

BEERCROCOMBE PARISH COUNCIL

ORDINARY PARISH COUNCIL MEETING

Minutes of the Ordinary Parish Council Meeting of Beercrocombe Parish Council held at Beercrocombe & Curry Mallet Village Hall on Monday 25th January 2016

1733 ATTENDANCE AND APOLOGIES

Councillors: Mr. G Harvey (Chairman), Mr. Burrough, Mr. C Dale, Mrs. S Prideaux, Mr. M Rastrick,

Public: Cllr Steele (SSDC), Cllr Yeomans (SCC)

Apologies: Mr. P Dibble, Ms. J Wright,

1734 DECLARATIONS OF INTERESTS

There were no declarations of interest.

1735 MINUTES OF THE LAST MEETING

Minutes of the Ordinary Parish Council Meeting held on 16th November 2015 were approved and signed.

1736 MATTERS ARISING FROM THE MINUTES

- **Village Welcome Packs (1716)**

It was confirmed that most of the information in the welcome packs was now available on the website.

- **Presentation by Community Relations Officer Yeovilton (1722)**

Following the presentation, helicopter activity appears to have lessened.

1737 PARISHIONERS' FORUM

There were no matters raised.

1738 MATTERS OF REPORT

- a) **Footpaths**

No issues arising.

- b) **Highway matters**

There are some potholes that will require attention in due course. Cllr Yeomans confirmed that the depth of any pot hole must be at least 40mm before remedial action is taken.

c) Planning matters

Planning Application 15/04264/LBC: Erection of garden room extension at Larch Barn, Beercrocombe.

Revised plans have been submitted for this application. The Council agreed that it had no comments to make.

1739 TO DISCUSS REQUEST FROM CMBCVH TO INCREASE AMOUNT OF ANNUAL GRANT.

The Council discussed the request from the Village Hall committee to increase its annual grant to approx. £229 so that the annual insurance costs were fully covered by both Beercrocombe and Curry Mallet's Parish Councils. The Council **agreed** that it did not wish the annual grant to be linked into a specific amount but that it would increase the grant by 20% to £120 for 2016/17.

1740 TO AGREE BUDGET AND PRECEPT REQUIREMENTS FOR 2016/17.

The Council discussed the budget figures (attached) that had previously been circulated. Proposed expenditure amounted to £1255. It was **agreed** to accept the budget and levy a precept of £1235, which in view of the increased tax base for the village results in the Band D charge remaining the same. The Council will receive £50 from SSDC as Council Tax Support Grant in 2016/17 but this grant will be phased out over the following 2 years.

1741 FORMAL EXPENDITURE APPROVAL

It was **resolved** to make the following payments:

a. Clerk's salary	£ 91.67
b. CMBCVH	£100.00
c. Beercrocombe PCC	£100.00

1742 TO DISCUSS RENEWAL OF VILLAGE HALL LEASE IN 2017

The lease of the Village Hall is due for review in 2017.

It has been proposed by Curry Mallet PC that a sub committee be formed to negotiate the renewal of the lease. The committee is to comprise 3 members from Curry Mallet PC, 1 member from Beercrocombe PC and 2 Village Hall committee members (one of which will represent Beercrocombe).

The Council **agreed** that Bob Burrough would be the Beercrocombe PC member.

1743 QUEENS 90TH BIRTHDAY CELEBRATIONS – TO CONSIDER PARISH COUNCIL'S INVOLVEMENT

It has been proposed by Curry Mallet PC to light a beacon to celebrate the Queens 90th Birthday on Thursday 21st April. It has been suggested that this is a combined celebration between the two parishes. It was **agreed** that Beercrocombe PC would like to be involved and that it would be able to supply a large number of pallets for burning.

The Council also discussed the 'Clean for Queen' campaign and it was **agreed** to organise a litter pick around the parish. An article will be placed in the Beer & Curry requesting volunteers.

1744 FLOOD MANAGEMENT SEMINAR – TO APPROVE FOLLOW UP ACTIONS

Following the Flood Management Seminar, Cllr Dale has collated the information handed out and drawn up an information sheet that will be circulated to local farmers and major landowners. The Council thanked Cllr Dale for his work on this matter.

1745 CORRESPONDENCE FOR INFORMATION

- **Contact from Village Agent – Audrey Mansfield**

The Village Agent for the village has written to introduce herself. It was agreed to invite her to the March Parish Council meeting.

- **Library Services Consultation**

The Council has received details of the latest library services consultation. All libraries will remain open but with changes to opening hours. The consultation does not affect mobile libraries.

- **Cancellation of Merryfield Open Day and retirement of Community Relations Officer**

The Council has been advised that the Merryfield Open Day 2016 has been cancelled, due to increased security measures.

Cdr Greenop, the Community Relations Officer, will retire at the end of February. No details regarding his replacement have been received.

1746 DATE OF NEXT MEETING

Monday 21st March 2016.

The meeting closed at 8.50pm

BEERCROCOMBE PARISH COUNCIL

ORDINARY PARISH COUNCIL MEETING

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1747 ATTENDANCE AND APOLOGIES

Councillors: Mr. G Harvey (Chairman), Mr. Burrough, Mr. C Dale, Mrs. S Prideaux,

Public: Cllr Steele (SSDC), Cllr Yeomans (SCC)

Apologies: Mr. P Dibble, Mr. M Rastrick, Ms. J Wright,

1748 PRESENTATION BY AUDREY MANSFIELD, VILLAGE AGENT

Audrey Mansfield, the Village Agent for the Parish outlined her role and responsibilities. She has been a Village Agent for 3 years and is employed by the Community Council of Somerset although her role is funded in part by TDBC and the Big Lottery.

