

**MINUTES OF THE ORDINARY MEETING OF RADLEY PARISH COUNCIL  
HELD AT THE CHURCH ROOM, RADLEY, ON THURSDAY, 24 JANUARY  
2008 AT 7.30 PM**

**PRESENT:** Cr J Standen (in the Chair)  
Crs Crowley, Davies, Henderson, Johnston, Nutt, Rogers, D Standen,  
Yorston  
Mr Alastair Wallace attended for Item  
Eighteen members of the public

Mrs Jo Cartmell and Mr Peter Harbour spoke regarding Radley Lakes, asking the Parish Council to consider fully the need to go for Judicial Review.

Mr Mike Wilson spoke for the residents of Thrupp Lane opposing the application by Tuckwell & Sons to extend the use of the site for a further five years.

**1/08 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Crs Wilson, Wren and PC Delaney. The Chairman reported that Cr Wren had informed her that he had decided to resign from the Parish Council because of his business activities. The Clerk was asked to thank him for his help during the time he had been a Councillor, and set in motion the procedure to replace him.

**2/08 DECLARATIONS OF INTEREST**

Cr Crowley declared a personal and prejudicial interest in activities, finances and recent position of Save Radley Lakes.

Cr Johnston declared a personal and prejudicial interest in relation to Village Hall matters as he was Secretary to the Radley Village Hall Management Committee.

**3/08 MINUTES OF THE ORDINARY MEETING OF PARISH COUNCIL, 20  
DECEMBER 2007**

The Minutes of the Ordinary Meeting of the Parish Council held on the 20 December 2007 were **APPROVED** and signed by the Chairman with the following amendments:

Minute 187/07, 3(x) on page 120 should read: It was proposed by Cr Johnston, seconded by Cr Wilson and **AGREED** that a donation of £1,000 should be made. Cr Crowley left the meeting for this item.

#### **4/08 BUSINESS ARISING OUT OF THE MINUTES**

The Clerk reported:

- (a) **PLAY AREA:** The Clerk had spoken to Playdale sent them a digital photograph of the damage, and they hope to arrange for someone to come shortly. In addition, they would be replacing missing caps from the equipment.
- (b) **SCHOOL CROSSING PATROL PERSON:** No further information had been received from the Chairman of the School Governors.
- (c) **CONSERVATION AREA – LOWER RADLEY:** A letter had been received from the DC but the Parish Council questions have not been answered. A further letter had been sent, and the Clerk was asked to contact the Chairman and Chief Executive of the DC.
- (d) **NOISE/WORK AT STATION:** A reply had been received from First Great Western indicating that they were trying to undertake the work during the day, although this had not always been possible. The work on the bridge was almost complete, but another weekend would be required to lift out the old bridge. When the bridgework was done, work would begin on upgrading the station. This would be done alongside the OCC, so First Great Western felt this would enable them to publicise the work better.
- (e) **LAND BY BOWYER ARMS:** Clearance had taken place of the brambles which had grown across the footway.
- (f) **ADOPTION OF RADLEY STATION:** Copies of the necessary forms were being obtained. In addition Mr Adrian Saunders, OCC had been asked for an update on the timing of the upgrading work so that a meeting could be arranged to fit in with this.

#### **5/08 POLICE MATTERS**

- (a) **SPEEDING IN THE PARISH:** It was noted that the Special Constables were targeting specific areas in the Parish and would deal with drivers speeding and anti-social use of vehicles. PC Delaney had spoken to the Speed Enforcement Agency so speed vans should be based in the Parish from time to time.

#### **6/08 PLANNING MATTERS:**

##### **(i) New Applications**

- (a) Application from H Tuckwell & Sons Ltd – The development of land without complying with condition 25 of the planning permission (RAD/3963 for the extraction of sand and gravel, erection of plant) and the variation of that

condition to extend development for 5 years, Thrupp Lane: The Parish Council noted that the consultation period had been extended until the 18 February 2008. The Chairman reported that a meeting had taken place with OCC officers and representatives of the Parish Council and Thrupp Lane residents earlier in the week. Unfortunately there were many questions the officers could not answer, and the Clerk was asked to arrange a meeting with more senior planning officers to discuss the queries which were raised.

