

CARLTON PARISH COUNCIL

Minutes of a meeting held at Saint Andrews Church, Main Street, Carlton at 19:30 hrs on Wednesday 30th July 2014

Present: S G Tupling (Chairman), J D Finch, I Sarson (Councillors), I D Ould (County Councillor), P A Lockwood (Trustee, Carlton Charity Lands), 1 member of the public, C J Peat (Clerk).

1. Administrative matters

a) Apologies for absence from Councillors

It was resolved that apologies from Cllrs J H Boston and W R Sharp be accepted.

b) Declarations of interests (including Disclosable Pecuniary Interests) and requests for dispensations in respect of items on the agenda

There were none.

2. Minutes of the meeting of 11th June 2014

It was resolved that the minutes be confirmed and they were signed by the Chairman.

3. Reports, questions and comments from the following

a) Parish Councillors

There were none.

b) Leicestershire County Council

Cllr I D Ould reported on current LCC business; there was no individual casework from the Parish. The major public concern in the Division was the failure of H&BBC to maintain a 5-year supply of housing land, which was leading to speculative proposals for new housing in areas which the Local Plan had sought to protect from development. High-speed broadband was being rolled out across the County, but the take-up in some communities had been much lower than expected because of the cost. There was no evidence that switching off street lights after midnight led to increases in crime: the peak time for burglaries was between noon and 2.30pm. The rising cost of adult social care, particularly the care of elderly people with mental health problems, was a major concern.

c) Hinckley & Bosworth Borough Council

No report was received.

d) Leicestershire Constabulary

PCSO M Chapman had submitted a written report. There had been no reported crime in Carlton during June.

e) Parish Clerk

Vanguard Council. The meeting with representatives of LRALC and LCC had been

re-arranged for 13:30hrs on Monday 4th August at 7 Main Street (p.1513/5e; 1517/3e refer).

Diamond Jubilee Orchard. The land purchase had been completed on 23rd July (p.1300/3a; 1498/5c refer), and the PC's insurers had been advised of the acquisition. An application for help in kind with the materials for path construction had been prepared with help from a parishioner and submitted to Breedon Aggregates Ltd.

External Audit Return had been submitted on 14th June (p.1508/7e,f refer).

Market Bosworth Neighbourhood Plan Consultation Draft. Draft comments had been copied to Councillors, and a final version had been submitted by the Chairman and Clerk (p.1517/3e refers).

Hinckley & Bosworth Parishes Forum on 19th June had been attended by the Clerk; the minutes had been copied to Councillors.

Two drain covers had been stolen from Nailstone Road, and replaced by LCC Highways.

Read & Feed. A book fair and cream tea event on 20th July had raised a total of £725.62, divided equally between the Friends of St Andrews Church and the PAF.

East Midlands Tree Warden Forum 2014. The Tree Warden had booked a place at this forum, at Trent College, Long Eaton, on 21st September.

Leicestershire & Rutland Playing Fields Association sent annual report for 2013-14.

SLCC Biennial Survey had been completed and returned.

Bosworth Community Forum had been discontinued by LCC.

A list of digital communications and reports received would be copied to each Councillor, and copies of any files would be forwarded on request. Additional written documentation would be circulated.

f) Members of the public

The implementation of a footpath diversion on footpath S68 (the Leicestershire Round) at Shackerstone Station, and occupation of the Northfields development were both welcomed.

4. Management of the Carlton Charity Lands

In response to the PC's letter (p.1513/6a refers) the Chairman of the Trustees had sent a new Deed of Trust dated 19th May 2014 and signed by all of the Trustees. The new Deed of Trust had been copied to Councillors, and the Chairman of the Trustees had been advised that it would be considered by the PC at their next meeting. Each of the Trustees had been sent a copy of the agenda for this meeting.

The covering letter had still not addressed the concerns repeatedly raised by the PC since 2012. The Clerk had written to ask under what powers the new Deed had been made: the Chairman had replied that the decision to adopt the new Deed had been by unanimous vote of the Trustees, and that the new Deed had been submitted to the Charity Commission.