Her role is to support people in the community to access the agencies and funds that they need to have a better life and she receives referrals from all parts of the community. For example, she regularly attends the Round Window Club.

Her contact details are audrey@somersetccc.org.uk or 07870 577925

The Council thanked Audrey for her presentation and wished her well in her role.

1749 DECLARATIONS OF INTERESTS

There were no declarations of interest.

1750 MINUTES OF THE LAST MEETING

Minutes of the Ordinary Parish Council Meeting held on 25th January 2016 were approved and signed.

1751 MATTERS ARISING FROM THE MINUTES

- **Presentation by Community Relations Officer Yeovilton (1722)**

Mr Burrough has written to the CRO requesting increased consideration when carrying out the exercises and it appears that helicopter activity is now concentrated over farmland and further away from areas of population.

Jeremy Greenop, the CRO, has now retired but the Parish Council has not yet been advised of his successor and the Clerk will make enquiries to find out who has been appointed to the role.

- **Renewal of the Village Hall lease (1742)**

The first meeting of the committee established to progress this matter will take place shortly.

- **Clean for the Queen campaign (1743)**

An article has been placed in the Beer & Curry encouraging parishioners to keep the Parish tidy and clear up any litter.

1752 PARISHIONERS' FORUM

There were no matters raised.

1753 MATTERS OF REPORT

a) Footpaths

The gate on the junction of L5/14 & L8/4 needs repairing. Les Braunton (ROW Officer) has been advised.

b) Highway matters

Water appears to be seeping through the pavement opposite Pippins and flowing onto the road. Wessex Water has investigated, but considers it to be a Highways problem. Highways will be informed.

The grill over the culvert by the telephone box is broken and could be dangerous to small animals. This defect will also be reported.

1754 PLANNING MATTERS

a) To confirm the Council's response to Planning Application 16/00140/FUL – erection of a replacement two storey extension at 2 Broadbridge Road.

The Parish Council confirmed that it had supported the above Planning Application which has since been approved by SSDC

b) To agree Parish Council's response to Planning Application 16/00773/FUL – concessional siting of mobile home on land adjoining 4 Broadbridge Road.

The Parish Council **resolved** to oppose the above application on the grounds that it did not meet the criteria of the South Somerset Policy SS2 (Development in Rural Settlements) and the application did not include any supporting evidence to justify that the criteria of SS2 have been met.

The Parish Council **approved** the attached response to SSDC Planning

1755 FORMAL EXPENDITURE APPROVAL

It was **resolved** to make the following payments:

- | | |
|--------------------------|---------|
| a. Clerk's salary | £ 91.67 |
| b. Beer & Curry Takeaway | £124.18 |

1756 REPORT ON A358 IMPROVEMENTS

The Clerk, Mr Harvey and Mr Burrough reported on the presentation that they attended on the proposed improvements to the A358.

It is intended to create an 'Expressway' from the Southfields Roundabout at Ilminster to the Junction 25 roundabout at Taunton.

Funding has been agreed, with work commencing in 2020. The project is currently at the option development stage and it is expected that formal public consultation will commence during 2016 with a preferred route being identified by 2017.

1757 CORRESPONDENCE FOR INFORMATION

Changes to waste collection dates for 2016 have received and will be published on the Noticeboard. Waste collection dates are normally one day later in Bank Holiday weeks.

1758 DATE OF NEXT MEETING

Monday 16th May 2016. The Annual Parish meeting precede the Annual Parish Council Meeting.

The meeting closed at 8.50pm

16/00773/FUL Land Adjoining 4 Broadbridge Road

Concessional siting of private mobile home on former residential vacant plot (GR: 332504/120049)

Beercrocombe Parish Council's Comments:

The original application 15/01648/FUL was withdrawn following critical comment from the Parish Council and Yarlinton Housing Group. The Proposal Justification for this application repeats the same errors:

it asserts that there is a verified history of the plot being a fully residential site with a permanent dwelling until 1959. However, the Parish Council can provide evidence that no house has existed on the site for well over a hundred years. This evidence comprises the OS Six-inch Somerset LXXX.NE 1904 map, the OS 1:25,000 1958 map, and a 1946 aerial photograph obtained from the Somerset Historic Environment Record. The site is agricultural land.

it asserts the Applicant, Mr Ainsby, owns the site through inheritance. However, the Application Form 56-day indicates that the owner of the site is his daughter, Anthea Jane Stocker.

the Applicant is applying for a lifetime concession. His age is therefore an issue. The 2015 and 2016 applications both stated his age to be 72. An internet check gives his age to be some 5 years younger at 67 years old.

The Parish Council has the following specific concerns:

Yarlinton Housing Group still has concerns about the access to the development and the impact on the parking area outside 4 Broadbridge. It appears from the Proposed Site Overview plan that the access still crosses land owned by Yarlinton, for which we understand Yarlinton has refused permission. Although we appreciate that this may be a civil issue, it demonstrates that the development will be a cause of conflict to the current community.

The Site Overview and Block plans have erroneously curved the western boundary to increase the width of the site in order to accommodate the mobile home.

The Site Overview plan places the Well south from its actual location. The proposed access, parking and turning area of the development can not be constructed as indicated as the Well is, in fact, within these areas.