Cr Crowley outlined the objections he was preparing for the Parish Council, and the Parish Council **AGREED** that its original decision to object to this planning application but accept a temporary extension of six months to clear the site should stand.

The Chairman **AGREED** to attend the DC Planning Committee to outline the Parish Council's objections to this application.

**(ii) Permission Given**

- (a) RAD/20373 – Erection of single storey extension and replacement of existing flat roofs with pitched, 6 New Road.

**7/08 THRUPP AND BULLFIELD LAKES, RADLEY**

Mr Alastair Wallace, Solicitor, attended to discuss the possibility of taking the matter to Judicial Review following the decision of the Oxfordshire County Council not to designate Radley Lakes as a Town Green. A report prepared by Mr Wallace had been made available to all the Parish Councillors, but this included a lot of confidential information which could not be made available to the public.

There were many elements in the report which were of a confidential nature and therefore exempt information. **IT WAS AGREED** that Mr Wallace should discuss the issues from his report in general terms before the Parish Council went into Confidential session to decide what action it should take.

Mr Wallace gave the background to his report, indicating that he had acted for Mrs Jo Cartmell in relation to registering the land as a Village/Town Green. This application was made in October 2006, and determined by the Oxfordshire County Council (OCC), following a lengthy Public Enquiry, on the 14 January 2008, when it was decided not to register the land as a Village/Town Green.

If the OCC had decided to register the land, RWE Npower would have had the right of appeal, but the applicant did not have similar rights. However, because the decision was made by a public body, a challenge could be made by Judicial Review (JR). A JR was a remedy whereby the High Court in London exercised a supervisory role over the decisions of public bodies. The court could intervene to quash decisions on the basis that they had been made unlawfully. The court might, in such circumstances, refer the decision to the original decision making body for a fresh decision. JR was not an appeal. The court would only intervene on the basis of an error of law.

An application for JR could be made by any number of people – individuals, groups like the Parish Council, groups like Save Radley Lakes. It had to be brought promptly and in any event within three months. Permission to proceed was determined by the court on the basis of a reading of the case papers by a judge. Before final determination of the full claim, however, the matter would be listed for a hearing.

Mr Wallace outlined the grounds for JR. He stressed that a JR was the only solution available now.

The following points were raised:

1. The Standing of the Parish Council compared with Abingdon Town Council. The possibility of a joint approach was discussed.
2. The JR review would be against the decision made by the OCC. What if OCC decided not to defend, but RWE Npower decided to pursue. This was not thought to be a big risk.
3. If OCC agreed the Village/Town Green status after a JR, and RWE Npower appealed, the appeal could be against the applicant rather than the OCC.
4. The predominant use of the land is from Abingdon people, but Radley PC still had an interest as it is part of its Parish.
5. If JR succeeded what health and safety issues will fall on Radley PC? The responsibility for the land would remain with the landowner, RWE Npower.
6. The question of timing to apply for a JR was very important.
7. RWE Npower would be at risk if they decided to proceed with work on the site if a JR had been lodged.

Mr Wallace was thanked for preparing such a detailed report and for addressing the meeting.

Cr Crowley addressed the Parish Council stressing that in order to undertake judicial review proceedings in this matter, Radley Parish Council needed to be satisfied on five counts.

1. That it had sufficient standing in law to take the action.
2. That it had public support
3. That the financial risks were understood and manageable and that there was no risk to the fixed assets of the Parish Council or to its future projects, or to Councillors personally.
4. That there was a reasonable chance of success.

5. That the action would have the desired outcome of preventing the destruction of Thrupp Lake and its being turned into an ash dump.

Cr Crowley elaborated on these five points so the Parish Council was fully aware of the reasons to consider them.

**IT WAS AGREED** that the Clerk should prepare a letter to Abingdon Town Council on consultation with the Chairman and Vice-Chairman, asking if it would consider taking the lead on this matter or acting in partnership with Radley PC. The Chairman **AGREED** to attend and speak at the meeting of Abingdon Town Council on Wednesday, 30 January 2008.

