the criteria of the Parish Council complaint's procedure nor does it warrant investigation by the Monitoring Officer at South Kesteven District Council as a complaint against a Councillor in his or her role as a Parish Councillor. Mr Fairchild informed the meeting that he would take the matter further.

As there were no further comments, Councillor Kenyon informed the meeting that he would read out a statement made by Ingoldsby Parish Council as a corporate body.

I would like to begin this statement about Askey Lane by saying that Ingoldsby Parish Council is comprised of just five parish council members. We are members of the public like you, but we voluntarily offer our time and energy into working for the better of the community in which we live and I would ask you all to keep this in mind.

The topic of Askey Lane was first raised on 10 April 2019 when Mr Allen attended the public forum and expressed his intention to apply for the title to Askey Lane jointly with Yareal Humby Ltd. It should be noted that Yareal Humby Ltd later confirmed in a statement to the Council, that they felt they had been misrepresented at that meeting, having no intention to acquire the title to Askey Lane.

This statement by Mr Allen on 10 April 2019 caused immediate concern for parishioners and members alike and on 29 May 2019 the Parish Council passed a motion to 'attempt' to take possession of Askey Lane with the sole intention of securing public access to the lane for the future generations. I would like to emphasise that the minutes state quite clearly the word 'attempt'.

The Parish Council subsequently formed a working group to look into the feasibility of attempting to acquire the title to Askey Lane. The Parish Council determined from enquiries with the Land Registry that there was no title. The Parish Council proceeded to obtain legal advice from solicitors at NALC and advice from Lincolnshire County Council's Highways Department, Archive Team and ultimately Footpath Team.

Upon the advice specifically from Gary Baker, a solicitor for NALC, dated 25 June 2019 a 'caution against first registration' was submitted to the Land Registry. This effectively means that the Parish Council would be informed of any attempt to gain title to the land and a thorough investigation would have to be completed by the Land Registry prior to issue of the title deed.

Both the Land Registry and NALC's legal team confirmed that the Parish Council did not meet the criteria to obtain the title to the lane by 'adverse possession'.

The Parish Council joined the Open Spaces Society in the hope of obtaining different advice but their advice mirrored that already received. To reiterate, Ingoldsby Parish Council as a corporate body does not meet the criteria to seek adverse possession of the land and is therefore unable to pursue this course of action. There may be parishioners who do meet the criteria and could seek adverse possession. Should a parishioner gain the Title and they were so minded, they good seek to gift the land to the Parish Council. The Parish Council would then need to take a decision of whether to accept this gift and any liabilities this may bring. The Parish Council does not have to accept a gift if so offered.

LALC made it subsequently clear that the Parish Council would now need to seek paid legal advice to obtain the land by other means and action to pursue the title quietly ceased while the Parish Council explored other options. Should the Parish Council take this route there would be a financial implication to the Council, which would reduce Council coffers. Any cost would need to be balanced against the likelihood of success AND any on-going liabilities that may come from taking ownership of the land if it was successful. It is this situation which leads to the crux of the matter which is continued access for parishioners along Askey Lane.

The advice from all parties seemed to suggest that the best course of action would be to apply for a public right of way over Askey Lane which Mr Harden had already initiated with the collection and submission of user evidence forms to Alison Bean, the Footpaths Officer at Lincolnshire County Council. The Parish Council agreed to support Mr Harden's application wholeheartedly and as time passed the Public Right of Way application seemed to be gaining momentum with Alison Bean looking to extend the footpath further to Humby Road and with the classification of bridleway not just footpath.

In the meantime, the Parish Council created a new budget head for the maintenance of Askey Lane and obtained several quotes.

The legal advice from NALC confirmed that the Allen family had no legal right to erect barriers or deny access to the lane. These barriers have led to public perception that the lane is privately owned and there is a genuine concern that this behaviour by the Allen family was a precursor to obtaining the land by adverse possession. As a result, several emails and letters were sent to Mr Allen to ask him to remove the barriers. These requests were not met and the Parish Council, despite advice from NALC, to remove the 'obstacles' was reluctant to do so. There were a number of complicating factors but the Parish Council would like to highlight the two following reasons.

