

# Ilketshall St. Andrew Parish Council

## Minutes of the Extraordinary Meeting of 9 December 2024, 7.30 pm.

### 1. **Welcome.**

The Chair of the Parish Council (Gerald Godfrey) welcomed those present at the meeting, which included 3 Parish Councillors (GG, Jacqui Harrison (JH), and Rod Apps (RA)). There were 3 members of the public present.

### 2. **Apologies for absence.**

There were apologies for absence from Ian Braid, Colin Ward and Penny Ward, which were all accepted.

### 3. **Declarations – Pecuniary and Other.**

There were no declarations of pecuniary or other interest in the items on the agenda.

### 4. **Adjournment.** Suspension of standing orders for public participation.

A member of the public reminded the Parish Council that resolutions agreed at a meeting cannot normally be reversed within 6 months of that meeting. The member of the public queried whether there was any intention to reverse the resolution to join the Open Spaces Society and to seek advice from the organisation. RA commented that so far as he was aware, there was no intention to reverse the resolution.

Another member of the public raised the issue of the developments at the property at the junction of Ringsfield Road and Becks Green Lane. It was noted that there had been some discussion at the meeting of the 4<sup>th</sup> November regarding the width of the footpath running from Ringsfield Road, which was narrower (at 800mm) than the required 1 metre. It was noted that the Parish Council was not aware of any Planning Application regarding the triangle of land at the junction of Ringsfield Road and Becks Green Lane, although it had not been possible to access the Parish Council email account since the resignation of the previous Parish Clerk. The Parish Council agreed to revisit the topic at the next meeting of the Parish Council in January, when there may be some additional information available regarding the footpath issue as a consequence of Judy Cloke's enquiries.

### 5. **a. Parish Clerk appointment.**

Following the resignation of Tina Newby as Parish Clerk, the Parish Council needed to appoint a new Parish Clerk. RA volunteered to undertake this role, at least on an interim basis to allow the work of the Parish Council to continue. JH nominated and GG seconded the proposal, and the Parish Council unanimously **agreed** to appoint RA as Parish Clerk. Responding to a point raised by a member of the public, RA emphasised that he would not be taking any payment for undertaking the role of Parish Clerk, and therefore, under the legislation could continue as a Parish Councillor.

### **b. Authority of the Parish Council to act in relation to the Commons.**

The Parish Council noted that the discussion at the Parish Council meeting on 4<sup>th</sup> November 2024 had resulted in some uncertainty regarding the authority of the Parish Council to take action in relation to the Commons. In order to provide clarity and to remove the uncertainty, RA provided a detailed account of the basis upon which the Parish Council **does** have the authority to take action against illegal activities on the Commons. As a consequence of the declaration of the Commons Commissioner of 19<sup>th</sup> January 1988 that the Commons constituted unclaimed land, and as a consequence of the provisions of Section 45 of the Commons Act (2006) (which replaced the provisions of the Commons Registration Act (1965), RA explained that the Parish Council has unequivocal authority to take such action.

The Parish Council therefore unanimously **agreed** that it holds powers pursuant to Section 45 of the Commons Act (2006), and specifically that it is therefore authorised to take any steps to protect the Commons of Ilketshall St. Andrew & St. John against unlawful interference that could be taken by an owner in possession of the land; and to institute proceedings against any person for any offence committed in respect of the land.

RA undertook to create a document, and to make it available via the Parish Council website, that would provide the details in terms of the Commons Commissioner's report of 19<sup>th</sup> January 1988, the Commons Registration Act 1965 and the Commons Act 2006 as to the basis upon which the Parish Council does indeed have powers over the Commons. The Parish Council noted that the Parish Council held the powers over the Commons under the terms of the Commons Act 2006 concurrently with the District Council and the County Council (and therefore any one can act independently of any other), and that in recent years both the District Council and the County Council had avoided having any involvement with Commons and therefore that it was down to the Parish Council to use those powers.

