

Members are requested to:

- NOTE this report and the attached information
- CONSIDER the way forward

Background

Jan 2019 Minute ref 008/19: Resolved that the Council researches the issue of gaining access rights to the Community Field, making use of appropriate legal advice and paying for such legal advice from the budget set for furtherance of this project by Council resolution in November 2018. It was further resolved that the Clerk include all Council land assets whilst seeking advice

The letter below and Table (18a) were received from Bevirs Solicitors – September 2021

Lydiard Millicent Parish Council

I have now reviewed the deeds situation and if you let me have your postal address please, I will post out to you a ring binder with copies of various documents in it.

In the meantime, I attach a copy of the deeds table which reflects the documents that I hold.

There are few issues to highlight:

Initially Deborah Bourne had instructed me on behalf of the Lydiard Millicent Parish Council to prepare a Deeds Schedule (Terrier). However, the deeds could not be located and it took quite a lot of effort for them to eventually be tracked down at Lloyds Bank. The documents I hold here are those which Lloyds Bank provided.

However, not all documents appear to be present. The missing documents are:

- a) The play area
- b) The main part of the cemetery

In April of this year, Deborah Bourne contacted me to say that there was a potential dispute with some residents who lived near the play area.

Due to a potential conflict of interest, we were not able to assist and so Clarke Willmott were instructed, I understand, to deal with voluntary first registration of the play area on the basis that the deeds were missing. I was able to provide some copy documentation to assist.

However, it now appears that Clarke Willmott have in fact applied to register the recreation field. I still hold the original deeds to the recreation field. Would you like me to send them to Clarke Willmott so that they can then conclude the work with the recreation field and the play area?

I should say that at the moment, the Land Registry are taking many, many months to process such applications and in many cases well over a year, so it will not conclude quickly.

I hope that my comments in the 'Comments' section of the enclosed table are helpful.

So far, the Parish Council has spent £600.00 plus VAT on legal fees (that was for the work until April 2020). In addition, I have disbursements that is copy Land Registry documents which I have incurred on behalf of the Parish Council in the sum of £31.00. That sum has not yet been paid and indeed not yet invoiced.

Clearly, if I am to carry out further work, we will need to agree fees to be incurred but in the meantime, you can confirm that I can send an invoice for the disbursements (which will be £31.00 plus VAT) and where I should send it to, that would be very helpful.

Bevirs

Update

The deeds have been collected from the Solicitors

Sarah Hill Wheeler has offered to work with Councillor Patrick Cole to work on this.

Tina Jones

September 2021