First, letters of complaint about the Parish Council's inaction have recently been received and these letters speak of intimidation that members of the public have 'allegedly' experienced as a result of their use of Askey Lane or involvement in the Askey Lane issue. This issue has created ill-feeling and discord within the community. Members of the Parish Council themselves have experienced unpleasant conversations, hostility and unacceptable behaviour from involved parties and it did lead to hesitancy. Intimidation towards anyone in public office is unacceptable.

Second, the Parish Council in closed session on 20 September 2020, after the resignations of two Councillors, took the decision to halt removal of the obstacles from Askey Lane to allow the Parish Council to re-group and recruit two new Councillors and to seek assistance from District Councillor Trotter. This was not agreed in closed session for any covert reason but the decision was a natural progression of that discussion in closed session. In hindsight, this decision should have been made clear at the next meeting of the Parish Council. The decision was to halt not cease indefinitely.

On 26 May 2020 Parish Council members noted the removal of the stile from Askey Lane by Mr Allen.

Since May 2020, the Parish Council has received a number of complaints about their handling of the issue. The Parish Council knew when it decided to engage in this issue that it was not something that would be resolved overnight and despite the ill-feeling between parties it was only ever the intention of the Parish Council to bring the matter to an agreeable conclusion. The Parish Council is trying its best and continues to serve in the interests of the community. With the assistance of County Councillor Martin Hill and District Councillor Trotter, the Parish Council can now confirm that a decision regarding the public right of way application for Askey Lane should be released within the near future.

I reiterate again to ensure clarity; the Parish Council does not meet the criteria to seek adverse possession of the land. Legal avenues could be explored but must be weighed against any on-going liabilities and costs this would bring to the village and its residents. The public forum has been extended to a period of 30-minutes at the request of parishioners. The Parish Council will take questions but reserves the right not to respond to those questions at this meeting. The questions will be recorded and you will be asked to leave your contact details so that we can respond directly to you. Absolutely no questions or statements will be permitted during the course of the meeting upon conclusion of the public forum.

County Councillor Hill said that he understands that this issue is causing a lot of tension and ill-feeling within the village. He has conducted a site visit with District Councillor Sarah Trotter, who asked for his assistance, and they also met with the Allen family. He wanted to remind the meeting that ownership of the land and the Public Right of Way application are not related; you can have a right of way over private land. He confirmed that the Askey Lane Public Right of Way application is now the number one priority for the Countryside Services team. There are some final questions to be raised prior to reaching a decision and although he could not confirm what these were, he did indicate that it looked likely to proceed. He did state that any objection would however delay the application as this would lead to a public enquiry. There was further discussion with regards responsibility for maintenance in the event that the application is successful.

Mr Harden thanked Councillor Kenyon for reading out the Parish Council statement which he found to be open and honest although he wanted to point out what he felt to be some inaccuracies in the statement. These were duly noted. Mr Harden explained that the objective of his letter of complaint to the Parish Council dated 26 June 2021 was to understand why a motion passed in public session on 11 December 2019 was changed in closed session on 30 September 2020. He said that this change

in policy is not recorded in any minutes nor were any parishioners aware of it. The Clerk informed Mr Harden that this was an error on her part. It should have been noted in the open session at the next meeting of the Parish Council and recorded in the minutes of that meeting.

The Clerk informed the meeting that a copy of the statement would be available in the minutes of the meeting, on the Parish Council noticeboard and on the village Facebook page.

Action: Clerk to post the statement accordingly.

1) **WELCOME REMARKS BY THE CHAIRMAN (21/025)**

The Chairman, Councillor Eldred thanked everyone for their attendance. She reminded the meeting that due to social distancing there is a limit in terms of capacity for the village hall hence the hybrid meeting which allows for others to join in via zoom. She reminded those on zoom that the app closes after 45-minute period and invited those on zoom to re-join with the same ID and passcode. She also thanked County Councillor Hill for his attendance.

Vice-Chairman, Councillor Kenyon passed on his well wishes to the Eldred family following Councillor Eldred's daughter's surgery and the positive outcome.