### **c. Authority of the Land Management Company to act in relation to the Commons.**

The Parish Council noted the advice provided by the Parish Clerk at the meeting of the Parish Council on 4<sup>th</sup> November that the Minute of a meeting where the Parish Council granted authority to the Land Management Company to act on its behalf was not valid due to the fact that there had not been a vote. The Parish Council further noted the advice given to RA on 13<sup>th</sup> November 2024 by an adviser at Suffolk Association of Local Councils that Minute 8 of the Minutes of the Ilketshall St. Andrew Parish Council of 1<sup>st</sup>. February 2021 was "legally watertight", and therefore that the advice provided by the Parish Clerk at the meeting on 4<sup>th</sup> November 2024 was invalid. The adviser from SALC had confirmed that the use of terms such as "agreed", "decided", "resolved", etc. were adequate evidence of a vote having taken place (since a proposal cannot be "agreed", "decided", "resolved" etc. unless there is a majority in favour of that proposal.) Furthermore, nods & smiles, in addition to raising of hands, were adequate indications for the Chair of the meeting to establish the voting intention of Parish Councillors.

The Parish Council therefore unanimously **agreed** that it **had** granted authority to the Ilketshall St. Andrew & St. John Land Management Company to act on its behalf, particularly (though not exclusively) in relation to encroachments and incursions on the Ilketshall St. Andrew & St. John Commons.

In order to provide further clarity, the Parish Council additionally unanimously **agreed** that it would continue to delegate the management of the Commons to the Ilketshall St. Andrew & St. John Land Management Company, with the management of the Commons including taking action pursuant to Section 45 of the Commons Act (2006), pursuing sources of funding, cutting grass and hedges, maintenance of ponds, and all such other management tasks that the Company considers appropriate at the time.

The Parish Council further unanimously **agreed** that while it was continuing to delegate management activities for the Commons to the Land Management Company, it was retaining overall responsibility for the Commons, and would require the Annual Management Plan and all Minutes of Board meetings to be made available to the Parish Council and may require one or more Directors from the Company to attend identified Parish Council meetings to answer questions relating to the management of the Commons. The Parish Council also **agreed** that it was undertaking this delegation of management to the Land Management Company on behalf of the parishioners and Commoners in the villages as a reflection of the importance of the Commons to the community and in the interests of their long-term preservation.

#### **d. Constitution of the Land Management Company.**

The Parish Council discussed the proposed Constitution of the Ilketshall St. Andrew & St. John Land Management Company. The Parish Council noted that it had discussed and agreed the revised version of the Constitution at its meeting of 30 October 2023 (Minute 9f), but that the Commoners' Association at its meeting of 5<sup>th</sup> February 2024 had not provided a clear view as to whether that revised Constitution should be adopted or not. The Parish Council recognised the need for certainty around the constitutional arrangements of the Land Management Company and, having noted its authority under Section 45 of the Commons Act (2006), therefore **agreed** that the version of the Constitution that it had received at the meeting would apply henceforth. The Parish Council noted that, in order to allay concerns that had been expressed about the absence of any mention of the authority of the Land Management Company in the previous version, a paragraph (Paragraph 2) had been added to the version agreed at its meeting of 30 October 2023, and that a small number of other changes had been made in order to provide greater clarity.

### **6. Finance**

The Parish Council noted that it had received a request from the previous Parish Clerk for the payment of wages and expenses up to the time of her resignation from the role. The sum involved is £355.11p. The Parish Council unanimously **agreed** to pay the sum of £355.11 to her, once she had undertaken the necessary changes to the security requirements to allow the new Parish Clerk to access the Parish Council email account, and had provided the Parish Council with a formal letter of resignation.

### **7. Date of next meeting.**

The date of the next meeting of the Parish Council was confirmed as **6<sup>th</sup> January 2025, 7.30pm, Village Hall.**

The meeting closed at 8.20pm.