



Minutes of the Meeting of Stoke Climsland Parish Council held in the Parish Hall at 7.30pm on Monday, 21st October 2024

Minute		Action
Present	S Ross Chairman, R Davies, B Lightfoot, T Selwood, S Cazaly, D Crawley, M Howlett Also CC Adrian Parsons 4 members of the public	
61/25 Apologies	C Roper (Work)	
62/25 Absence	J Forbes	
63/25 Declarations	a Disclosable pecuniary interests – None b Non-registerable interests – D Crawley for Planning PA24/05068 c Declaration of gifts - None d Applications for dispensation – None	
64/25 Minutes	Council Meeting of 16th September 2024 RD proposed that they were a correct record TS seconded Agreed 6-0 1 abstention Carbon Zero Committee SR proposed and RD seconded that the minutes of 7 th October be accepted and noted Agreed unanimously.	
65/25 Planning	1. Applications for Comment DC left room for item a a. PA25/05068 2 storey dwelling Land at Higher Downgate BL proposed SUPPORT MH seconded Agreed unanimously b. PA24/07843 Proposed replacement roof covering - Stonebrook Cottage Higher Lidwell PL17 8LJ AND c. PA24/07844 Listed building consent for above. RD proposed SUPPORT SC seconded Agreed unanimously 1. Decisions received were noted 2. For information - Noted	Clerk Clerk
66/25 CC report	CC A Parsons reported on the recent awareness event concerning safety at the Plusha junction on the A30. He said that there was a lack of detail in the plans but that the local road network around would see a significant increase in traffic. He reported that the Governments new Housing target calls for a further 4000 new homes to be built each year in Cornwall and that until the Local Plan is established this could lead to inappropriate development being approved. SR reported that although the drains at Almhouse Crossroad had been cleared recent rain had deposited a covering of mud across the whole of the junction. MH expressed concern that the work at the ford, although a very good job had been done, may cause the build up and spread of water and consequent flooding of the approaches to the bridge.	
67/25 Finance	a. Payments schedule for October was proposed by BL seconded by RD and Agreed unanimously b. Cashflow year to date was noted c. TS volunteered for Finance Scrutiny in November (Not carried out in October to keep distance from Clerk recovering from COVID) d. BL proposed SC seconded that Cllr Davies be authorised as a signatory at the bank. Agreed unanimously	Clerk

	e. The Audit report for year 2023-24 from BDO LLP was Accepted and noted . BL proposed that the Clerk be delegated to write to LJC Bookkeeping to appoint them as Internal Audit for the current year. TS seconded and Agreed unanimously	Clerk
68/25 Governance	All councillors were urged to attend the Teams meeting regarding GOV.UK websites and email. They were further urged to complete Code of Conduct training where this had not been done. Clerk to resend details of both with links.	Clerk
69/25 Correspondence	a. The clerk reported on a very prompt response from Tamar Farms offering to add stone to the boggy part of footpath 19 in order to provide a better footing for walkers. She had replied with thanks from Council and residents. b. Truro City Council requested a copy of the Stoke Climsland CZH Project funding bid as they have been inspired by our work in the field and wish to start a similar project. They had been provided with a copy. c. CALC AGM the clerk requested that councillors let her know if they will attend the meeting in County Hall Truro.	
70/25 Work Plan	a. Play areas SC and Clerk to set up a meeting of the Asset Management Committee to continue work on the playground provision strategy for the Parish. SC reported that he is waiting for site visits and quotes from equipment suppliers. b. The Oak tree will be planted in October/November by Kim and Stuart Cazaly. They are thanked for their gift. c. RD reported that he is struggling to find a partner in the provision of EV charging facilities in the Parish. Cost of providing an electric supply have been quoted at £10,000 to Lockett car park and £70,000 to the Village Green. He also reported that he had been invited to speak in Truro on the subject of the Carbon Zero Homes Project. Tamar Energy Community are making use of the Hermit Crab display at various events in the area. d. The Clerk presented a quote from Root and Branch for works to include the felling of a dead Ash and hedging work at Downgate playing field. The was proposed by BL as very good value seconded by SC and Agreed unanimously e The Clerk was delegated to investigate options for fencing the grass at Lockett car park.	SC, Clerk SC Clerk Clerk
71/25 Items for the next agenda	Old School News, Community Facilities Group, timing of public session.	
72/25	A Motion to restrict meeting and exclusion of the press and public for a closed session as in the 1960 Public Bodies (admission to Meetings) Act s1 (2) SR proposed and RD seconded the motion Agreed unanimously	
73/25	Standing orders suspended for 10 minutes at 8.40pm to allow time for reading of Solicitors report and questions.	
74/25	At 8.50 the meeting resumed and SR proposed the motion: that this Council should follow the Clerks advice to instruct Stephens Scown, our solicitors, to write to both Fields in Trust and Lockett Swings Committee to inform them that the Transfer document dated 1 st April 2021 is Void and that the Council has no intention of acquiring the land in question. That the matter is now closed and the Council will have no further discussion or correspondence with either party. Stuart Cazaly seconded the motion which was agreed 6-0 with one abstention. SC proposed and TS seconded that a letter be sent to all residents in the Lockett electoral area as a statement of the councils decision.	Clerk Clerk
	The meeting closed at 9.20pm	
	The next meeting will be held in the Parish Hall at 7.30pm on Monday, November 18 th 2024	

