

THE CLERK'S COLUMN

December 2010

Apologies

Sorry about the gap in the line of columns last month, but the hands that click on the clerkly keyboard were subject to some surgical intervention, and light duties were recommended. More or less back to normal now, whatever "normal" means...

Notice and notices

A legal duty imposed on Clerks by law is the posting of notices. But how much notice is required between the posting and the event – for instance around Christmas? The simple answer in respect of Council meetings is three days. "Sorry," say the lawyers, "That's far too simple." The Local Government Act 1972, para10, schedule 12 refers to three *clear* days. Ah, but what, M'lud, is a *clear* day? Well, look at the case of *R v Hereford Justices* (1820), when the Court ruled that there must be three *perfect intervening* days between the Notice and the Meeting. No doubt the Court was trying to be helpful; *intervening* makes some sense, but doesn't add much to *between*, and we're still left with the meaning of *perfect*. The 1972 Act, trying again to be helpful, came up with:

"Where the day or the last day in which anything is required or permitted to be done...is a Sunday, day of the Christmas break, of the Easter break or of a Bank Holiday break or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days specified above."

Any questions? Well yes, sir, if you will give us an hour or so to translate the above. We never thought that Sundays and Bank Holidays would count as *clear* days. But now it looks as if a "Bank Holiday Break" should include the Saturday before the Monday. And Easter should begin on Maundy Thursday and end on the following Tuesday, but the Act seems to indicate that neither the Thursday nor the Tuesday, let alone the days in between, are *perfect intervening clear* days. As for Christmas, which is why the Clerk poked a stick into this hornet's nest, the break seems to start on the last weekday before December 25th and end on the first non-bank holiday after Christmas, by which time we've probably got as far as eight maids a'milking.

Nowadays people don't regard Saturday as a working day, so Clerks have tended not to treat them as *clear*, let alone *perfect*, but apparently the law is fuzzy about ordinary Saturdays. The Court of Appeal (in *R v Swansea City Council ex parte Elitestone Ltd* 1983, if you really want to know) only agreed that a particular Saturday way back then didn't count, but made no decision about non bank holiday Saturdays in general. The only way to find out is for a clerk who has left things a bit late to be hauled into court... Anyway, what with having two (or is it three?) Boxing Days, and New Year holidays on January 3rd and 4th, it looks as if the Agenda for next January's meeting should go up well before Christmas Eve.

Traffic.

Nearly everyone you meet seems to have got lost trying to negotiate Hundred Acre Corner. The only way to reach the West Portway Estate the other day was to go to Weyhill via Red Post Lane and then come all the way back from the west. All this will soon get even worse, because the old bridge over the A303 is going to be closed for ages, and probably won't be finished when they come to replace Red Post Bridge. And repairs are promised on the West Hill-Monxton road. So why not leave the car at home and do all your shopping at our own Village Shop?

Beat That. Caister Parish Council in Norfolk has held a civic reception to honour the 83 years' service of Cllr Jack Chase, who is still attending meetings. He's only 103. Makes your Clerk feel barely middle-aged.

PARISH COUNCIL MEETING
2nd December 2010

Successes

The Council was pleased to note with satisfaction that their views had been heard by the Powers that Be on two particular planning matters. The applicant had appealed against refusal for permission to build a large house on the site of 20 Cattle Lane, but the appeal was dismissed on grounds that followed closely the objections raised by this Council. The Inspector backed our view that the design, for all its merits, was too dominant, out of character with its village location and in conflict with the Village Design Statement. This statement emphasises the need for new houses to blend with the older, and indeed newer, dwellings with their low roof-lines, upper floors within the roof-space and dormer windows.

An emphatic voicing by the Chairman of the Council's opinion has also helped Liz Dell to achieve her aim to turn the old Telephone Exchange into a neat house and studio. She wasn't allowed to have a single big window, because the Conservation Officer wanted the building to retain some of its funny old "industrial" character, but the Ps that B were persuaded to cut down the inappropriately large sum levied on development projects under "Section 106" (ask me another day), under which money is extracted from developers, held onto by the Borough, and hopefully released eventually to the local community for improvements to facilities. The most recent of these helped to replace the swings on the Sports Field. We're hoping to tap into this source for traffic-management projects, for instance.