2) **PRESENT (21/026)**

Councillor Eldred, Chairman
Councillor Kenyon, Vice-Chairman
Councillor Weller
Councillor Ward-Barrow

3) **APOLOGIES (21/027)**

a) Apologies received from Councillor Nelson. The reason for her absence was noted and accepted.

4) **DECLARATIONS OF PECUNIARY INTEREST & DISPENSATIONS (21/028)**

a) No reports of pecuniary interests or applications for dispensations in relation to the agenda.
b) Councillor Eldred reported her interests in relation to the Village Hall Committee.

5) **SIGNING OF THE MINUTES (21/029)**

a) Members resolved to accept the Clerk's notes of the Annual Parish Council meeting held on 26 May 2021 as a true and accurate record. The minutes were duly signed and dated.

6) **GENERAL MATTERS (20/030)**

a) County Council Matters

Councillor Hill added that further to the elections the Council was operating per the same political set-up as before.

b) District Council Matters

Apologies were noted from District Councillor Trotter.

c) Askey Lane

Item discussed in the public forum. Nothing further to add at this time.

- d) Rosemary Rise Parking
Item discussed in the public forum. Nothing further to add at this time.
- e) Archer Survey & Speeding Results
It was reported that the survey equipment was installed outside Wychwood. The survey commenced on 22 May for a full 7-day period. A daily average of 472 vehicles travelled through the survey area with a fairly even flow in each direction. The speed data showed some limited evidence that vehicles are exceeding the village speed limit at a speed that would make the drivers liable to prosecution travelling at 10mph or more in excess of the 30mph speed limit. The results of the survey will be posted to the community Facebook page, website and emailed to anyone expressing an interest by email to the Clerk.
Action: Clerk to publicise the results of the survey to social media and the website.
- f) Playground
Item to be deferred to the September meeting.
- g) Clerk's Computer Equipment Allowance
The Clerk's new laptop including three-year hardware support cost £1481.59 at the Clerk's expense. Members agreed to pay 50% of the cost at £740.80. The details are to be agreed.
Action: Clerk to examine the budget to determine whether funds can be re-directed for this purpose.
- h) Clerk's Overtime
Members resolved to approve the Clerk's overtime at 20 hours.
- i) Outstanding Actions
Members noted that the fridge magnets, defibrillator sign and compliance with the transparency code are outstanding actions from previous meetings.
- 7) **HIGHWAYS (21/031)**
- a) 30 mph signs
Members noted the emailed response from the Senior Traffic Engineer dated 14 June 2021 in relation to the 30 mph signs (village limits).
The Clerk had emailed Mr Earls further to his initial response to the Parish Council on 23 April 2021 to enquire about the waiting list the Parish Council had allegedly been on for the past six plus years. Mr Earls explains in his letter that this waiting list was for speed limit assessments. He concludes that this has now been carried out and Ingoldsby does meet the criteria in terms of number of accidents or density of development.
- b) Grass Verge, Back Lane
Members noted that this was recently reported to LCC Highways. The overgrown grass verge was obstructing the view of traffic. The Highways Department have confirmed that this is scheduled to be cut by them three time a year and treated for weeds twice in April and October.

- c) The Council would like to remind parishioners that new faults can be reported at www.lincolnshire.gov.uk/faultreporting or email cschighways@lincolnshire.gov.uk or contact customer services by telephone on 01522 782070.

8) **PLANNING MATTERS (21/032)**

- a) Members noted the new Planning Matters:

- i) Pre-Planning Consultation S21/0207 Mr L Allen, Oaklands, Main Street, Ingoldsby – Change of use of agricultural field to dog exercise area and associated development.

Mr Welford asked for his thoughts on this to be read out at the meeting. Mr Welford noted that the boundary shown on the plan is not in keeping with that of the Local Authority. He made points about parking and raised concern that this planning application might be a precursor to a future planning application for a housing estate. Mr Welford expressed his concern about the impact the application might have on Askey Lane. Other comments were made not pertaining to this planning application.

