**MINUTES OF THE PINXTON PARISH COUNCIL MEETING**

**Held on the 15th. July 2020 at the Village Hall in Pinxton. Commencing at 7.00pm**

Present: Cllrs: Fox, Kelly, Hinman, Chippington, Street, Drake-Brockman, Dooley, Watson, Marshall, Meredith.

**Cllr. Watson raised a point of order at the beginning of the meeting concerning the meeting being held in the VH rather than remotely by Zoom, which is still considered best advice.**

**The Chairman indicated that he had spoken to Councillors who said they preferred the meeting in a face to face situation rather than use Zoom, indeed some have not got the facilities for zoom.**

**The Clerk explained the room was big enough to accommodate all the Councillors and up to 8 Members of the Public and all proper measures had been put in place to ensure compliance with the rules even if best advice had not been adhered too.**

**The Chair said the meeting would continue.**

**The Chair asked that item 180.2 be moved to the confidential items under exclusion of the public, which was accepted.**

Clerk: John Ritchie.

**19/172 To receive apologies for absence:**

Apologies were accepted for Cllr. Brentnall and Cllr. Coyle.

**19/173 To receive Declaration of Members Interest/update of Register –** if you require guidance from the Clerk this must be sought well in advance of the meeting and, in any event by no later than 5pm two working days before the day of the meeting.

**Please note:** Members must ensure they complete the Declaration of Interest sheet prior to the start of the meeting. Column 5 of the Declaration of Interest sheet must be completed in all cases to indicate the action to be taken.

Cllr. Watson declared an interest in 19/179, Planning matters as he is a member of the BDC Planning committee. He absented himself by staying silent in the meeting during the debate on Planning matters

Cllr. Hinman declared an interest in 19/180/2 as he is the VH bar Franchisee

Cllr. Dooley declared an interest in 19/180/1 as she is on the Welfare committee.

**19/174 To receive and approve requests for dispensations from Members on matters in which they have a Disclosable Pecuniary Interest.**

Cllr. Hinman declared an interest in 19/180/2 as he is the VH bar Franchisee

**19/175 To confirm the Minutes of the Parish Council meeting held Wednesday 17th June 2020 via Zoom.**

**Moved by Cllr. Dooley and seconded by Cllr. Fox that the Minutes be accepted, with the Minutes reflecting Cllr. Watson took no part in items 161.2 & 161.3 and Cllr Drake-Brockman supported Cllr. Watson when he asked for the meeting to be adjourned just after point 161.5**

**19/176 To receive the Minutes from the Sub Committee held on the 29th June via Zoom.**

**Moved Minutes be noted.**

**19/177 To note updates on matters arising from the Minutes** (for information only).

None and the subcommittee will be discussed under 180/2.

**19/178 Public Speaking.**

**178.1 Parishioner Matters**

One Parishioner spoke regarding having a Working Group on Welfare as he could foresee much unemployment in the coming months.

The Parishioner was informed that we support the Derbyshire Unemployed Workers Centre (DUWC) and they hold a surgery every Tuesday afternoon at the VH

Two other Parishioners came from Park Lane concerning the problems they and their neighbours were having with water ingress into the gardens, which were quite steep and stepped. The land was slipping, and they said as they were residents of Pinxton the PC should have some responsibility especially as the PC owned the old reservoir.

The Clerk explained that the complaints had been received and the Insurers and loss adjusters called in and at this point it looked certain the PPC would have no responsibility in their current situation. He went on to further explain that there is nothing in Law to deal with top water going from one property or land to another property or land, unless the owner from whose land the water is discharging has done something to cause that discharge onto the other property.

The Clerk and Members sympathised with the residents and the Clerk said he would visit to have a look, and said the PC were considering upgrading the Tops recreation area which would include a car park for the footballers and the cemetery users, and that would have to have proper drainage and in doing that the PC may be able to help the Park Lane residents.

**178.2 Police Matters**

None

**178.3 Reports from Council Representatives on Outside Bodies.**

Nothing to report.

**178.4 Reports from District & County Councillor Representatives on matters of direct relevance to Pinxton Parishioners.**

Cllr. Dooley reported on the graffiti under the motorway bridge.

Cllr. Dooley reported that Jubilee court residents were to have individual heating systems rather than the communal system which is operating at the present. This will give all residents the ability to control the use of central heating themselves.

Cllr. Dooley reported on BDC TV having an item on Billy Smith Eccles who had toured all over during the pandemic entertaining people.

