

## DRAFT MINUTES OF AN EXTRAORDINARY MEETING OF UPPER RISSINGTON PARISH COUNCIL HELD ON 4 SEPTEMBER 2023

An Extraordinary Meeting of Upper Rissington Parish Council was held on Monday 4 September 2023 at 7.00pm in the Community Room, Village Hall, Upper Rissington.

The following were present:

Cllr. N. Maxey - Chairman  
Cllr. S. Garrett  
Cllr. S. Mitchell  
Cllr. S. Bates  
Cllr. R. Watson  
Cllr. C. Summerfield

Attendees: Officer - Mrs. J. Owen, Locum Parish Clerk and 16 members of the public.

201/23      **To receive Apologies for Absence and to approve the reasons given (LGA 1972 s85 (1))**  
Apologies were received and approved from Cllr. J. Truslow.

202/23      **Public Session: To provide members of the public/press with the opportunity to comment on items on the agenda. In accordance with Standing Orders, this will not exceed 15 minutes in total and three minutes per person. No decision can be taken during this session<sup>1</sup>, but the Chairman may decide to refer any matters raised for further consideration**

- A resident raised concern with regard to the snagging list and referred to the path near the allotments as an example  
The Chairman explained the snagging list was not exhaustive and would not be fully resolved prior to the transfer of the Public Open Space (POS) but with circa 80% resolved and a good relationship with the developer, that would be acceptable. Things could still be added to the snagging list, including from the old part of the village. The Council could only do things that it was aware of and the correct reporting procedure was to send details to the Clerk via email, it would then be discussed at the next Vistry meeting
- Adoption of roads was raised and the Chairman confirmed that Vistry and Highways were presumably having similar conversations although the Council was not party to them

203/23      **Declarations of interests - Members to declare any interests, including Disclosable Pecuniary Interests they may have in agenda items that accord with the requirements of the Parish Council's Code of Conduct and to consider any prior requests from members for Dispensations that accord with Localism Act 2011 s33(b-e) (NB this does not preclude any later declarations)**  
Non received or recorded.

204/23      **To consider Public Open Space Plan (POS) from Vistry Limited together with any related issues and agree actions**  
The Chairman outlined the POS transfer procedure. The formal process which had not started yet would commence with Vistry offering the POS to the Council, there would then be a three month period when Council would consider whether it wished to adopt it or not. If the Council did not want to take on the POS it would be offered to Cotswold District Council (CDC) and if they did not want it, a management company would be established.

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<sup>1</sup> Councils cannot lawfully decide items of business that are not specified in the summons/agenda (LGA1972 Sch 12, paras 10(2)(b) and Longfield Parish Council v Wright (1918) 88 LJ Ch 119)

Then the Maintenance Period which the Section 106 agreement stated would be a 12 month period would commence and during that period, Vistry would continue to be responsible for the maintenance of the POS. At the end of the Maintenance Period, Vistry would provide a lump sum to the Council to cover legal fees, additional contracts etc. thus ensuring that the precept would not be used to cover the cost of the maintenance of the POS. The Chairman assured members that taking on the POS would not result in a big increase in the precept and if the Maintenance Period was reduced to six months, the Council would expect some extra funds to cover the change.

A resident raised the payments made by the 700 house owners of £500.00 each to Vistry as a management fee when they purchased their houses and wished to know what it had been used for. The Council confirmed it would raise this issue with Vistry.

205/23

**To consider Snagging List in relation to transfer of POS from Vistry Limited and agree action**

A map was displayed which had been circulated to members previously, showing all the land being transferred, including the old part. The following points were discussed:

**Folland Park** – the wall on the north side was in a poor state of repair. The Chairman confirmed there was a boundary dispute between Vistry and the landowner. The Land Registry map needed to be updated, and it was suggested that an indemnity policy may be necessary to protect the Council if it could not be resolved. The lack of a handrail on the steps was also identified which could be a health and safety issue and this would be raised with Vistry.

**ACTION** – Contact CDC to request Land Registry information be updated and Vistry regarding handrail on steps

**Harris Gardens** - a small area which would become the responsibilities of Highways, the left-hand side was owned by one house and righthand side was owned by another house and the bit in the middle was owned by a company that went bankrupt. Lightbulbs need replacing in this area and a member had tracked down that it belonged to the Crown. The next step would be to write to the Crown solicitor with a case for the land to be sold back to the village as the lights could not be replaced if the land was not owned by the Council. The Chairman proposed a motion to consider whether the Council wished to take ownership of the said land and continue with the investigation and **COUNCIL AGREED**.

**Attenuation Pond** - Smith Barry Crescent – GR390 098 and GR390 096

It was not due to be transferred and the Chairman was concerned about responsibilities for the life jackets etc. It was understood that Vistry had been liaising with Albion Water and the Council required clarification with regard to who was liable for the boundary, trees, health and safety.

