

## MINUTES OF THE SOULDERN PARISH COUNCIL MEETING

## HELD IN THE VILLAGE HALL

ON 25th November 2020 by Zoom videoconference

**Present:**

Nick Oakhill (NO) CHAIR  
 John Hoodless (JH)  
 Kirsty Allpress (KA)  
 Alan Smith (AS)  
 Laura How (LH)  
 Neal Ship (NS)  
 Cathy Fleet (CF) CLERK

**Members of the Public:**

Lucy Cornish

**11.20.01 Apologies**

No apologies had been received

**11.20.02 Declarations of interest**

AS declared an interest in a planning application. NO declared an interest in 3 planning applications.

**11.20.03 To receive the minutes of the last parish council meeting**

The minutes of the parish council meeting held on 24th September 2020 were checked for accuracy and content, agreed as a true record of the meetings and signed by the chair.

**11.20.04 Public participation**

Lucy Cornish was attending the meeting regarding the Playground

**11.20.05 Clerks Report and Actions from previous meeting**

NO	ACTION	OWNER	Update
	Flooding - . MKB will chase Neil Whitten, Environmental Officer for OCC, if necessary.	MKB	Agenda item
09.20.06	NO to deal with the wasps nest in the playground AS to create sign informing that the slide has been closed, is dangerous and must not be used. NO to chase application for Covid grant funding and ensure paperwork is sent to MK	NO AS NO	Completed Completed outstanding
	NO to speak to JH regarding the trees in the churchyard to see if a further survey is required	NO	
	NO to contact Malcolm to see if he will make repairs to the churchyard wall.	NO	<b>Completed</b>

**11.20.06 Co-Option of Councillor**

Neal Ship was formally co-opted to the PC by a unanimous vote. The DPI and Acceptance of Office forms have been completed.

11.20.07

**Updates****a) Playground Advisory Group**

Lucy Cornish was attending the meeting in her capacity as Lead on the Playground Committee and the proposed refurbishment of the playground. The big slide has been condemned as unsafe and has been blocked off to prevent use although the metal slide itself is in good condition. The fencing and the small playground requires replacing. Considerable discussion took place, including:

- Possible funding sources, e.g. Viridor, TOE, Grantscape, the use of a professional fundraiser and temporarily increasing the PC's precept request to CDC.
- The order in which works should be carried out

Neal Ship agreed to assist Lucy in creating a firm proposal to increase the play area within the fenced area. This will include removal of all equipment including the big slide and replacing the equipment in stages, commencing with the under 10s equipment.

- Quotes will be obtained for work on the small playground once firm plans have been drawn up, and for exercise equipment
- Volunteers will be found to move the fencing to around the big slide
- An application will be made to Viridor for funding
- NO will speak to the Malins and the Hazels regarding a path around the outside of the playground and the possible demolition of the big slide.

**b) Nancy Bowles Wood Advisory Group**

No update was available

**c) CDC**

No update was available

**d) OCC**

No update was available

11.20.08

**Highways**

Speeding signs are in place and appear to be making a difference. The speed radar gun was used today and the maximum speed recorded was 32mph by a delivery driver.

11.20.09

**Flooding**

Thames Water have carried out a survey in the village and have cleared all drains which hopefully will have resolved all issues.

11.20.10

**Planning** - The following planning applications were discussed and there were no objections to any of them:

20/03320/TCA Westend House, Bates - Treework

20/03258/TCA The Brambles, Bates Lane - Treework

Parish Clerk : Cathy Fleet

Westfield Farm Cottage, Fenway, Steeple Aston, Bicester, Oxfordshire, OX25 4SS

Tel: 01869 347000

Mobile : 07989 398 838

20/03239/TCA Grandpas Barn, High Street - Treework  
 20/03244/TCA Cedar House, Opposite Bates Lane - Treework  
 20/02958/TCA Manor Farm Barn, High Street - Treework

### 11.20.11 Finance

#### Paid by standing order in November

Payee	Detail	Total £s	VAT	Comments
Cathy Fleet	Clerk Salary (Nov)	82.00	0.0	Standing Order
HMRC	(re above)	16.00	0.0	Standing Order

#### **To be approved at the 26<sup>th</sup> November meeting**

Payee	Detail	Total £s	VAT	Comments
Nigel Prickett	Grasscutting	396.00	66.00	Invoice 1301 (31.10.20)

NO and LH will meet to discuss the precept for 2021/22 and report back to the next meeting.

