

Shadforth Parish Council

Minutes of the Extraordinary meeting of Shadforth Parish Council on

Thursday 10th Dec 2020 at 6.30pm.

In Attendance: Cllrs D Wood (Chair), Sim, Turner, R Woods, Bell (part), Mace, Hooper, Flude (part), Beattie (part)

The Parish Clerk C Bell, 4 members of the public were present

111/20 Apologies for absence
Cllrs Spanton, Young,

112/20 Notice of Motion to call the meeting to be held on 10th December 2020
Resolved: To hold the meeting of the Full Council 10th December 2020

113/20 Declarations of interest from members on any item to be discussed
Councillors Beattie and Flude have allotments

114/20 Exclusion of the Press and Public
Agreed non was required

115/20 Open Session
The meeting was adjourned for the open session

Public Participation: A parishioner who is an allotment tenant expressed that they would like the answers to the questions they have presented to the council

116/20 Proposed by Cllr Beattie and seconded by Cllr Flude – Motion: to refer both tabled motions on the agenda sent on 4/12/2020 to the Policy and Resources Committee
Resolved: That the meeting was in the open session and this motion could not be tabled at this stage. This motion had been tabled previously via email, and was considered under item 117/20 below

Cllrs Flude and Beattie left the meeting

Cllr Bell entered the meeting
A parishioner suggested a creation of a small group working party

ITEMS REQUIRING A DECISION

117/20 The following questions were put to the meeting and the Parish Council responded with the answers recorded

Questions:

1. Will the Parish Council refer the case back to the P&R committee to reconsider the points raised by tenants and their legal adviser, to take into account and represent tenants views in a mutually acceptable tenancy agreement, as promised

in previous correspondence (12.9.19 – see Section D), and report back to full council with their recommendations?

It is noted that this question also covers the motion presented by Cllrs Beattie and Flude in the open session, and that the resolution is in response to both the question and the motion.

Motion: That the response to the question shall be “That the Members of the Parish Council do not wish to refer the case back to the P&R Committee”.

Resolved: To accept the motion

2. Will the Parish Council consider working with tenants to create a mutually acceptable new tenancy agreement?

Motion: That the response to the question shall be “Shadforth Parish Council have an acceptable tenancy agreement which is based on and conforms with national standards. However, the Council accept that further guidelines are required and will develop this document, with a working group, to create such guidelines to support the agreement”.

Resolved: To respond with the statement in the motion

3. Will the Parish Council consider having regular consultations with allotment holders to discuss ideas, promote sustainability, create an allotment management plan, etc?

Motion: That the response to the question shall be “That the Parish Council welcome the offer to work with the allotment tenants and will look to set up the working group and regular meetings as soon as possible”

Resolved: To respond with the statement in the motion

4. Will the Parish council consider re-issuing the contracts as rolling agreements?

Motion: That the response to the question shall be “Shadforth Parish Council will not re-issue the contract as a rolling contract”

Resolved: To Respond with the statement in the motion

5. Will the Parish Council withdraw the statement written by the clerk to tenants on 27.10.2020 stating that the Council would have no alternative other than to take tenants’ decision not to sign the agreement as their decision to terminate their agreement? (The statement has no legal basis)

Motion: That the response to the question shall be “Shadforth Parish Council will not withdraw the statement.”

Resolved: To respond with the statement in the motion

6. Why is the council considering paying for fencing that it is not obliged to?

Motion: That the response to the question shall be "Shadforth Parish Council are only looking at the current condition of the fencing in the allotments as part of their overall allotment review. There is no commitment at this stage to replace any fencing"

Resolved: To respond with the statement in the motion

7. How much will this cost (approximately)?

Motion: That the response to the question shall be "Shadforth Parish Council have not costed the replacement of the fencing at the allotments"

Resolved: To respond with the statement in the motion

8. Is this the best use of the Parish Council's money when it could be used for other projects within the Parish?

Motion: That the response to the question shall be "Shadforth Parish Council have not committed to any work or spend on the allotment fencing"

Resolved: To respond with the statement in the motion

9. Would the Parish Council consult with tenants on other ways of investing in the allotments eg water tap, paving down the central path which becomes extremely muddy and slippery in wet weather, and/or measures to promote sustainability?