In addition to the concerns raised by the Highways Consultant, it is highly probable that parking would not be contained within the development and would create congestion on this narrow country lane.

The proposed building is not in keeping with the character and style of the village itself. Being of temporary construction, it could deteriorate and become an eyesore. It has no features that enhance the village.

Many of the local amenities detailed in the Design and Access statement do not exist. There is no regular bus service to Taunton or other local towns, no village hall and the local public houses are all in neighbouring villages.

The South Somerset Local Plan (2006-2028), Policy SS2, Development in Rural Settlements, gives clear guidance that applications will need to include supporting evidence to justify that the criteria of Policy SS2 have been met.

The proposed development does not meet the criteria of Policy SS2.

The development is, in essence, a Park Home, as described on page 160 of the Local Plan. There are several retirement Parks in the district that are ideally suited to accommodate the Applicant.

Many other development applicants could make the argument for a temporary concession on humanitarian and lifetime interest grounds, and hence approval would create a worrying precedent for further applications on these grounds.

The development does not meet any of the needs of Beercrocombe. Neither has the Applicant engaged with our community in developing his proposal nor has he gained the support of our community.

For the above reasons the Parish Council opposes the application.

Beercrocombe Parish Council

BEERCROCOMBE PARISH

ANNUAL PARISH MEETING

Minutes of the Annual Parish Meeting of Beercrocombe Parish held at Beercrocombe & Curry Mallet Village Hall on Monday 16th May 2016

ATTENDANCE

The Chairman of the Parish Council, Clerk to the Parish Council, SSDC District Councillor, and 7 parishioners

MINUTES OF THE LAST MEETING

The minutes of the Annual Parish Meeting held on 18th May 2015 were received and approved.

REPORT FROM THE CHAIRMAN OF THE PARISH COUNCIL

Mr. Harvey gave the following report:

This is my first report as Chairman of the Parish Council and I would like to express thanks to my fellow Counsellors for their support during the past 12 months. Equally I would like to thank Gillian our Clerk for all her hard work and excellent minutes. The past year has been eventful in a number of respects and I will outline them more fully.

There has been a couple of changes to Beercrocombe Council with the very sad death of Tony Davies and the retirement of Tony Reed. Two new members Mike Rastrick and Philip Dibble have been co-opted onto the Council to fill those vacancies and the Council has a full compliment.

A number of planning applications have been received during the past 12 months and I must thank Bob Burrough for all the research work he has carried out in respect of the applications prior to the meeting of the Council to discuss those applications. In particular I would like to mention the second application made in respect of Land Adjoining 4 Broadbridge Road for the siting of a private mobile home on the site. The Parish Council were unanimous in their objection to both applications and the first application was withdrawn and the second application was refused by the District Council. Hopefully this will be the last we hear of this matter. The Parish Council supported all the other applications and all have been approved by the District Council except the latest application in respect of Orchard View (formerly Adlestrop) which is still subject to consideration by the District Council.

The Parish Council invited Cdr Jeremy Greenop the Community Relations Officer at RNAS Yeovilton to give a short presentation on the activities at HMS Merryfield as there had been concerns about noise, operational hours and types of aircraft operating at Merryfield. The November meeting was opened up to residents of adjoining Parish Councils and about 40 people

attended the meeting and a lively discussion took place. I believe that since the meeting there has been a considerable improvement in noise reduction and aircraft have flown a lot more over farmland and at a higher level. I hope the improved situation continues during the coming summer months.

I must mention that since I became a resident of Beercrocombe in 1991 I have never known so many changes within the village in the last 12 months. I believe there have been five changes and three of those were villagers who had been resident within the village for a long time. It is nice to see a family with young children come to the village and the 3 children go to the local schools.

Our financial situation remains very healthy and we agreed to levy a precept of £1235 which resulted in no increase to the villagers and proposed expenditure of £1255 for the present financial year. I went to a meeting last September to discuss how to resolve flooding issues within Somerset. As a result a Rivers Authority has been approved for Somerset and every household within Somerset has to make a contribution from increases in their Council Tax. Hopefully work done by the Rivers Authority will result in a reduction of flooding within Somerset.

Finally over 70 people enjoyed a great combined evening with Curry Mallet on Thursday 21st April to celebrate the Queens 90th birthday with the lighting of a large bonfire (beacon) and a big thank you was sent by your chairman to Justin Adams for the use of his field. Thanks also to those who helped organise the bonfire. Willy Vigus took some great photos of the event.

REPORTS FROM PARISH INTEREST GROUPS

Neighbourhood Watch

Mr. Rastrick gave his first report as Neighbourhood Watch Co-ordinator. There has been no reported incidents of crime in Beercrocombe. He receives and circulates email alerts from the NW Scheme co-ordinator and if any one wishes to add their names to the circulation list, this can be arranged via the Clerk.

Roads and Footpaths

Mr. Harvey delivered his report on roads and footpaths as follows:

Roads

I had a quick inspection of the roads over the weekend and have to say the road surfaces on the whole are in good order. The lower half of Broadbridge Road has a number of small holes but none that come within the criteria for repairs. I am pleased to report that the surface along Broadmead seems to have held up well after the major works on the culvert some 18 months ago. There is some markings on either side of Elmbridge so it looks as if some repairs are going to be made to the road surface shortly. It is not a complete job only looks like patching but better than nothing. The owner of Larch Barn

has been trying to improve the grass verge outside his property and the area looks a lot better. Hopefully no large vehicles will use that grass verge.