### 11.20.12 Churchyard Wall

Following quotes received for repairs to the Churchyard wall, John Hoodless has carried out extensive research to establish ownership and responsibility of the wall. The PC expressed thanks to John and his report can be seen below:

*Churchyards can only be classes as legally closed by an Order in Council. The procedure for making such Orders is contained in Section 1 of the Burial Act 1853.*

*Part of our Churchyard was closed in 1880, confirmed by the London Gazette entry, the Oxford Dioceses office and by documents supplied by Clive Smith.*

*Other than some minor exceptions for family graves, brick or stone lined graves, coffin burials are not allowed in legally closed churchyards. It is therefore safe to assume that any part of the Churchyard used for burials after 1880 could not have be included in the 1880 closure order.*

*Documents referring to a dispute over the boundary wall between the Church and the Old Rectory including research by a solicitor representing the owner of the Old Rectory make it clear that the Churchyard between the Church and this boundary wall is the part of the Churchyard closed in 1880.*

*Correspondence between the Church and the Parish Council in the 70's lists the area of whole Churchyard as 1.42 acres and that the closed part is approximately 1/3 rd of this total. Pacing the section of the Churchyard between the Church and the wall of the Old Rectory it is approximately 1/3<sup>rd</sup> of 1.42 acres.*

*Clive's Smith documents also confirm that since the Parish Council "volunteered" to maintain the closed Churchyard in 1977 1/3rd. of the total cost was initially paid by the Parish Council.*

*I was unable to establish why or when the Church Council changed its opinion on the areas of the Churchyard that are the responsibility of the Parish or the principle of charging 1/3<sup>rd</sup> of total costs.*

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However, Clive Smith has confirmed that the closed part of the Churchyard referred to in the 1880 order could not include the collapsed wall the Church Council requested the Parish Council repair both earlier this year and 2018.

*There may be some legal issues for any parish council maintain an open churchyard*

*It was the Local Government Act 1972 section 215 "Maintenance of a closed churchyard, that permitted a parish or district council to maintain correctly closed churchyards However, it does not give them the powers to maintain the open part of the churchyard.*

*The Local Government Act 1894 prohibits parish councils maintaining an open churchyard.*

*However, The Local Government Act 1972 says in section 214(6) that a parish council may lawfully contribute to the upkeep of a burial ground maintained by another person which would in our situation be the Church Council.*

*The act refers to open/closed churchyards and cemeteries if a parish council wishes to maintain an open churchyard, they must choose to treat it as a cemetery which is a questionable. decision.*

*Having looked at several internet articles my conclusion is if a parish council wishes to maintain an open churchyard, they would be taking a risk of challenge.*

*All of the legal advice posted effectively advises council to get legal advice or a definitive answer form their council auditors. There are no test cases to reference.*

*I found the following which I think sums up the question any parish councils would need to answer to justify taking the risk of challenge:*

*"Why would it be reasonable for the civil parish council to spend its taxpayers' money on a subsidy to a religious organisation (the parochial church council) which already has a binding legal obligation to fund the work itself? It would be a waste of taxpayers' money*

*Therefore the letter to Clive should confirm that following a review of documents and our conversation we have agreed that the Parish Council has no legal responsibility for the open churchyard which includes the collapsed wall I would also suggest that we offer to meet again to formally agree the basis of future charges for the officially closed Churchyard in order to avoid confusion for future generations of Church and Parish Council members*

**Clerk to draft letter to Clive Smith**

**Date of next meetings :**

<b>PC meeting</b>	<b>Planning meeting</b>
	17th Dec

**Agreed dates for 2021 - last Thursday of the month**

28 Jan	25 Feb
25 March	29 April
27 May	24 June
29 July	26 August
30 Sept	28 October
25 November	30 December

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Signed .....  
 Chair, Souldern Parish Council

Date .....

#### ACTION LIST SUMMARY

NO	ACTION	OWNER
Nov20.01	<ul style="list-style-type: none"> <li>• Playground : Quotes will be obtained for work on the small playground once firm plans have been drawn up, and for exercise equipment</li> <li>• Volunteers will be found to move the fencing to around the big slide</li> <li>• An application will be made to Viridor for funding</li> <li>• NO will speak to the Malins and the Hazels regarding a path around the outside of the playground and the possible demolition of the big slide.</li> </ul>	LC/NS  LC/NS  NO
Nov20.02	CF will draft letter to Clive Smith regarding the churchyard wall.	