The Fete had been a huge success, and the Committee had been able to distribute £4,800 to Parish organisations, as the Council was delighted to hear from Andrew Bulpitt. The Committee has also acquired a new and bigger marquee, which will be available on loan to people who are prepared to put it together themselves – definitely not a one person job. Sadly, though, Andrew announced that he had stepped down from the Chairmanship. He was heartily thanked for his sterling work for this annual event, which is so important to the village. The new Chairman is Steve Carroll.

Another modest success has been achieved on the financial front, as careful budgeting has enabled the Council to keep the Precept (the amount peeled off your Council Tax for the Parish) unchanged for 2011-12. Can't promise the same for 2012-13, because of rather threatening storm-clouds gathering over the Sports Field, where the condition of the Pavilion is causing many aspirins-worth of worry for the Committee and its new Chairman, Alex Nolan. Suffice it for now to report that successful action has been taken to remove any fear of floating asbestos fibres. What to do about the irreparable state of the crumbling walls (surprisingly not of the roof) is under urgent consideration; the situation should be a bit clearer by the time the next Column is due.

Greenery.

Abbotts Ann Green Action is represented at Council meetings by Wendy Davis, and the group continues to fizz with ideas such as a wildlife survey and an energy-saving campaign for 2011. The group is, of course, concerned, as we all are, about the big patch of green at Manor Close, and asked for a progress report. Difficult, in the absence of any progress since last August, but, as put in a nutshell by the Chairman, this is the situation:

Last summer (was there one?) negotiations between the owners, Hampshire County Council, and this Council were chugging along on the basis that we could acquire nearly all of the area by purchase or long lease and so ensure its perpetual greenness. I say "nearly all", because HCC would like to retain part of the area for a small development of perhaps four, hopefully affordable, houses – that's

why the incredibly expensive traffic and access survey was carried out a month or two ago. Not ideal, but perhaps the only way to come to an agreement with HCC.

The alternative way of ensuring continuing greenness didn't come from the Parish Council, but arose, with the Council's knowledge, from the interest and speedy action of the Manor Close residents last August. They were advised that there was a reasonable case, after 20+ years of recreational use by the public, for the field to be registered as a village green, but they were up against a very tight deadline, giving no time for wider consultation. So they filled in dozens of forms applying for registration to the County Council, confident that this was in the interests of the whole community and worth a try. This application is in a queue of unknown length; until the County makes its decision, everything has to be on hold. We may have to watch that space for a good while yet.

There are lots of differences between a green area owned or leased by the village and a registered village green not owned by the village. The latter, particularly, provides a garden of delights for lawyers, with statute and case law going fruitfully back at least to the 18th century. Mercifully for the Clerk, it looks as if neither plan would turn the area into common land, which seems to be regulated by an even more luxuriant flourishing of laws, of which some are so old that they were drawn up in Latin or Norman French.

True Grit

The grit-bins promised by the County Council seem to have got stuck in a snowdrift somewhere. Requests for their locations have been coming in; so far these include the top of Hillside, the top of Abbotts Hill, halfway up West Hill, Old Salisbury Road and entrance to Bulbery from -- er -- Duck Street. Any further suggestions? Ideally the bins should be placed on County land, which generally means road verges, and the Parish Council wishes it to be known that their administration and responsibility for health and safety issues rests firmly with the County.

And finally

Quite a lot of other things were discussed, which will be found, finely filtered, in the Minutes.

In closing the meeting, the Chairman expressed the good wishes of himself, the Members, and the Clerk, to all parishioners for a Merry Christmas and a Happy New Year. Meanwhile try to keep free of what, on their notice-boards, oriental linguists call *dangerous germs, pests and other baneful biology*, and take their advice to *slip and fall down carefully*.

The next meeting will be on January 6th 2011. Better pop out and post the Agenda straight away...

Adrian Stokes, Clerk