It was resolved that the PC considered it regrettable that the new Trust Deed had been prepared and submitted to the Charity Commission without consulting the public or the PC.

It was noted that the Carlton Charity Lands had been established in 1317 by a gift of land, with the intention that the income derived from the land would be applied to the objects of the Charity. The original purpose had been to apprentice young people, and this had been re-affirmed by a Scheme of 1912, which also permitted expenditure on helping young people to enter a trade or occupation, and the provision of medical aid. At a later date, the principal object of the Charity had been changed to the provision of a Christmas bonus to pensioners.

It was resolved that the PC objected to the provisions of the new Trust Deed, excepting only Clause 5 which related to the revised objects.

The Clerk had obtained a copy of the Scheme dated 25th June 1912 from the Charity Commission, which was the current Governing Document of the Carlton Charity Lands. The Scheme had been copied to Councillors, and it appeared to be perfectly adequate for the management of a simple local charity. It also appeared that the objects of the charity could be changed by agreement with the Charity Commission.

Legal advice had been obtained from NALC. The key elements of this advice were that (i) the Scheme of 1912 did not allow the Trustees to change the way in which they were appointed; (ii) the Trustees did not appear to have been properly appointed and needed to demonstrate from where they derived their power to act; and (iii) the PC should consider instructing a Solicitor to take up these concerns with the Charity Commission.

Members were concerned that there had been a breakdown of communication with the Trustees, and expressed appreciation of their work for the community over many years. Members were reluctant to initiate formal proceedings with the Charity Commission, and considered that the current problems were best resolved by open discussion and agreement between the PC and the Trustees. Members were prepared to meet with the Trustees, or to convene a formal meeting of the PC for this purpose.

It was resolved that the Chairman be authorised to seek a meeting with the Chairman of the Trustees to agree a way forward, and to report back.

It was resolved that the PC would support a change to the Scheme of 1912 by the replacement of Paras 23 and 24 with wording to the effect that “*Subject to the payments aforesaid, the yearly income of the Charity shall be applied by the Trustees in assisting the self-improvement and education of young people under twenty-five years of age in the civil Parish of Carlton in such ways as the Trustees shall determine*”. In addition, the PC would require paras 25 (I), (II) and (III) of the Scheme to be left intact, except that the age limit in para 25 (I) shall be increased to twenty-five years, and the expenditure limit in para 25 (III) shall be increased to £200.

5. Local Walks publication

The portfolio of eight walks and supporting documentation had been prepared, copied to Councillors, and the walk directions drafted and checked on the ground by volunteers (p.1517/4 refers). **It was resolved** that the final draft be approved and submitted to LCC RoW.

6. Metal detector survey

It was resolved that a local member of the National Council for Metal Detecting be invited to carry out a metal-detector survey of (i) Carlton Green, and (ii) the Cemetery Field and those parts of the Cemetery where no burials had taken place in order to identify any interesting artefacts before the ground was used for burials on condition that all items recovered remained wholly the property of the PC. **It was also resolved** that the agreement of the surveyor be sought to make the surveys, or part of them, open to the public so as to demonstrate the technique and exhibit the finds.

7. Planning matters**a) Planning applications submitted**

14/00673/HOU Extensions and alterations. 27 Main St. It was resolved that the PC had no objection to this application.

14/00677/HOU Extensions and alterations to dwelling. Harcourt Mill, Barton Rd, Mkt Bosworth. It was resolved that objections be made on the grounds that the proposed highway access constituted a change of use of an agricultural access and was in a dangerous position, with poor visibility to the north; also that the PC note (i) the local historical importance of the building, constructed of Carlton Stone and near to footpath S69; and (ii) the submitted site plans do not appear to show all of the land owned by the applicant, some of which has been subject to change of use from agricultural land to garden and equine uses.

b) Comments submitted under delegated powers

It was noted that the following comments had been submitted by the Clerk under delegated powers after consultation with Members and the Chairman (p.1472/10a refers).