Motion: That the response to the question shall be "The Allotment Working Group shall consider the statutory obligations of the Shadforth Parish Council to ensure that these obligations are met. The council are also committed to working with the allotment tenants in their desire to improve the allotments"

Resolved: To respond with the statement in the motion

10. Where is the Point C referred to in the covenant in the Title, but not shown on the map?

Motion: That the response to the question shall be "Shadforth Parish Council do not know where Point C, which is referred to in the covenant, is and is seeking clarification"

Resolved: To respond with the statement in the motion

11. Why has the Parish Council referred to the covenant in the deeds as the reason for adopting the fences it has chosen to adopt, when the covenant does not reflect this.

Motion: That the response to the question shall be "Shadforth Parish Council have taken measurements of all fencing around the perimeter of the allotments and the internal fencing. If the Parish Council decide to upgrade the fencing this will allow the allotment tenants to take advantage of a cost effective way of upgrading their fencing should they wish to do so"

Resolved: To respond with the statement in the motion

Cllr Bell left the meeting

Questions on specific Clauses in the agreement

Clause 6c. *'not keep livestock or poultry ... other than a reasonable number of hens or rabbits'* What is a reasonable number of hens / rabbits?

Clause 6h. *'maintain and keep in repair the fences and gates forming part of the Allotment Garden'* This needs amending, as the Parish Council is responsible for some of the fences.

Clause 6l. *'be responsible for ensuring that any person present in the Allotment Garden with or without the tenant's permission does not suffer personal injury or damage to his property'* . Could this be tweaked along the lines of 'taking reasonable precautions'?

Clause 7. *'The tenant shall observe additional rules that the Council may make or revise for the regulation and management of the Allotment Garden'* Under what circumstances would new rules be needed?

Motion: That the response to the question shall be "The Parish Council will ensure that during the development of the Allotment Guidelines, the document addresses the clarification of the clauses, statutory duties and good practises. They will work to complete this document as soon as possible"

Resolve: To respond with the statement in the motion

Motion: To include in the response to the tenants, a request for volunteers to join the Allotment Working Group so that they can be invited to the meeting in Jan 2021

Resolved: to accept the motion

12. Will the Parish council consider rewording these clauses to be clearer / remove inaccuracies?

Motion: That the response to the question shall be "The Parish Council will ensure that during the development of the Allotment Guidelines that the document address the clarification of the clauses, statutory duties, good practises and that they will work to complete this document as soon as possible"

Resolve: To respond with the statement in the motion

The Parish Council wished to note that they recognise that they did say last year, in a letter to the tenants dated 12.9.19 , that it was their intention to consult with the tenants. They acknowledge that they have been unable to consult in the way that they had anticipated at that time due to COVID which has impacted on both the tenants and the Members of the Council.

The members believe that the introduction of the Allotment Working Group developing and producing the Allotment Guidelines will help with eliminating the limited and poor channels of communication.

118/20 Motion: That the Clerk write to the allotment tenants with Shadforth Parish Councils response to the questions from the tenants week commencing 14th Dec 2020

Resolved: That the Clerk write to the allotment tenants with Shadforth Parish Councils response to the questions from the tenants week commencing 14th Dec 2020

119/20 Motion: That the Clerk writes to all tenants who have not signed the new Allotment Tenancy Agreement with a 12 months notice to quit on 31st December 2021, in order to terminate the old agreements on 31 December 2021 and introduce the new tenancy agreement on 1 January 2022

Resolved: That the Clerk writes to all tenants who have not signed the new Allotment Tenancy Agreement with a 12 months notice to quit on 31st December 2021, in order to terminate the old agreements on 31 December 2021 and introduce the new tenancy agreement on 1 January 2022

120/20 Close

Carole Bell - Parish Clerk and RFO – 17th December 2020