Members briefly discussed the pre-planning information and at this point there was no objection to the proposal. Councillor Kenyon did explain that there is an error on the plans in terms of boundary which would be corrected by the planners at the planning phase. It was agreed that to infer that there may be a future planning application for a housing development is not something that can be reasonably inferred at this point.

- ii) S21/1243 Mr & Mrs A Troughton, Moat Farm, Scotland Lane, Ingoldsby – Demolition of existing dwelling and erection of replacement dwelling. Deadline for comments 20 JULY 2021. It was noted that people living within the locality have no objections to the planning application.
- iii) Proposed Solar Farm, Braceby. Councillor Hill stated that this planning application falls within Pickworth parish. Councillor Ward-Barrow had asked for this agenda item to make members aware of this application. The details provided by Councillor Hill were duly noted.

- b) Members noted the decisions pending or received:

- i) ENF20/0117 breach of works not in accordance with S19/1802 and S19/1311 ARNOLD the Rectory, Back Lane, Ingoldsby.

Councillor Kenyon informed the meeting that he had been in touch with Peter Lifford in the Planning Department again about the lack of update in relation to this breach. Craig Dickinson, the Planning Enforcement Officer is reportedly in the process of writing his recommendations; the wall should be reduced to no higher than a metre. This was confirmed in an email by District Councillor Trotter.

- ii) S21/0741 Pumphrey, Ground Mount solar PV array, 4 rows of 14 panels at Scotland Farmhouse, Scotland Lane, Ingoldsby, NG33 4ES. Deadline for

comments is 11 May 2021 (Case Officer, Stephen Cadman). Not yet determined.

- iii) S21/0920 Pearce, Outline application with all matters reserved for the erection of a detached dwelling and garage at Greengates, Grantham Road, Ingoldsby, Lincolnshire, NG33 4EQ. APPROVED 23 June 2021.
- iv) S21/0933 Hafiz – Cornerstone & Telefonica, the installation of an 18m lattice tower supporting 3 no. antennas, 2 no. transmission dishes, 1 no. equipment cabinet, 2 no. flat pack frames, 1 no. meter cabinet and ancillary development thereto including 1.8m fence to form a compound on land at Cemetery Farm Off Humby Road Ingoldsby NG33 4EH. APPROVED 2 JULY 2021.

9) **FINANCE (21/033)**

- a) Members noted the income received between 21 May 2021 to 8 July 2021.

Interest (June)	0.07
TOTAL	0.07

- b) Members noted the expenditure to be paid in line with approved list of regular payments between 21 May 2021 and 8 July 2021 or for approval.

Clerk's Salary (June)	499.70
Clerk's Salary (July)	105.20
BT (June)	44.39
Internal Audit	85.00
Autela (6404 – April, May, June)	50.40
Office Supplies (ink, envelopes)	67.34
Welcome Cards	8.74
TOTAL	860.77

- c) Members resolved to approve the monthly income and expenditure accounts for April to May and June to July 2021.

d) Internal Audit

Mr John Jackson carried out the internal audit again this year and his findings confirm that the Parish Council finances are in order.

e) Bank Mandate

The bank mandate has been signed by the Clerk and returned to Councillor Kenyon.

f) First Quarter Budget Review

The Parish Council is on target in terms of the budget for the end of the first quarter with the exception of two budget heads; Clerk's salary and Annual Subscriptions. The Clerk's salary is currently 17% over budget due to increased workload. The Annual subscription budget head is over by 43% due to an increase in the Lalc Annual Subscription Fee. These budget heads can be monitored with a view to subsidising these budget heads at the six-month review.

10) **CORRESPONDENCE (21/034)**

- a) Members noted the email from Network Regulation Compliance Manager for Lincolnshire County Council dated 28 May 2021, 'Temporary traffic restrictions for Bitchfield Road & Ingoldsby Road between 8 July and 27 July 2021 for carriageway re-surfacing and reconstruction. The details have been posted to social media and the website.

11) **DATE AND TIME OF NEXT MEETING (21/035)**

The next meeting is scheduled to take place on Wednesday 1 September 2021 at 8pm in the village hall, Ingoldsby and via the zoom app.

The Chairman closed the meeting at 9.45pm