Footpaths

In regard to footpaths the usual footpaths were strimmed by the County Council contractor twice last year. Have no ideas what is happening in this financial year in view of the cut backs. Further strimming was carried out by me and my neighbour Nigel along footpath L5/13 Mushroom Farm to the junction with L5/12 Halfway House. Repairs have been carried out to the gate between L5/14 and L8/4 which is down from the churchyard by the steps close to the canal, as the gate post was broken and in a dangerous state and has been replaced and the gate is fully functional.

Beer & Curry Takeaway

Although Ms Wright was unable to attend the meeting, she had forwarded the following report:

This year has seen some changes in the Beer and Curry Takeaway and the Welcome Pack given to new residents.

It had been suggested by Curry Mallet Parish Council that the Takeaway should be published on the village websites to save on printing costs. Curry Mallet Parish Council later agreed with our view that savings would be minimal and there were few benefits in publishing the Takeaway on line. Both Councils agreed to continue funding.

We did make some changes to the Village Welcome Packs. Although both Parish Councils agreed to continue funding the cost of the packs, we also agreed to publish most of the information on the village websites. This seems to have proved popular, as despite a number of recent property changes, I have not been asked to provide a paper copy of the pack. The advantage of putting the information on the website is that we can review it and update the information much more easily. We notify residents in each Takeaway that a paper copy is available if preferred.

Village Hall Report

Mr. Burrough, the Village Hall representative gave the following report:

There has been a considerable change in the management of the Village Hall since our last Annual Parish Meeting.

In summary, Curry Mallet Parish Council wishes to build a Play Area within the Village Hall site and assumed that the Village Hall Management Committee would take on the management of the Play Area. As the Curry Mallet Parish Council did not heed the serious concerns the Village Hall Management Committee had regarding this proposal, the Committee decided to retire at its June 2015 AGM, in accordance with the 1987 Trust Deed. No one at the AGM was prepared to replace the retiring Committee members so

the management of the Village Hall was returned to Curry Mallet Parish Council, until a new Village Hall Management Committee was formed during last autumn.

Richard Allard chairs the new Committee and it held its AGM on 20th April. Not surprising, getting on top of the day-to-day management of the Village Hall has been a big task, but one that is showing some success. David Cannon and Paul Jervis serve on the Committee as the Beercrocombe elected members, with David also elected to be Vice-Chairman and Treasurer. The Parish continues to support the Village Hall through its Committee members and grants from this Parish Council and the Beercrocombe Trust. I am the Parish Council Representative but I have chosen not to be a Trustee, so I am not a member of the Committee. However, I participate on issues that are relevant to this Parish Council.

The management of the Village Hall arose from decisions taken in 1987. In view of events this Council reviewed the governance of the Village Hall to establish our formal responsibilities. This review was published under the title 'Policy of Beercrocombe Parish Council regarding the Curry Mallet and Beercrocombe Village Hall Management Committee' and was agreed by this Council on 16th November. For the record it is attached to this report.

Finally, the Duchy's Lease of the Village Hall comes up for renewal on 29th September 2017. This Council has no formal involvement, as the Lessee is solely Curry Mallet Parish Council. By invitation I am a member of a Curry Mallet Parish Council Sub-Committee tasked with advising on the Lease renewal. It is due to report its initial advice by end of June. The origins of our association with the Curry Mallet Village Hall are complex and the terms of the Lease are controversial. For the record a brief I wrote for the Sub-Committee covering this issue is attached.

Village Trust

Since Mr. Harvey's appointment as a trustee of the Village Trust, there have been no meetings or applications for funding.

Questions from Parishioners

There were no matters raised.

The meeting closed at 8.15pm

Policy of Beercrocombe Parish Council (BPC) regarding the Curry Mallet and Beercrocombe Village Hall Management Committee (VHC).

The governance of the Village Hall (VH) is controlled by:

The Lease, dated 16th March 1987, of the property from the Duchy to Curry Mallet Parish Council (CMPC), in which CMPC covenants to pay the rent, maintain the property in good order, comply with all statutory regulations, indemnify the Duchy from liabilities, insure the property against loss or damage, and others not relevant to this brief.

Charity 296165, Curry Mallet and Beercrocombe Village Hall, which provides tax and fund raising benefits, but places the Trustees within the legal framework of the Charity Commission. The governing document for the Charity and the Trustees is the Trust Deed dated 3rd February 1987.

The Trust Deed, produced by CMPC, details how the property is to be managed by the VHC to satisfy the requirements of the Lease and the Charity. The Committee consists of 6 elected members, 4 from Curry Mallet, 2 from Beercrocombe, and 6 representative members appointed by local organisations, such as the Parish Councils. Members of the VHC become Trustees to Charity 296165.

Involvement of BPC in the VH governance is very limited. It is not a party to the Lease. The Trust Deed places an obligation on BPC to appoint a Representative Member to the VHC, at which point the Representative becomes a Trustee. However, BPC is not a signatory to the Trust Deed so the status of the obligation is unclear.

VH governance places no financial obligations on BPC. Since 1987 the VHC has been self-funding through hirings and events. Currently BPC grants £100 per annum to the VHC to assist with insurance costs. CMPC grants £250. Money is also granted on a case-by-case basis for VH projects. Based on the number of households in each village, BPC traditionally grants 2/7th and CMPC 5/7th. However, there is no agreement that this tradition is a formal obligation.