## **8/08 FINANCIAL MATTERS**

- (a) **ACCOUNTS FOR PAYMENT:** It was proposed by Cr Johnston, seconded by Cr Rogers and **AGREED** that the following accounts should be paid:

(i)	Miss S E Raven:		£456.28
	Salary, January 2008:	£379.28	
	Village Cleaner, February 2008:	£77.00	
(ii)	Mrs K Sharp – Salary, January 2008:		£139.33
(iii)	HM Revenue & Customs – Income Tax/NI:		£340.41
(iv)	British Gas – Sports Pavilion:		£130.07
(v)	Radley College:		£314.66
	Rent for Village Pond and Car Park:	£64.66	
	Rent for Gooseacre Playing Field:	£250.00	
(vi)	Tony Stoye – Website Work:		£100.00
(vii)	Open Spaces Society - Subscription:		£30.00
(viii)	Copycat Services – Photocopying:		£33.42
(ix)	Abingdon and District CAB –Donation:		£300.00
(x)	South and Vale Carers Centre – Donation:		£250.00
(xi)	Oxfordshire Association for the Blind – Donation:		£50.00
(xii)	Gone Sailing – Donation:		£100.00
(xiii)	Junior Citizen Trust – Donation:		£50.00

- (xiv) Oxfordshire Children’s Information Service – Donation: £100.00
- (xv) Victim Support – Donation: £100.00
- (xvi) Radley History Club –Donation: £50.00
- (xvii) Save Radley Lakes – Donation: £1,000.00

Cr Crowley did not vote on this item.

- (b) **RADLEY VILLAGE HALL:** Cr Johnston reported that the work should commence the middle of February. He had spoken to the Environmental Health Officer about the work being undertaken, who was willing to do some tests once the work had been completed to see if the VHMC could get back the Entertainments Licence. The VHMC were not seeking to get a Bar Licence. The Clerk reported that there had been no reply from the DC about the request to match the additional expenditure.

**9/08 CONSERVATION**

- (a) **ACTION ON “ENVIROCRIMES” – POWERS FOR PARISH COUNCILS:** A date had not yet been arranged for the two DC Environment Wardens to attend a Parish Council meeting.
- (b) **CONSERVATION WORKING PARTY:** A letter has been sent to Radley College asking for a representative. The Clerk was asked to call the first meeting once a representative from Radley College was known.
- (c) **PLACES FOR PEOPLE – FOOTPATH 8:** An application has been made to TOE.

**10/08 HIGHWAY MATTERS:**

- (a) **INCREASED TRAFFIC ALONG THRUPP LANE/CONDITION OF THRUPP LANE/NOISE FROM RECYCLING VEHICLES:**

It was noted that Veolia expected to relocate the lorries used for West Oxfordshire, and Cr Johnston repeated the assurance he had had that no recycling lorries would be based in Thrupp Lane once the new contract was agreed. It was reported that since the last meeting there had been lorries from Croydon, but it was thought these were replacing the Veolia lorries which had been vandalised.

- (b) **TREE – FOXBOROUGH ROAD:** No date was available for the removal of the tree, but the OCC Tree Officer hoped to have this information by the next meeting of the Parish Council.

- (c) RAILWAY BRIDGE, LOWER RADLEY: The Clerk was pressing for the date when the pedestrian signs would be put up.
- (d) CONDITION OF ROAD BY 35/36 STONHOUSE CRESCENT: No information was known about possible repairs to this part of the road.

#### **11/08 AWARDS TO LOCAL PEOPLE**

This item was deferred until the next meeting. The Clerk would prepare a paper setting out some proposals.

#### **12/08 LAND REGISTRY**

The Clerk reported that she had obtained further information from the Oxfordshire County Council, which indicated:

- (i) Village Green, Lower Radley: This area had been registered in 1977, and this registration was in the name of the Parish Council.
- (ii) Triangle of land at Lower Radley: This land was part of the highway and the Parish Council should consult with the Area Engineer if it wished to maintain it. It was proposed by Cr Johnston, seconded by Cr Crowley and **AGREED** that an approach should be made to the Area Engineer.
- (iii) Common Lane: The Clerk was asked to ascertain the position regarding the registration of this land.

#### **13/08 PARISH WEBSITE**

The Clerk was asked to ensure that the agenda for meetings was on the website before the meeting, and Minutes were put up once they had been approved by the Parish Council.

