

**Minutes of Martham Parish Council Meeting
held in the School Room, Methodist Church, Repps Road, Martham
on 20th August 2008 at 19:30 hrs.**

PUBLIC FORUM

The Chairman opened the public forum by welcoming 20 members of the public, County Councillor M Carttiss and Borough Councillor B Coleman. Apologies were received from Borough Councillor Mary Coleman and PC Cook.

Mrs A Meakin explained that most of the public were attending because of deep concern about the blocking of the Nursery Close/ Black Street passageway and she thanked those who attended to show their weight of feeling against the blocking of the path. She explained that the path had been blocked off by Mr Rhodes of 36 Black Street on 25th/26th April thus denying the residents of Bell Meadow their right of access. She said that Great Yarmouth Borough Council planners had supported the original provision of access through the path and drive into Black Street. She explained that the owner of the passageway is John Investments Ltd who had recently offered to give the path to the Parish Council and she urged the Council to accept this offer and take responsibility for future maintenance and litter picking of the path.

Several questions were posed about the £1,000 contribution that the Parish Council made to the owner of Rose Lawn, Black Street in October 2004 towards the cost of the brick weave of his drive that joins Black Street and the Nursery Close passageway. The Chairman confirmed that no written condition had been imposed when making the payment.

Mr G London (former Chairman of the Parish Council) pointed out that for several years the Parish Council cleaned and litter picked the path and that the £1,000 was paid based on good faith and a verbal agreement with Mr Fields of Rose Lawn that the public would always be allowed access over the drive.

Councillor Carttiss said he was contacted when the passageway was blocked in April 2008 and had established that Norfolk County Council had not adopted the path. It appeared that Mr Rhodes does not own the path and has no legal right to block it. He said that none of the Local Authorities have powers to demand access to the path and only John Investments Ltd can enforce the opening of the path and that perhaps the Parish Council would ask them to take this action. He expressed the view that the matter was essentially a civil dispute over land access between neighbours.

Mr J Cobb of Bell Meadow said that Norfolk County Council had agreed to change the expected adoption of the path from the then developer only a matter of a few weeks before he bought his property and that as far as he could ascertain none of the residents were made aware that the County Council had refused to adopt the path when they purchased their properties. He was keen to safeguard use of the path for the future using legal means to do so. He went on to clarify the details of ownership of the path according to the Land Registry and the Chairman confirmed that it had been pointed out to Mr Rhodes at a meeting held with him on 28th May that he did not own the passageway to the rear of his property. This meeting was held to seek an amicable solution to the problem but was unsuccessful.

There followed a range of repeated questions concerning the history of the pathways and usage over the years. Mr Carttiss said the County Council would be willing to reassess adoption of the path if fresh proof of usage could be provided.

The session ended with calls from residents for the Parish Council to take ownership of the Nursery Close end of the passageway and enforce its re-opening.

Borough Councillor's Report

Councillor Barry Coleman reported that the overgrown land at the junction of Hall Road and Hemsby Road owned by Cripps Builders would probably be adopted in time but not until the tree there had been removed. He made an offer of a replacement.

He reported that the footpath assessment along Rollesby Road was only on the west side of the road from the old railway crossing to the playing field and would not extend as far along as 31 Rollesby Road which was the address of the resident who had made recent enquiries about progress with the path. Mr Coleman went on to highlight the future of the former First School which had just closed and urged the Council to consult as widely as possible on potential future uses of the site. It was pointed out that the Council had already done this last October/November and the Clerk would send a copy of the letter stating the Council's preferences to Mr Coleman.

The public forum ended at 20.46 hours.

COUNCIL MEETING

Those Present:

Councillors: T Brookman; T Gates; M Horrocks; M Huke; B Huxtable; K Jordan; P Manifold; T Watson and B Wright.

Presiding: M Huke.

Clerk in attendance: Peter Dawson.

1. Apologies

It was agreed to accept apologies from Councillors Beales and Carberry.

2. Declarations of Interest

None.

3. Minutes of Previous Meeting held on 16th July 2008

These having been circulated with the agenda it was resolved to AGREE the minutes subject to the name 'Councillor Wright' being substituted for 'Councillor Watson' in the final paragraph of the Public Forum notes. **Proposed** by T Brookman, **seconded** by K Jordan and **unanimously agreed**.

4. Actions arising from the minutes

4.1 Councillors Huxtable, Jordan and Wright reported back on the meeting they had attended on Wednesday 30th July at County Hall to hear about unitary authority plans where concern continued to be expressed about uneven future representation at a local level..

4.2 The Chairman referred to minute 6.1, page 369 of 16th July 2008 and a very constructive meeting he and Councillor Huxtable had since had with Borough Council Planners. They gained the impression that Parish Council planning observations were taken very seriously. In respect of the planning application for an extension at 33 The Green far more details had emerged to justify the decision to allow the application. The roof line had been reduced, the garage is to be retained and there is insufficient space left on the plot for the extension to ever be allowed to become a separate dwelling.

5. Nursery Close/Black Street

The Chairman explained that this topic was the main reason for calling an August meeting of the Council in what would normally be the summer recess. A site meeting had taken place on 8th August attended by Tony Wright MP, two of his caseworkers; representatives from Great Yarmouth Borough Council and Norfolk County Council; six Bell Meadow estate residents; three Parish Councillors and the Parish Clerk. There was general agreement at the site meeting that the Parish Council should be asked to seek ownership of the footway and since then solicitors acting for John Investments Ltd (owned by Derek Ingram) had written to the Parish Council

asking if it would accept a gift of the passageway subject to the Council paying both sides legal costs.

The interests of resident had been fully aired during the public session. Concern was expressed about taking ownership of the blocked passageway as this was essentially a private dispute between residents but the Parish Council had invested in improvements to the adjacent drive and some members felt the commitment made four years ago should be honoured. It was also suggested that legal advice be taken. Councillor P Manifold **proposed** that a letter be sent to John Investments Ltd saying the Council would be willing to accept the offer of a gift of the Nursery Close passageway only if they firstly arranged for the barriers to be removed and if a public right of way could be established over the 12' wide drive from the Nursery Close passageway to Black Street. **Seconded** by Councillor T Gates. **Unanimously agreed.**

6. Youth Club

Norfolk County Council had given verbal notice that it wished to terminate the lease of the Youth Club building but was prepared to make good repairs and pay rent due under the lease until its termination date. Members were asked to consider alternative uses for the building. It was agreed that no action be taken until formal notice was received in writing.

7. Finance

The schedule of invoices circulated with the agenda was approved for payment. **Proposed by K Jordan, seconded by B Wright. Unanimously agreed .**

8. Items for Information

8.1 Councillor Jordan reported the sad death of Ray Dickinson. It was unanimously agreed that the Clerk send a letter of condolence.

8.2 Councillor Brookman reported that the repeater signs were removed from Black Street because they are now illegal in a lit up area.

The date of the next meeting was confirmed as Wednesday, 17th September 2008 and the next Public Surgery is on 30th August when the representatives are Councillors Horrocks and Manifold.

The meeting closed at 21.20 hours.

Signed..... Dated.....
Chairman