Currently no BPC Councillor is prepared to be a Trustee and hence there is no Representative Member to the VHC. Councillor Bob Burrough is acting as a point-of-contact and receives agendas, minutes and committee papers from the VHC Secretary, who would also receive the occasional contribution offered by BPC. As BPC has no formal governance or financial responsibilities this arrangement is adequate, although it is acknowledged that the VHC would prefer a Representative Member.

BPC has been very supportive of the VHC and that support continues. Providing the VHC remains self-funding BPC will continue to respond to requests for grants on a case-by-case basis. Should self-funding cease BPC will be under no obligation to contribute to any shortfall.

Curry Mallet and Beercrocombe Village Hall Lease

Background

The Village Hall came into being following the surrender to the Duchy by Curry Mallet Parish Council (CMPC) of its Lease of the old Village Hall, the site of which was subsequently developed into residential properties. In return for the surrender the Duchy paid £11,000 together with an agreement to lease the current site on which our new Village Hall (VH) is built. The late Mervyn Bale, who did much of the negotiation, filed records of these events. I understand Grant Turner now holds the archive.

The anticipated cost of the VH was some £60,000, so a period of fund raising ensued. The final cost turned out to be £64,932. A brief written by Roger Hughes in 2010 stated that CMPC received grants of £15,400 from the Duchy, £15,000 from SCC and £10,000 from SSDC. The Duchy also paid the architect's fees. The £11,000 surrender payment was added to the VH fund so the shortfall of about £13,500 appears to have been raised locally. Beercrocombe was involved in the local fund raising and so the association began.

To provide proper governance CMPC created Charity 296165, Curry Mallet and Beercrocombe Village Hall, and the Village Hall Management Committee (VHMC), who became the Charity Trustees. The governing document for the Charity and the Trustees is the Trust Deed dated 3rd February 1987. For reference details of Charity 296165 and a digitised version of the Trust Deed are attached.

The Lease

The Lease of the VH site is titled 'Lease of land adjoining the Old Smithy situated in the Parish of Curry Mallet in the County of Somerset'. Bill Eaves and Rod Doble signed the Lease on behalf of CMPC on 16th March 1987. The Lease expires on 29th September 2017. His Royal Highness the Prince of Wales, the Lessor, acts under the authority of the Duchy of Cornwall Management Acts 1863 to 1982. These Acts control Duchy action.

At the commencement of the Lease the land was bare, some 1.06 acres, for which a rent of £500 was paid. However, in paragraph 1 of the Lease the 'demised premises' (leased property in normal language) was defined to include buildings being erected or to be erected. In 2013 Ian Clarke, Solicitor to SSDC, opined that the VH, being a building, formed part of the 'demised premises' and therefore at the end of the Lease both the land and the VH become the unencumbered property of the Duchy. The latter is re-emphasised in Paragraph 6 (xv) of the Lease.

The Lease runs to some 15 pages and just under 50 paragraphs and sub-paragraphs and is written in conveyance language. For reference, a digitised version of the Lease is attached. The bulk of the Lease is paragraph 6 by which CMPC, the Lessee, covenants to:

- pay the rent and any taxes,
- build the VH at a cost not less than £60,000,
- to use all the Duchy money paid for the surrender of the old VH lease,
- maintain the new VH in good order,

comply with all statutory regulations,
indemnify the Duchy from liabilities,
insure the property against loss or damage,
at expiration to offer up quietly and good order the demised premises.

Paragraphs 7 deals with actions following a breach of the covenants and paragraph 8 deals with rent reviews and the procedure to be followed in the event of disagreement.

Issues

The core issue is the inequity of the Duchy owning our VH when it has contributed so little to its construction, maintenance and improvements. The Duchy contributed some £15,400 in grants to the VH's construction - the £11,000 surrender payment was a commercial transaction that benefited the Duchy - so the VH, the local authorities and public donations funded the remaining £49,532, some 76%. Furthermore, non-Duchy funding has primarily paid for VH improvements. The recent new kitchen cost some £7,500, all came from non-Duchy funding. The Beercrocombe Village Trust has over the years granted some £6,450 to the VH and, through the hard work of the VHMC members, maintenance and improvements have been funded through income.

The second issue is the high level of rent the Lease demands. Commencing in 1986 at £500 per annum, it has risen to £1,000 per annum. A Google search of 'peppercorn rent village halls' lists numerous Village Halls that benefit from a very low rent. The Duchy will have enjoyed a very high rental income for a community facility for some 31 years. There is a strong moral case that the rent be reduced.

Can these Issues be Resolved?

Although the Lease heavily favours the Duchy, the Lease reflects the law. The law is that at the end of a lease the property and any improvements undertaken by the lessee reverts to the lessor. A claim for compensation for improvements (the VH built with 76% non-Duchy funding must be a major tenant improvement) can only be made on termination of a leasehold tenancy and then the process is extremely complicated and success can not be guaranteed. This is not an option, as we want the VH to carry on. The Landlord and Tenant Act 1954 gives business tenants security of tenure so the Lease may be renewed. Within qualifying parameters, the Act also protects future rent from incorporating tenant improvements. Unfortunately, our Lease does not qualify as it stipulated the building of the VH. Moreover, improvements undertaken more than 21 years ago do not qualify. Therefore, renewal would probably entail a rent review followed by periodic increases as has occurred in the past. Contesting the rent would lead to an independent review by the Royal Institution of Chartered Surveyors, who would determine the market rate for the rent. Although, the VHMC has successfully balanced expenses from income over the past 30 years, no capital has been accumulated to pay for future repairs or improvements to the building, should that be required.