#### **14/08 REPORT OF DISTRICT AND COUNTY COUNCILLOR**

Cr Johnston reported:

- (i) Vale of White Horse DC: The contract for the Old Gaol had been finalised and, as reported in this week's Abingdon Herald, it had been awarded to Cranbourne Homes Ltd. It was expected that a planning application would be put in by the middle of May. As part of the deal, ten properties in Springfield Way would be social housing and not sold on the private market, and the total development would produce twenty-four new social dwellings.

Questions were raised about ABITS, and it was confirmed that this group was still meeting.

- (ii) Oxfordshire County Council: The OCC was concentrating on budget matters so that the OCC Council Tax rate could be fixed.

## **15/08 CORRESPONDENCE**

### **(i) FOR ACTION**

- (a) Vale of White Horse DC:
  - (i) Health Improvement Plan – Consultation Meeting, 29 January 2008: The Parish Council would not be represented at this meeting
  - (ii) Community Grants – Funding Surgeries, January – March 2008: Noted
  - (iii) Executive’s Initial Budget Proposal 2008/2009: Noted
- (b) Oxfordshire Rural Community Council – News Bulletin, January 2008  
A meeting has been arranged to discuss Changes to the Post Office Network in Oxfordshire on Thursday, 14 February 2008 at 2 pm at The Holt Hotel, near Steeple Aston: Councillors noted the date of this meeting in case it was necessary to attend.
- (c) Department of Communities and Local Government: Consultation on Orders and Regulations relating to the Conduct of Local Authority Members in England: The Parish Council did not wish to comment on this document.
- (d) Letter from Mr Laurence Hook asking to hire Gooseacre football pitch to re-establish the Radley Men’s Football Team: The Parish Council considered this request but **AGREED** that the Gooseacre playing field was fully used at present by the Radley Youth Football Club, and that it was not possible to offer facilities to the Radley Men’s Football Team at the present time.
- (e) ASHTAV – Regional Meeting, 26 January 2008, at Garden Organics Henry Doubleday Hall, Ryton-on-Dunsmore, Warwickshire: Adapting to Survive: The Future of Heritage in Small Towns and Villages: Noted
- (f) White Horse Harriers Athletics Club – 26<sup>th</sup> White Horse Half Marathon, 6 April 2008, Grove: This would be advertised in the Parish
- (g) Kidney Research UK – London Bridges Walk, 6 July 2008: This would be advertised in the Parish.
- (h) Radley Swimming Club – Request for Donation: This would be put on the agenda of the next meeting

- (i) RoSPA – Inspection of Areas Where Children Play 2008: The Clerk would book the Annual Inspection.
- (j) Oxfordshire Playing Fields Association – Play and Sports Seminar for Town and Parish Councils, Wednesday, 14 May 2008, Steeple Aston: The Clerk was asked to obtain details of this event so that one place could be booked.
- (ii) FOR INFORMATION**
  - (a) Clerks and Councils Direct, January 2008
  - (b) Oxfordshire County Council – Home2School Newsletter, Spring 2008
  - (c) Oxfordshire Playing Fields Association Newsletter, Winter 2007/2008
  - (d) Oxfordshire Primary Care Trust – Annual Report 2006/2007
  - (e) ASHTAV News 2007
  - (f) Queensbury Bus Shelters – Information
  - (g) ClimateXchange:
    - (i) Communities Competition – Closing Date 8 February 2008
    - (ii) Joining the Dots2 – Oxon Climate Communities, Tuesday, 26 February 2008
  - (h) Local Council Review, January 2008
  - (i) Blueton – Street Furniture
  - (j) Wicksteed Playscapes

**16/08 NOTIFIED BUSINESS**  
NIL

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

**CONFIDENTIAL MINUTE, 24 JANUARY 2008**

The Chairman formally moved that the public and press be excluded from the meeting on the grounds that if they were present there would be disclosure to them of exempt information relating to legal and financial affairs.

**17/08 APPLICATION FOR TOWN GREEN STATUS – THRUPP AND BULLFIELD LAKES, RADLEY**

Cr Crowley left the room during the proposing of, discussion and voting on, the main motion.

Further discussion took place on the document prepared by Mr Alastair Wallace. The Parish Council **AGREED** unanimously that in principle it was prepared to pursue the Judicial Review, subject to public consultation.

The Parish Council **AGREED** to hold an Extraordinary Meeting of the Parish Council on Tuesday, 29 January 2008 to discuss further the issues relating to this matter.

Date: .....  
Chairman