Appendix 1

Stoke Climsland Parish Council

Payment Schedule Current Account

DATE OCTOBER 2024

INCOME

Expenditure

PAYEE	Invoice Date	Invoice #	Description	Amount
				£
Mrs D Watson			Salary	713.40
				£
SLCC			Membership	183.00
			Grass	
TM Tree & Paddock			Cutting	£2,092.80

Direct Debit Authorisation

				£
HMRC				559.28
				£
Transfers to EMR			General	10,000.00
				£
TOTAL				13,548.48

Appendix 2

Report from the Clerk - response from solicitors on Lockett Swings transfer with recommendations.

At their Annual Parish Council meeting on 20th May 2024, this council decided to ask their solicitors, Stephens Scown, to undertake further investigations into the transfer of Lockett Swings from Lockett Swings Committee to the Parish Council. This work is now complete and they have reported as follows.

The Transfer is VOID.

Under **Section 6 of the Land Registration Act 2002** there is a duty of the proprietor to apply for the registration of the transfer within 2 months of completion. Further, under **Section 7**, if this requirement has not been complied with, the transfer becomes void and instead, the LSC will be holding the land on trust for the Parish. This means that all legal ownership and responsibility is still vested with the LSC until registration.

The registration could not be completed because Lockett Swings Committee, in effect Caroline as the sole remaining named trustee, had not applied for permission from the Charities Commission to dispose of the property. Lockett Swings Committee's constitution clearly states that it is a Charitable Trust and refers to the organisation as "The Charity". **Charities Act 2011 and Open Spaces Act 1906**

Without the above permission Fields in Trust were unable to issue the certificate which is required to accompany the registration of the transfer TR1.

Conflicts of interest

Anthony Earl of Earl and Crocker, who was the Councils solicitor, represented both sides of the transaction but also spoke to Caroline in both a Parish and LSC capacity.

This was despite instructions that the Clerk should be the sole point of contact for the Parish Council in this matter. Caroline was instructed by the Council that she could not represent the Council in this matter.

Future course of action

There is a simple choice to be made

- a. To not proceed with the acquisition as the land is not fit for purpose and the transfer documents are VOID.
- b. To engage Stephens Scown to put forward the above position to the LSC and FIT at an estimated cost of £1035 plus VAT

OR

- c. To restart the process of acquisition, knowing that the area is not fit for purpose.
- d. To engage Stephens Scown to represent the council in the process at an estimated cost of £1500 plus VAT

Clerks recommendation

That in view of the Parish Councils previous unanimous decisions, on three separate occasions, that the area is not fit for purpose, should be closed and the equipment removed, it would be perverse to now start a new process of acquisition and that option a. is the best course of action. Furthermore, that the council should engage Stephens Scown, at an estimated cost of £1,035 + VAT, to deal with Lockett Swings Committee and Fields in Trust. That the Council declare the matter closed and not to enter into any further discussion thereon.