Financially, the Duchy has done extremely well from the 1987 Lease. The land has been occupied and maintained and has grown considerably in value. The VH adds value to the site. The value of the site will continue to appreciate and remains within the Duchy. On the other hand the local community has done poorly. The initial £49,532 capital raised to build the VH, the improvements, the property maintenance and the

annual rent have or will pass to the Duchy. Capital has flowed from our Charity to the Duchy. Should there be a need to undertake major repairs or to extend the building new money will have to be raised.

Unfortunately I have found no law or process that can change the terms of the Lease. Any beneficial changes will depend on the goodwill of the Duchy. A new lease is required but it needs to be rebalanced so that our community shares the gains that the Duchy has enjoyed. Early engagement with the Duchy would clarify their position.

This brief is intended to raise awareness of the upcoming issue of lease renewal. Roger Hughes and Graham Harvey have reviewed the brief and their comments are incorporated. Finally, professional advice should be sought in advance of contractual commitments.

Bob Burrough
Beercrocombe Parish Council
Village Hall Representative

27 December 2015

Attachments: *These are posted within Archive.*

1. Trust Deed, dated 3rd February 1987.
2. Charity 296165, Curry Mallet and Beercrocombe Village Hall.
3. Lease of land adjoining the Old Smithy situated in the Parish of Curry Mallet in the County of Somerset, dated 16th March 1987.

BEERCROCOMBE PARISH COUNCIL

ANNUAL PARISH COUNCIL MEETING

Minutes of the Annual Parish Council Meeting of Beercrocombe Parish Council held at Beercrocombe & Curry Mallet Village Hall on Monday 16th May 2016

1759 ATTENDANCE AND APOLOGIES

Councillors: Mr., B Burrough, Mr. C Dale, Mr. P Dibble, Mr. G Harvey, Mrs. S Prideaux, Mr. M Rastrick

Public: Cllr. Steele (SSDC), two parishioners,

Apologies: Ms. J Wright

1760 ELECTION OF CHAIRMAN

It was proposed by Mr. Dibble, that Mr. Harvey be nominated as Chairman. This proposal was seconded by Mrs. Prideaux. There were no other nominations and Mr. Harvey was elected unanimously.

1761 ELECTION OF VICE-CHAIRMAN

Mr. Dale was nominated as Vice-Chairman and duly elected to the role.

1762 ALLOCATION OF MEMBERS' ROLES AND RESPONSIBILITIES

Roles and Responsibilities were agreed and allocated as follows:-

Neighbourhood Watch – Mr. M. Rastrick

Village Hall Representative – Mr. B. Burrough

Highways and Footpaths – Mr. G Harvey

Planning – Mr. B. Burrough.

Community Communication Representative – Ms. J. Wright

Village Trust – Mr. G Harvey.

Website – Mr. B. Burrough

1763 DECLARATIONS OF INTERESTS

There were no declarations of interest.

1764 MINUTES OF THE LAST MEETING

Minutes of the Ordinary Parish Council Meeting held on 21st March 2016 were approved and signed.

1765 MATTERS ARISING FROM THE MINUTES

There were no matters arising.

1766 PARISHIONERS' FORUM

There were no matters raised.

1767 MATTERS OF REPORT

a) Footpaths

Repairs to the gate on the junction of L5/14 & L8/4 have been completed.

b) Highway matters

No new issues to report.

c) Planning – To confirm Parish Council's response to Planning Application 16/01690/FUL

A meeting had taken at the bus stop to discuss an application to erect an extension at Orchard View (formerly Aldestrop). The Parish Council **approved** the application.

1768 TO RECEIVE THE ANNUAL ACCOUNTS AND INTERNAL AUDITORS REPORT

The Receipts and Payments for the year ended 31st March 2016 were circulated. Income was £1252, and expenditure was £1218, resulting in a surplus of £32. The reserves stand at £1,775

The Council also received the internal auditor's report which confirmed that there were no areas of concern.

1769 TO APPROVE THE ANNUAL GOVERNANCE STATEMENT 2015/16

The Council approved the Annual Governance Statement 2015/16 and confirmed that it had considered and agreed items 1-8 of the statement.

1770 TO APPROVE THE 2015/16 ACCOUNTING STATEMENTS

The Council approved the Accounting statements for 2015/16

1771 TO REVIEW AND CONFIRM THE COUNCIL'S INSURANCE ARRANGEMENTS

It was **resolved** to renew the Council's insurance through Community First at a renewal premium of £192.95

1772 TO REVIEW AND CONFIRM THE APPROVE RISK ASSESSMENT FOR 2016

The Council received the risk assessment for 2016 and considers that it has adequate measures in place to mitigate any risks the Council may face.

It was **resolved** to approve the risk assessment.

1773 TO REVIEW THE COUNCIL'S FINANCIAL REGULATIONS AND INTERNAL AUDIT CONTROLS

A new set of financial regulations were adopted in September 2014 and the Clerk considers that these are still appropriate. The Clerk has also reviewed the internal control procedures and considers them to be adequate.

It was **resolved** to approve the financial regulations and statement of internal control.

