

**OSGATHORPE PARISH COUNCIL  
MINUTES OF THE  
EXTRAORDINARY MEETING  
HELD AT HARLEY HALL  
Thursday 2<sup>nd</sup> December 2021  
7.00pm**

<b>Present:</b>	Cllr Martin Buczkiewicz (Chair) Cllr Jim Elson (Vice Chair) Cllr Mike Fairlamb Cllr Andrew Bate Cllr Jill Ella
<b>Also in attendance:</b>	11 members of the public
<b>Apologies:</b>	<b>1. Apologies:</b> Lisa Clarke – Parish clerk
<b>Council Meeting:</b>	Cllr. Buczkiewicz opened the meeting and welcomed all attendees.
<b>53/2021</b>	<b>2. Internal Audit</b>
	Cllr. Buczkiewicz explained the PCs usual auditor has retired. It was proposed that LRALC be appointed for the next audit in May 2022 at a cost of £180. Proposed by Cllr Buczkiewicz, seconded by Cllr. Fairlamb. Unanimously approved.
<b>54/2021</b>	<b>3. Discuss and agree actions for the Parish Council arising from the recent outcome of the Dispute Resolution Procedure between NWLDC and Chevin Homes.</b>
	<p>Cllr. Fairlamb read out a statement from the PC giving background and context to this evening's meeting regarding the S106 agreement. (statement attached).</p> <p>Mr Phillipson enquired why the questions he posted to the PC via email were not an agenda item. Cllr. Buczkiewicz said that the Parish Clerk, wasn't able to be present, but he would ask her. He thought it might be to do with the quick turnaround of the meeting and the necessity to publish the agenda. Mr Phillipson was assured his questions would be answered at the appropriate time.</p> <p>Cllr. Fairlamb continued and finished his statement.</p> <p>Cllr. Buczkiewicz said the Parish Cllrs. should next discuss item 3 on the agenda. However Cllr. Bate said he thought it would be helpful for the discussion if Cllr. Fairlamb read out the questions that had been posed, via email, by two members of the public, with the appropriate responses from the Parish Council. Cllrs. were in agreement with this suggestion.</p> <p>Cllr. Fairlamb read out the questions and the PCs response to each. (Questions attached).</p> <p>After the first response, Mr Phillipson said his question hadn't been answered. However Cllr. Fairlamb said he believed it had.</p>

Cllr. Ella said Mr Philipson would be able to comment further in the Public Participation, but asked if Cllr. Fairlamb could continue.

Cllr. Fairlamb continued to read through the questions posed via email from Mr Philipson and gave the PCs response. Cllr. Fairlamb then read out questions that had been posed anonymously via email, and gave the PCs response.

Cllr. Fairlamb handed over to Cllr. Bate who gave background to the original planning application and how things stand at the moment. For the purpose of these minutes the background is summarised as:

- The Parish Council held a referendum on the applicant's offer to pay money to the Parish Council. The majority of residents did not want the proposed housing development.
- The Parish Council wrote to NWLDC objecting the planning application (Ref: 14/00574/OUT)
- Officer recommendation was for the planning committee to refuse the application.
- The planning committee ignored both the officer's advice and the Parish Council's objection on the ground that £300,000 would be given by the applicant to the Parish Council. The planning committee did not specify any time period in which this money was to be expended by the Parish Council.
- Despite this, NWLDC entered into a S106 agreement which contained a 5-year period for moneys to be expended in accordance with the terms of the agreement.
- The S106 agreement expressly precludes any appeal against a decision made under the dispute resolution procedure.
- The Parish Council had been invited to attend a meeting with the applicant's solicitors when the S106 agreement was being drafted but was not allowed to be party to the agreement. The Parish Council had therefore been entirely reliant on NWLDC to ensure it negotiated an agreement which represented the planning committee's wishes.

Cllr. Bate explained the options:

- Do nothing and accept NWLDC's advice that the bulk of the £300,000 has been lost.
- Take legal action against NWLDC. This would be very expensive and the Parish Council does not have the funds to pursue such an option. Also, there would be no guarantee of success.
- Ask NWLDC to meet the cost of the loss which arose as a consequence of it not ensuring the S106 agreement was correctly drafted. Depending on NWLDC's response refer the matter to the Ombudsman. This alternative would have no financial cost for the Parish Council but would require time to be expended.

Cllr. Bate advised that he had written to Cllr Boam, our District Councillor, and also Robert Ashman and Nicholas Rushton. Cll'r Rushton is our County Councillor. At the date of the meeting no response had been received from Cllr's Boam or Ashman.

Cllr. Bate proposed that the Parish Council writes to NWLDC in the first instance and depending on the outcome lodges a complaint with the Ombudsman. Cllr. Buczkiewicz proposed the PC should follow Cllr. Bate's recommendation. Seconded by Cllr. Elson. Unanimously approved.

55/2021

**4. Public Participation (started at 7.40pm – continued for 25 minutes)**

Cllr. Buczkiewicz asked Mr. Buss, a resident who has legal training, if he could clarify why two legal people would come to different opinions. Mr Buss kindly provided feedback.

Cllr. Buczkiewicz asked Mr Whyard of the OPCL if he had any updates from the group. Mr Whyard advised that the OPCL is still interested in buying The Storey Arms. When the S106 money was available, the OPCL had offered the landlord a premium price. Now the money is no longer available, they have contacted the agent and submitted a market price offer. This was rejected by the Storey Arms' owner.

Question posed:

What's the likelihood of success if the PC goes to the ombudsman?

Cllr. Bate replied that the PC does not know. However, it is worth pursuing that option, if necessary, as the alternative is the money is lost.

Question posted:

Is it worth having another option for the money?

Cllr. Bate said the date had passed for the PC to use the money. There then followed an open discussion with people suggesting that there should be some idea of how the money could be spent if the PC was successful in retrieving the money, and if the landlord still refused to sell.

Cllr. Fairlamb said that when there was a survey done in 2015 asking for alternative suggestions, that no other suggestions were submitted by the closing date of 31<sup>st</sup> December.

Question posed:

At what point will the PC consider other options if Chevin is favourable in giving the money back, but asks "What would you spend the money on?"

Again, an open discussion followed, with people suggesting various projects such as a footpath along the B5324 Ashby Road, and Fibre to the Premises broadband.

Cllr. Bate said he didn't have much hope that Chevin would change their mind, but hoped NWLDC would come up with an offer/proposal.

Question posed:

Have lessons been learnt?

Cllr. Buczkiewicz said that as NWLDC had blocked the PC from the S106 agreement, that the PC had therefore no option but to believe what NWLDC had told them about the agreement. However, he said it was a good idea to consider what has happened in this case when looking at future decisions.

Question posed:

Could the PC get the media involved and get the message 'out there' as to our situation.

	<p>Cllr. Bate urged caution at this stage and thought the best way forward was to go down the route agreed this evening. However, Cllr. Buczkiewicz thought it was a good suggestion and might be an option at some point in the future.</p> <p>A final question was posed: If the money is retrieved, is the OPCL still keen to keep the pub as a community asset (an AVC)?</p> <p>A brief open discussion followed with some attendees stating they think the pub could still be a community asset if it was more appealing/inviting.</p> <p>Cllr. Buczkiewicz ended the meeting, saying the PC will update on further developments.</p> <p>The meeting ended at 8.05pm.</p>
	<p><b>Date of next meeting</b></p>
	<p>11<sup>th</sup> January 2022 8<sup>th</sup> March 2022 3<sup>rd</sup> May 2022</p>
<p><b>Signed by Chairman</b></p>	
<p><b>Date</b></p>	