

PAULERSPURY PARISH COUNCIL

Minutes of the Extraordinary Meeting of the Parish Council

held on Friday 6 October 2023
at Paulerspury Village Hall

commencing at 7:30pm

PRESENT: Mr Westall (Chairman), Mr Baker (Vice Chairman), Mr Wragg, Mr Barker, Mr Trubshaw, Mrs Westall, Mrs Fish

120/10/23 **APOLOGIES**

Apologies were received from Mrs Gee, Mrs Sawyer, Mrs Sawbridge and Mr Corbett. These were accepted by the council.

121/10/23 **MEMBERS' DECLARATION OF INTEREST** *for items on the agenda and update of Interests where required.* - None declared

122/10/23 **MEMBERS OF THE PUBLIC AND PRESS**

Comments are welcome from those attending the meeting. The total time allowed for this item is 15 minutes with a maximum of 3 minutes per speaker. Further public comment during the meeting is permissible only at the invitation of the Chairman.

12310/23 **ASH TREE PLUMPTON END**

To respond to a letter received from Mr and Mrs Hosken, The May Flowers, Plumpton End alleging council malpractice, threat of court proceedings and containing a demand for Council maintenance of the ash tree adjacent the Allotment site.

Mr Hosken Statement

Firstly we would like to acknowledge the attempt by Mr Trubshaw to diminish the council's obligation to us, allotment users, other visitors to the village and his efforts to protect the council and its staff from embarrassment and loss of respect.

PC Response

The visit from Mr Trubshaw was in no way an attempt to diminish any responsibility that Mr Hosken may feel the Council may have. It was felt by

the council that a more personal approach may help to resolve this situation rather than send more written communications that could be misconstrued.

Mr Hosken statement

Your current position we understand, is the council do not own the tree and therefore cannot insure something that is not owned. Simple answer just continue ownership as per your meeting: 26th Sep. 2013 119/8/13 "having received notification from Northamptonshire County Council that this tree was within the hedge line of the allotment site the council resolved to confirm ownership of the tree". The parish clerk had sought confirmation. Should you not accept ownership we are confident a court will pass judgement in our favour"

PC Response

As Mr Hosken has rightly stated, the PC cannot insure something that we do not own. The results of the survey instructed by our insurer into who actually owns the tree have been inconclusive. Therefore, the tree is not an insurable asset, this being the fundamental reason that the question was asked in the first place. For this reason, we cannot accept ownership of this tree.

Mr Hosken statement

Your argument of not giving preferential help to one individual does not stand up you might remember your correspondence regarding the maintenance of the tree to protect the allotment tenants and the tree as written by Sandra Barnes is an asset to the village.

PC Response

The PC has no bias to any individuals and as the custodians of public funds, we must be able to justify all expenses incurred. With regards to the statement from Sandra Barnes, as has been previously communicated to Mr Hosken, this was made prior to recent information coming to light.

Mr Hosken statement

Your actions clearly started as an individuals crusade and turned into a full on harassment and bullying campaign using your full insurance entitlement and other council resources.

PC Response

There has never been any intent from the council to cause any upset and we are dismayed that Mr and Mrs Hosken feel that this is the case. The council has purely been trying to seek to understand legal ownership and therefore responsibility for an asset that can then justify any future expenditure.

To date, we have been unable to achieve this despite efforts to seek clarity and guidance from Northamptonshire County Association of Local Councils, the WNC legal department and the Tree Preservation Officer, none of whom to date being able to alleviate this very difficult situation.

Mr Hosken statement

You proved yourselves that the tree did not belong to us even though your surveyor was given false information and met by the clerk and her witnesses.

PC Response

The same survey also proved that the tree does not belong to the PC. The council therefore feels that it is unreasonable to take the findings that favour Mr Hosken from that report as acceptable yet challenge the finding that it is also not in the ownership of the PC. At no point has any information provided by either the clerk or any other member of the council to any party been falsified.

Mr Hosken statement

As discussed with Mr Trubshaw, we are committed to a fair outcome and exposure of this awful bullying campaign we have been preparing for legal action against the Parish council.

PC response

The PC is also committed to a fair outcome and reiterate our position with regards to Mr and Mrs Hosken feeling bullied. Our communications have always been fact based and written in a professional, non-personal manner.

Mr Hosken statement

A contravention in your duty of care, your negligence and acts of falsity are glaringly obvious over the past two years.

PC Response

These are very strong accusations, and the PC would reiterate our professional non-personal approach to all matters relating to this dispute. There have been no proven acts of falsity and the council would not consider anything that we have done to be negligent in any way.

Responses to Mr Hosken's proffered solution:

A - The Parish council will need to continue to own the tree

PC Answer – The PC cannot accept ownership of the tree for the reasons already stated.

B - Immediate overdue action to maintain the tree will be put in place so that we can use our driveway. Along with a guaranteed maintenance plan going forward.

PC Answer

The PC continues to do all it can to establish the rightful owner of the tree in the most expedient way. As such, we continue to seek relevant information from the appropriate authorities. In the meantime, and without prejudice, Paulerspury Parish Council will take on any maintenance that the tree requires, until such time as the ownership can be established. This maintenance of the Ash tree will be carried out solely on the recommendations of the Councils preferred Arboreal contractor and as soon as planning permission has been granted.

C - Public acknowledgement that the council acted wrongly and Mr and Mrs Hosken deserve an unequivocal apology.

PC Answer

The Parish Council regrets any upset that may have been unintentionally caused whilst trying to resolve the ownership of the land and the tree.

D - We will require a commitment to cover a proportion of our costs for our survey, damage to our vehicle and nuisance claim.

PC Answer

As stated, the ownership of the land and therefore the tree has not been established, consequently Paulerspury Parish Council cannot insure the tree – therefore we cannot take any responsibility for any damage it may cause. I am sure that it can therefore be understood that if the council cannot insure the risk, we cannot be responsible for paying for any damage as this would come from the public funds for which we are legally responsible.

Given that the Parish Council is taking this action, we believe that this is a reasonable approach and that it brings this matter to a conclusion in full.

A response regarding the issues raised would be sent to Mr and Mrs Hosken

Next Meeting

THURSDAY 26 OCTOBER 2023 PAULERSPURY VILLAGE HALL 7:30 pm

The meeting closed at 8:42 pm