1774 FORMAL EXPENDITURE APPROVAL

It was **resolved** to make the following payments:

a. Clerk's salary	£ 91.67
b. Internal Audit Fee	£ 20.00
c. Community First	£192.95
d. SALC	£ 37.85

1775 TO CONSIDER REQUEST FROM CURRY MALLET PTFA FOR SPONSORSHIP OF A CLASS IN THE FAMILY FUN DAY

A Family Fun Day is to be held in June in aid of the school and village hall. The Parish Council has been asked to sponsor 'The Best in Show' children's class for the sum of £10.00

The Parish Council **approved** this request. The Chairman agreed to act as a judge for the event.

1776 CORRESPONDENCE FOR INFORMATION

- **Young Farmers event**

Mr Dibble advised the Council that a Young Farmers' Fundraising event will be taking place on his farm on 11th June. It is intended that traffic will be directed to enter via Radigan Lane but there may be some excess traffic passing through the village that evening.

1777 DATE OF NEXT MEETING

Monday 18th July 2016 at 7.30pm.

The meeting closed at 9.05pm

BEERCROCOMBE PARISH COUNCIL

ORDINARY PARISH COUNCIL MEETING

Minutes of the Ordinary Parish Council Meeting of Beercrocombe Parish Council held at Beercrocombe & Curry Mallet Village Hall on Monday 18th July 2016

1778 ATTENDANCE AND APOLOGIES

Councillors: Mr. G Harvey (Chairman), Mr. Burrough, Mr. C Dale, Mrs. S Prideaux, Mr. M Rastrick, Ms J Wright

Public: None

Apologies: Mr. P Dibble

1779 DECLARATIONS OF INTERESTS

There were no declarations of interest.

1780 MINUTES OF THE LAST MEETING

Minutes of the Annual Parish Council Meeting held on 16th May 2016 were approved and signed.

1781 MATTERS ARISING FROM THE MINUTES

- **Family Fun Day (1775)**

The Chairman reported that he had acted as one of the judges at the Fun Day. The event appears to have been successful but the amount raised has not yet been published.

1782 PARISHIONERS' FORUM

There were no matters raised.

1783 MATTERS OF REPORT

- a) **Footpaths**

The footpath near Mushroom Farm has been strimmed and cut.

- b) **Highway matters**

The ditch near Mushroom Farm has been causing problems with tractors falling into it. The owner of Mushroom Farm has placed a red flag there to highlight the hazard. The Chairman will contact Highways to ascertain whose responsibility is the ditch.

c) Planning Matters

Planning Application No 16/01690/FUL – Erection of two-storey extension at Orchard View, Beercrocombe has been approved by SSDC.

d) Communications with Yeovilton

There was increased activity in the area prior to the Air Show which was not advertised on the weekly information schedule. The weekly information schedule is no longer published on the CRO website although the Clerk still receives a copy which is posted on the Noticeboard in the bus shelter. It was **agreed** that the Clerk would contact HMS Yeovilton expressing disappointment that the information is no longer available on line.

1784 FORMAL EXPENDITURE APPROVAL

It was **resolved** to make the following payments:

a. Clerk's salary £ 91.67

1785 CORRESPONDENCE FOR INFORMATION AND ITEMS OF REPORT

- **Policing Priorities consultation**

The Police and Crimes Commissioner is currently carrying out a consultation on policing priorities. The details can be found at: www.avonandsomerset-pcc.gov.uk. The consultation closes at the end of August.

- **Renewal of Village Hall lease.**

There is no further progress to report. The Chairman will speak to the Chairman of CMPC to chase the matter.

- **Beercrocombe Village Trust**

Mr Harvey attended his first meeting as Trustee. He reported that Suzanne Dibble has resigned as Village representative and that Niall Kilgour has been appointed as her replacement.

- **Resignation of Mr C Dale**

The Council received with regret the resignation of Mr Chris Dale as he is leaving the Parish. The Chairman thanked Mr Dale for all his hard work and support during his time as Councillor.

1786 DATE OF NEXT MEETING

Monday 19th September 2016.

The meeting closed at 8.30pm

BEERCROCOMBE PARISH COUNCIL

ORDINARY PARISH COUNCIL MEETING

Minutes of the Ordinary Parish Council Meeting of Beercrocombe Parish Council held at Beercrocombe & Curry Mallet Village Hall on Monday 19th September 2016

1787 ATTENDANCE AND APOLOGIES

Councillors: Mr. G Harvey (Chairman), Mr. Burrough, Mr. P Dibble, Mr. M Rastrick, Ms J Wright

Public: Cllr S Steele (SSDC)

Apologies: Mrs., S Prideaux, Cllr D Yeomans (SSC)

1788 TO CO-OPT MR BRIAN LONGSTAFF TO THE COUNCIL

Mr Harvey nominated Mr Brian Longstaff to fill the vacancy on the Council. The Council unanimously **agreed** to formally co-opt Mr. Brian Longstaff at the meeting in November.

1789 DECLARATIONS OF INTERESTS

There were no declarations of interest.

1790 MINUTES OF THE LAST MEETING

Minutes of the Ordinary Parish Council Meeting held on 18th July 2016 were approved and signed.

1791 MATTERS ARISING FROM THE MINUTES

- **Family Fun Day (1775)**

It is believed that the Family Fun day raised in the region of £900.

- **Hazard near Mushroom Farm (1783)**

Chris Weekes (Highways) met the Chairman to discuss the hazard adjacent to Mushroom Farm. The railings will be either be repaired or bollards will be erected to protect the ditch and highlight awareness.

- **Communications with Yeovilton**

Following the appointment of Ms Julia Wilde as the new Community Relations Officer, the weekly flight information sheet is once more being published on HMS Yeovilton's website.