Cllr. Dooley reported on the Air Quality at J28 and said there had been no exceedances since 2012 and management and monitoring areas would be set up where there is potenti9al for high readings.

Cllr. Dooley said there was a new countryside ranger starting for DCC, whose name was Mark Hudson.

Cllr. Dooley said Bolsover DC was looking into a local Lottery the proceeds from which would be distributed to where the public determined it should go.

Cllr. Watson requested someone visit the A-Frame at the top of Queen Street as it was difficult to get through. The A-Frames are so made to stop motorbikes using footpaths etc. The clerk said he would have the A-Frame looked at to make sure it complied with the regulations under the Disabled Discrimination Act.

Cllr. Watson said he had attended a Scrutiny Committee and discussed Tourism with one consideration to encourage overnight stays in the District.

**19/179 Planning Applications**

**Cllr. Watson took no part in the meeting whilst the planning matters were discussed.**

Planning matters were noted with no comments on the applications or on the permissions granted.

There were no PP refusals to report

**19/180 Parish Council – Items for Decision.**

**180.1** The clerk explained the situation with the Welfare Drive now that the lease had been examined by the Solicitor at BDC. The Solicitor stated, “The legal responsibility for the Drive lies wholly with the Pinxton Miners Welfare.” He went on to say “As owner of the driveway the Miners Welfare would be potentially liable for any personal injuries suffered as a result of their failure to maintain”

The Clerk explained should the Welfare upgrade the drive they could ask for a reasonable and proportionate contribution from the PPC, but such a contribution, if it was forthcoming would have to be paid to CISWO not the welfare.

Members discussed the situation and it was

 **Moved by Cllr. Dooley and seconded by Cllr. Fox that the Clerk write to the Welfare seeking a meeting. All in favour.**

**180.2 The Chair had indicated at the start of the meeting that this item would be moved to exclusion of the public. The item is minuted there.**

**180.3** The Clerk reported on the new van required and read out an email from Cllr. Coyle, in his absence indicating he preferred a Lease vehicle so that the costs are fixed, and maintenance and servicing is all in the Lease.

The Clerk explained that the vehicle does so little mileage the PC would not benefit from the servicing built into the lease because the said servicing would be so infrequent.

Cllr. Street said he saw no value in a lease and thought the outright purchase of a van for circa £15,000 would be the best way.

**It was moved by Cllr. Street and seconded by Cllr. Dooley that a suitable van be purchased for £15,000. All in favour except for Cllr. Watson who voted against.**

**180.4 The Clerk updated the meeting with the position on the old reservoir site. Complaints had been received and compensation sought so it had been put into the hands of the insurers. They had sent out a loss adjuster and the loss adjusters report was awaited but it was expected to exonerate the PPC completely from any liability.**

**Cllr. Watson thought we had a responsibility and mentioned Rylands v Fletcher (1868). A footnote at the end of the Minutes further explains the case and Pinxtons position.**

**The residents said they were getting a solicitor because the reservoir had not been mentioned on any of the searches.**

**Cllr. Street said Pinxton was prone to flooding given the lie of the land and Cllr. Kelly said other residents on Hilltop also suffered flooding.**

**Full sympathy was expressed of the residents experiencing the problems and it was suggested the Clerk visit the gardens and report back.**

**Agreed the Clerk visit site and look at the extent of the problem and report back to the next meeting.**

**180.5 The meeting discussed the Let’s Get Going grant offered by BDC in the sum of £5,890 for the PPC tackling isolation and loneliness and bringing the Community together and to encourage shopping local and using local talent.**

**Cllr. Street said that whatever we did, it should be accessible for all and in consultation with PBG.**

**Cllr. Watson said it should be an open-air event probably on Hilltop Park, with an open-air cinema, around August BH as an act of coming out of COVID.**

**Other suggestions were a flat top trailer with a talent contest.**

**Cllr Dooley said tap into all the local groups and combine with the PC.**

**Cllr Kelly said do not forget the lonely and isolated.**

**The Clerk suggested capturing the events on video or CDC and distributing to those who could not attend any of the events.**

**Moved that the form be filled in and returned asap and then an event(s) be put together.**

**180.6 The Clerk reported that the initial costs of a VH extension had come back at £799,000. Cllr. Watson said we did not want an extension and we could have portable buildings added on, and at £1m it was too much money.**

**Cllr. Kelly said it was not £1m and there had been the same arguments 25 years ago when deciding to borrow £250,000 to build the VH.**