14/00355/FUL Erection of 12 timber lodges and construction of lakes. Land to the west of Barton Rd, Mkt Bosworth. PC objected on grounds that (i) proposed lodges 9-12 constitute linear development along the western side of Barton Road and will have the effect of consolidating development between Market Bosworth and Harcourt Mill; (ii) proposed lodges will be 1.5 storeys high and built on raised ground and will dominate the low-lying landscape and proposed lake; (iii) definitive line of footpath S69 is a straight line across the application site and not as represented on the submitted plans; (iv) proposed foul water disposal system is not sustainable; (v) proposed site access does not appear to meet current Highway Authority standards, plans do not show the required visibility splays, highway access appears to be too narrow, materials to be used are not identified on the submitted plans, proposed access roads do not appear to be wide enough or to include passing places; (vi) no on-site provision for disabled visitors, and the design of the lodges is not suitable for disabled visitors; (vii) no surfaced pedestrian access between the application site and the tarmac footways along Barton Road nearer to Market Bosworth; (viii) no details of the proposed tree planting or landscaping, or indications of how the site will be managed; (ix) no details of site management, staff or office accommodation, or arrangements for the secure storage of grounds maintenance equipment; (x) plans do not include full details of the physical arrangements for the safe storage and collection of waste; (xi) submitted design statement does not make clear how the proposed development has taken account of the Landscape Character Assessment 2006, or how the proposal will conform with and enhance the identified characteristics of the Market Bosworth Parkland Character Area. The PC also noted numerous discrepancies between the submitted documents.

14/00445/HOU Demolition of garage with extensions and alterations to dwelling. Field House, 7 Barton Road. PC had no objection. PC had no objection to amended plans.

14/00662/FUL Erection of agricultural building. 36 Main St. PC objected on grounds that (i) there is no agricultural justification for this building; (ii) the proposed building is not well located in relation to existing development; (iii) the proposed building would extend the built environment out into open countryside. PC also noted that the site location plan was potentially misleading, as it showed an agricultural building which had been demolished, and that an office building on the site location plan was originally an

agricultural building associated with 36 Main St which was said to be redundant at the time of planning application 13/00195/FUL.

c) Planning applications determined

14/00311/OUT Demolition of existing buildings, extension of residential curtilage at Heljon and the erection of 4 new dwellings. Heljon, Nailstone Road. Approved with condition requiring the construction of footways between the site access and the eastern side of Barton Rd, and on the western side of Nailstone Road to the existing footway on the eastern side of Barton Rd. No s106 developer contributions had been sought for the provision of play and open space on the grounds that the PC did not own a suitable site within 400m of the development.

14/00445/HOU Demolition of garage with extensions and alterations to dwelling. Field House, 7 Barton Road. Approved.

d) H&BBC Statement of Community Involvement

It was resolved that H&BBC be advised that the PC supported this document.

8. Financial matters

a) Report 2014-16: Quarterly financial statement April-June 2014

The monthly current account statements had been checked and signed off as required (p.1515/9c refers), and Report 2014-16 was checked against the latest statements for all three bank accounts. **It was resolved** that Report 2014-16 be approved.

b) Clerk's salary & expenses

The Clerk presented his expenses book for examination, and **it was resolved** that the Clerk be paid £535.14 comprising £250.00 salary, £30 contribution towards broadband subscription and £255.14 approved expenses (including £27.45 VAT).

9. Next meeting

It was resolved that the next meeting be held at 19:30hrs on Wednesday 10th September 2014 at Saint Andrew's Church, Main Street, Carlton.

The meeting closed at 2110 hrs.

Signed _____ **Date** _____

Abbreviations used in these minutes

H&BBC	Hinckley & Bosworth Borough Council
LCC	Leicestershire County Council
LRALC	Leicestershire & Rutland Association of Local Councils
NALC	National Association of Local Councils
PAF	Parish Amenities Fund
PC	Parish Council