

**BARHAM PARISH COUNCIL**

**MINUTES OF THE EXTRA ORDINARY PARISH COUNCIL MEETING HELD IN BARHAM CHURCH HALL, ON THURSDAY 16<sup>th</sup> MAY 2024, 7.00pm**

**PRESENT:** Vice Chairman Casey Woollorton, Cllr Brenda Mitchell, Cllr Paul Fenn, Cllr Marilyn Lesley, Cllr Bonnie Head, Cllr Graham Head, Cllr Ian Woods & Cllr Julie Gregory. Also present the Clerk.

**THE MEETING WAS NOT OPEN TO THE PUBLIC AND TO BE HELD IN PRIVATE UNDER S.1(2) OF THE 1960 LGA. THIS IS DUE TO PROFESSIONAL LEGAL ADVICE WHICH IS TO BE DISCUSSED AND ALSO THE SENSITIVE NATURE OF THE ITEMS.**

**1.05 APOLOGIES**

- a. **Apologies for absence.** ESC Cllrs John Whitehead and David Penny, SCC Cllr Chris Chambers.
- b. **Consent/non consent to absence.** NA

**2.05 COUNCILLORS DECLARATION OF INTERESTS**

- a. **Declaration of interests with regards to any item on the agenda – None.**  
The Vice Chairman reminded that depensation's have been granted to the members of the Barham Country Park Community Charity to last for one year.

**3.05 TO CONSIDER THE LEGAL ADVICE RECEIVED FROM BIRKETT'S SOLICITORS REGARDING DISPOSAL OF OPEN SPACE LAND AT BARHAM PICNIC SITE LOCAL GOVERNMENT ACT 1972 SECTION 123 (2A) FURTHER TO PUBLIC CONSULTATION WHICH HAS BEEN ADVERTISED IN THE EAST ANGLIAN DAILY TIMES NEWSPAPER FOR 2 CONSECUTIVE WEEKS.**

The Vice Chairman explained that the legal advice received from Birketts Solicitors was that as the land is considered public open space then the PC must advertise its intention to dispose of it in the local news paper for at least 2 weeks. This the PC has now done, now the PC must consider any objections received after the advertisements before any final decision is made on the disposal. With this in mind the Chairman asked the councillors, further to the decision which the PC made on 12 December to give a freehold to the Charity are they still happy to do so? A vote of 6 in favour to continue to give the freehold to the charity and 2 against. A majority vote, the Chairman will instruct the PC solicitors to draw up the paperwork.

**4.05 TO CONSIDER A LETTER RECEIVED FROM N D SERVICES, BEFORE ACTION, FOR FILING WITH THE SMALL CLAIMS COURT IF THE INVOICE PREVIOUSLY RECEIVED FROM ND SERVICES IS NOT PAID IN FULL BY THE PARISH COUNCIL.**

The Chairman explained that a letter dated 19 April 2024 had been received from Mr Debenham/ND Services asking for his invoice to be paid within 7 days, if not paid he will file with the small claims court. On the 23<sup>rd</sup> April 2024 the PC was is in receipt of a claimant by Mr Debenham from the county court. The Vice Chairman informed that the PC must now decide if it intends to defend all of his claim, or intends to defend part of his claim, or to consent jurisdiction.

The Vice Chairman asked the PC to consider to defend part of the claim, a show of hands is a unanimous decision of all against defending part of the claim.

The Vice Chairman asked the PC to then consider and accept the court's jurisdiction and consent to judgement, a show of hands is a unanimous decision to defend the claim and to put in a counterclaim for costs.

The Parish Council to complete the County Court Claim form and will then instruct Birketts solicitors to act on behalf of the PC on the case.

The meeting ended at 7.55pm.

**Chairman .....**

**Date .....**