**Cllr. Street said the decision had been made at a previous meeting and the budget agreed and the repayments would be around the same we had paid for the last 25 years and would therefore not require an increase in the precept in continuing what we had done for 25years, if we kept the budget for the extension at £500,000**

**Cllr. Watson said the asset is not the PC’s as it would revert to the DCC in about 80 years’ time.**

**Cllr. Dooley wanted to see alternative plans, which there would have to be if the project was going to be scaled back. The Clerk explained the rationale for the extension which had all been agreed at previous meetings.**

**Moved by Cllr. Street and seconded by Cllr. Kelly that progress is made at a budget ceiling of £500,000 for borrowing. Cllr. Watson asked for a Recorded vote.**

**The vote for was Cllrs. Street, Kelly, Dooley, Hinman, Chippington, Fox, Meredith, and Marshall**

**Against, Cllr. Watson**

**Abstention Cllr. Drake-Brockman and**

**Absent Cllrs Brentnall and Coyle**

**Cllr. Watson left the meeting**

**19/181 Financial Matters (June 2020)**

 **181.1 Income and Expenditure Details for June 2020**

 **181. 2 Bank reconciliation Statement as at 30th June 2020**

 **181. 3 Monthly analysis of cash book for June 2020**

 **181. 4 Budget to date**

**181. 5 Statement of Parish Council Investment.**

**181. 6 Statement of Invoices for approval to be paid July 2020**

**181. 7 Bank Statement for both accounts.**

**Moved by Cllr. Street and seconded by Cllr. Dooley that the accounts be moved enbloc. All in favour.**

**19/182** **To receive – The Clerks Report**

**Moved by Cllr. Street and seconded by Cllr. Dooley that the Clerks report be received and accepted enbloc. All in favour**

**19/183 To note Correspondence received**

 Moved by Cllr. Fox and seconded by Cllr. Kelly that the correspondence be noted

 **All in favour.**

**19/184 To note – the date of the next meeting of the Parish Council -19th August 2020 at 7.00pm in the village hall**

**19/185 Exclusion of the Public (confidential items)**

*In accordance with Public Bodies (admission to meetings) Act 1960 section 1 (2) the Council exclude the public and the press from the meeting by reason of the confidential nature of the business to be transacted.*

**Item 180.2 brought from the main agenda. Re-opening of the VH.**

The meeting discussed the re-opening and what was working well and what had not worked well and what was needed to put the situation right.

The decision had been made to only have one function, that is, the bar, given the pinch points with the toilets but Members thought this precluded everything else and the bar franchisee wasn’t happy with the main hall because it lost the atmosphere when there was only two or three people in the “bar” He requested that the bar lounge was opened with limited numbers, as he wasn’t get the numbers anyway.

Other Members argued that the toilets were able to operate on a one in and one out situation and felt there was enough room in the main corridor to operate a one way system, and utilise the bar and both the halls subject to social distancing in each room and sensible management by everyone when in the corridors.

The bar franchisee was asked to reproduce a new operations schedule which essentially was his risk assessment and the Clerk would produce a new one for the VH generally and the new system would be monitored.

The bar franchisee was informed he must follow the rules laid down and emphasise the need for his customers to od like wise.

**Moved by Cllr. Street and seconded by Cllr. Fox that the VH and bar operate as discussed and the situation be monitored. All in favour.**

**Footnote: Ryland v Fletcher (1868)**

**Rylands** employed a contractor to build a reservoir. The contractor discovered old mine shafts full of debris but continued to build the reservoir. The Reservoir burst shortly after completion and flooded **Fletcher’s** mine. He brought a claim.

Case was argued several ways and the majority went with **Rylands**, but **Bramwell B (Judge),** argued **Fletcher** had the right to enjoy his land free of interference from water and therefore **Rylands** was guilty of trespass and a nuisance.

Thus the House of Lords ruled that ”the person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it in, at his own risk, and if he does not, he is answerable for all the damage, which is the natural consequence of its escape”

One of the other tests in **Rylands v Fletcher** is, was the accumulation or “thing” already there?

The Parish Council took over the old reservoir site in 1985 and the “thing”, the “Reservoir” was already there and therefore **Rylands and Fletcher** cannot be applied.

Furthermore the Parish Council have done nothing to the site nor added anything to the site since it was purchased and has therefore nothing to contain within the site as set out in the ruling given above and that again precludes **Rylands and Fletcher.**