



# DEEPING ST JAMES PARISH COUNCIL

The Institute, 38 Church Street, Deeping St James, PE6 8HD

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Parish Clerk: Julie Fortnum

The minutes of the **EXTRAORDINARY** meeting of Deeping St James Parish Council held in the meeting room at The Institute 38 Church Street Deeping St James PE6 8HD on Thursday 9 November 2023 at 7.30pm.

In attendance: Parish Councillors Howell, Fowler, Gilbert, Shinkins-Hoppe, Smith, and Townsin.

The minutes were taken by the Parish Clerk, Julie Fortnum

No members of the public were present so no open forum took place.

**24.86** To receive and accept apologies where valid reasons for absence have been given to the Parish Clerk prior to the meeting.

Apologies had been received and were accepted from Councillors Denman, Dilks, Halls, Hosking and Stevens.

**24.87** To receive declarations of interest under the Localism Act 2011 – being any interest in agenda items not previously recorded on the registration of disclosable pecuniary interest forms.

None declared.

**24.88** To approve the minutes of the previous meeting held on Tuesday 24 October 2023.

Councillor Howell pointed out that under parish pump it stated that he had asked when the extraordinary finance policy and personnel committee would be held yet the minutes themselves made no mention of one being requested.

Councillor Gilbert recalled that calling one had been mentioned to consider the Deepings Leisure Centre community Group CIC funding application.

The Clerk was asked to listen to the recording of the minutes so that they could be amended accordingly and it was agreed to defer the approval of them until the next meeting due to be held on Tuesday 21 November 2023.

**24.89** To consider the transfer of part of registered title and statement of truth in support of an application for registration based upon adverse possession documents in respect of Jubilee Park (open space between Thackers Way and Crowson Way) The Parish Clerk explained that to date the two documents had only been viewed the Parish Council's Solicitor, herself and Councillors Gilbert and Shinkins-Hoppe with answers to the Solicitors questions being provided by only the Clerk. This meeting had been called to allow the Parish Council the opportunity to consider the documents and raise any further concerns they may have.

Councillor Gilbert mentioned the public right of way which runs east to west across the park and how the associated plan showed some of it included within title deeds that were to be transferred and some of it that was not. He felt that this needed clarifying on the associated plan and with a clause being added to the transfer of part registered title document.

Councillor Smith had investigated the 1977 planning permission associated with this area of land which included legal charges that the owner of the land, currently SKDC, would need to adhere and asked if the Solicitors had checked these and whether it had been established if these charges would remain in place when the Park is transferred to DSJPC

Councillor Bowell raised concern about clause 12.4.1 which reads

*'Not to use the Property other than for a Community or Amenity Purpose or purposes and not to carry on or permit to be carried on in or on the Property any trade business or manufacture other than any within the Property's current use as at the date of this deed'*

as he is aware that traders do have stands at the Annual Dog Show

Councillor Shinkins-Hoppe also raised her concern about clause 12.4.3 which reads

*'Not to do cause permit or suffer to be done upon the Property anything which may be or become a nuisance or annoyance or which causes damage to the Transferor or the occupiers of the adjoining or neighbouring land and premises.'*

as this was open to individual interpretation as one person's definition of nuisance is different to another.

Councillor Smith suggested that it looks responsible to put in restrictive covenants although he agreed with others that ideally, they all needed removing to allow the Parish Council freedom to use the park for the benefit of all of the community.

Councillor Smith also questioned whether it was known what service media was in the area as a check of the digdat website had raised contact details of 97 providers although it was noted that many of these may be related to the residential and business properties around the park.

Councillor Shinkins-Hoppe mentioned that it was known that the park had been the area where building waste had been disposed of to which Councillor Smith suggested that the question should be asked about contamination risk.

It was agreed that the Parish Clerk should raise the following issues with the Solicitor

1. Concerns about how the Lincolnshire County Council public right of way and lamppost columns running through the park were being shown on the plan and that there was no mention of ownership and responsibility in the transfer document
2. Question whether DSJPC would assume liability for the legal charges associated with the historical titles and the planning permission granted in 1977
3. Request that all restrictive covenants be removed to allow the Parish Council freedom to use the park to benefit all the community
4. To ask what service media SKDC are aware of on the piece of land and if this is not known and is required establish how this can be checked
5. To ask if SKDC are aware of any contamination issues with the land and if not establish if this need to be checked how to check it

The Council also agreed that it would be beneficial for a walkaround the Park to take place to assess if any residential properties to establish the boundaries - making sure no land grab was apparent and to understand the make-up of them (walls, fences and hedging) and responsibility for them. Those who could should meet at Jubilee Park at 9.30am on Monday 13 November 2023

**24.90** To note the date of the next Council meeting – 7.30pm Tuesday 21 November 2023.

Meeting closed 8.30pm