1792 PARISHIONERS' FORUM

There were no matters raised.

1793 MATTERS OF REPORT

a) Footpaths

It was noted that the footbridge on the footpath near Mushroom Farm becomes slippery when wet and it was suggested that measures should be taken to improve this. Les Braunton, Footpath Officer at SCC will be advised.

b) Highway matters

Repair work has been marked on Radigan Lane.

c) Planning Matters

Retrospective planning permission has been sought in respect of work carried out on the watercourse at Paull's Farm.

d) Renewal of Village Hall lease

There is no progress to report. Mr Burrough will continue to monitor the situation.

1794 FORMAL EXPENDITURE APPROVAL

It was **resolved** to make the following payments:

- | | |
|---------------------------------|---|
| a. Clerk's salary | £ 91.67 |
| b. Ms J Wright
telephone box | £ 8.50 – Costs incurred in repainting the |

1795 CORRESPONDENCE FOR INFORMATION AND ITEMS OF REPORT

- **M5 Junction 25 improvement scheme**

SCC is consulting on a scheme to improve the M5 Junction 25.

Details can be found at <http://www.somerset.gov.uk/policies-and-plans/schemes-and-initiatives/m%-junction-25/>.

- **A358 Improvements.**

As part of the information gathering exercise, Highways England will be placing cameras to monitor the usage of local roads and footpaths. The cameras will be in situ for a few days and any neighbouring properties to the cameras will be advised separately.

1796 DATE OF NEXT MEETING

It was **agreed** that the next meeting will take place on **Monday 28th November** at the earlier time of **7pm**.

The meeting closed at 8.20pm

BEERCROCOMBE PARISH COUNCIL

ORDINARY PARISH COUNCIL MEETING

Minutes of the Ordinary Parish Council Meeting of Beercrocombe Parish Council held at Beercrocombe & Curry Mallet Village Hall on Monday 28th November 2016

1797 ATTENDANCE AND APOLOGIES

Councillors: Mr. G Harvey (Chairman), Mr. Burrough, Mr. P Dibble, Mr. B Longstaff, Mr. M Rastrick, Mrs. S Prideaux, Ms J Wright

Public: Cllr S Steele (SSDC) Cllr D Yeomans (SCC)

1798 DECLARATIONS OF INTERESTS

There were no declarations of interest.

1799 MINUTES OF THE LAST MEETING

Minutes of the Ordinary Parish Council Meeting held on 19th September 2016 were approved and signed.

1800 MATTERS ARISING FROM THE MINUTES

- **Hazard near Mushroom Farm (1783)**

The repairs are still pending.

1801 PARISHIONERS' FORUM

There were no matters raised.

1802 MATTERS OF REPORT

b) Footpaths

The Council was advised that there has been an issue on some footpaths with regard to dog fouling in areas where there is livestock present. If dogs are not regularly wormed, lambs can pick up worms which then affect their liver. This will reduce the amount that the farmer receives for each lamb affected. It was suggested that the landowner displays warning notices.

b) Highway matters

The state of the road from Broadbridge Rd to Whittles Farm was highlighted and the matter will be reported to Highways requesting that the surface be repaired.

Following a recent incident in which a car was caught in flood water at the bottom of Stocks Lane, it was agreed to contact Highways and ascertain whether a warning sign 'Road liable to flooding' could be erected.

The excess surface water on the road near to Hatch Beauchamp Orchards was discussed as following heavy rainfall; the water does not disperse for several days. The issue will be reported to Highways.

c) Planning Matters

A decision is still awaited for the retrospective planning permission application at Paull's Farm. Mr Lebrun, SCC Flood Risk Engineer is due to visit the site in January.

An appeal has been lodged against the refusal of permission for Planning Application 16/00773/FUL, land adjacent to 4a Broadbridge. The appeal will be determined by the Planning Inspectorate. The Parish Council's original comments together with supporting evidence has been submitted to the Inspectorate.

d) Renewal of Village Hall lease

Following a meeting of the working party established to consider the lease renewal, Mr Burrough has drafted a letter to the Duchy seeking a 120 year lease at a peppercorn rent. The letter is awaiting approval from Curry Mallet Parish Council and the Village Hall committee.

1803 TO CONSIDER APPLICATION FOR CODE OF TRANSPARENCY FUNDING

Funds are available from central government to enable councils to fully meet the Code of Transparency, and councils are able to claim funding for the purchase of computer equipment.

It was **agreed** that the Council would submit an application.

1804 FORMAL EXPENDITURE APPROVAL

It was **resolved** to make the following payments:

a. Clerk's salary	£ 91.67
b. Clerk's expenses	£ 20.00

1805 CONCLUSION OF EXTERNAL AUDIT

The external audit of the 2015/16 Annual Return has been completed.

The auditors noticed that the Council had incorrectly stated the Box 8 figure in Box 10 but there were no matters giving concern to the auditors.

1806 CORRESPONDENCE FOR INFORMATION AND ITEMS OF REPORT

- **Winter Service 2016/17**

SSDC is offering Parish Councils the opportunity to collect bags of de-icing materials from the Yeovil depot. As the Chairman still has a plentiful supply of bags from previous years, it was decided not to collect any more supplies.

- **A358 Improvements**

It is anticipated that the first public consultations will take place in Spring 2017, when several route options will be published.

1807 DATE OF NEXT MEETING

Monday 16th January 2017 at 7.30pm

The meeting closed at 8.05 pm