**ACTION** – request confirmation from Vistry

**Two Parcels of Land: Ansell's Copse and land behind** - the Chairman explained that the land was not transferred correctly some years ago and that Ansell's Copse would be expensive to maintain. He proposed the Council should liaise with Albion Water to seek ownership of the Nature Area to the north, (but not Ansell's Copse) and **COUNCIL AGREED** it would be a great resource for the village. Members discussed the possibility of other organisations taking over Ansell's Copse but **COUNCIL AGREED** that it would prefer to leave it as it was.

**COUNCIL AGREED** to the following actions

- To engage with Albion Water to seek ownership of the Nature Area to the North
- Ask Albion Water to look more carefully at the existing security around the area as Heras Fencing was not the most secure or aesthetically pleasing boundary
- Concerns regarding people playing in the area to be raised with Albion Water

**Skate Park** – the area was part of Great Rissington Parish Council, despite contacting CDC a year ago asking them to consider a boundary review. Members asked how Vistry would transfer the POS of the Skate Park when it was not actually owned by Upper Rissington Parish Council?

**ACTION** – Clerk to ask Vistry

The Royal Air Force were building a single-story barracks and had asked if they could put a cadet entrance in the area identified by a white line on the map and **COUNCIL AGREED**, members had assumed that would be the case.

**Area Currently Identified for Industrial Use** – pre-application proposal had been submitted to CDC to change from industrial land to residential land. There were mixed feelings from members and it was agreed that a decision was not required at the meeting. The Chairman stated that Council input was limited, and it was important for residents to comment on the planning application on the CDC planning portal too.

**Smith Barry Crescent** – map showed it as being excluded but another map showed it as being included in POS.

**ACTION** – Clerk to check with Vistry

Cllr. Mitchell asked about the area behind the Tower, she would check and confirm to the Clerk.

Cllr. Summerfield enquired about the area near the vets which was definitely POS now – not building land, the Chairman confirmed this was the case.

All agreed that it was important for the Council to have details of land it owns.

**ACTION** – Clerk to ask Vistry to confirm

**Dodds Drive** – footpath was currently being strimmed by a resident and the Chairman suggested that the Council would want people to keep it clear, **COUNCIL AGREED**.

**Substation in Wrights Close** – it was confirmed that it had been fenced.

Car park which was owned by the Council, was very overgrown and needed money allocated to it.

It was confirmed the Council also own the car park in Sopwith Road.

**Albion Water** – under the attenuation pond there was machinery etc. and legal advice was to leave well alone. It was suggested that the three pieces of land would be better as a whole.

The Chairman confirmed the Snagging List would be added to the website and Facebook and urged people to provide comments/feedback.

206/23

**To consider Maintenance Fee and Maintenance Period for transfer of POS from Vistry Ltd. and agree actions**

The Chairman stated the current offer from Vistry was £425K based on the 12 months maintenance period which would be paid in a lump sum at the end of the maintenance period. Vistry were keen to reduce the maintenance period to 6 months and were considering what they would pay the Council if the period was reduced. The Council needed to refresh the three maintenance quotes for the POS and this would take time. The maintenance schedule was discussed and the Chairman confirmed that a Community Plan would be prepared in collaboration with the community. Roads were discussed and he stated that the Council did not have the power to undertake any work/responsibility in relation to roads, this was the role of CDC.

207/23

**To consider contents of TP1 relating to the transfer of POS from Vistry Ltd. and agree actions**

The Chairman confirmed the transfer document, TP1 would be added to the website but stated that it was a draft document and was still being updated.

The Chairman stated that running the village facilities came at significant financial cost and created a huge workload for the Council. The Village Hall, Tennis Courts, Bowling Green, Allotments, Skate Park etc. all required cleaning, maintenance, equipment maintenance, vandalism repairs etc. Recruitment of a Clerk and Assistant were discussed and the need for a committee structure to include volunteers with the Village Hall and Allotments being the priority. The bowling green was discussed, if no-one came forward to run it and there was no interest in using it, it would stay closed initially.

**ACTION** –Clerk to ask Vistry who was responsible for the tennis court boundary on the eastern side and overhanging trees.

An email from a resident in Mitchell Way regarding an area that needed to be restored to its original state was discussed. **COUNCIL AGREED** the work would be undertaken as it was potentially a health and safety issue.

**COUNCIL AGREED** the TP1 and associated documents/plans should be dated etc.

The Chairman confirmed that the POS contract was still the responsibility of Vistry and details of any issues should be sent by email to the Clerk who would liaise with Vistry. Once the POS has been transferred the Council would be able to maintain it how residents wanted it.

208/23

**Date of Next Meeting** - Monday 11 September 2023

Meeting closed: 21.20pm

Signed: ..... Date: .....  
Chairman

The draft minutes will be approved at the next Parish Council Meeting