HPCAG Letter Bullet Points

1. Community Garden

- The community garden has several lease, planning, and health and safety issues that must be addressed.
- An independent Health and Safety Inspection identified hazards requiring action to protect public safety.
- The Parish Council has a legal duty to comply with the law and implement the inspection's recommendations.
- A new lease has been agreed with the landowner to ensure clarity and compliance with planning permission.
- A consultation has already been conducted via a poll delivered to every household.
- The Council considers a further consultation an unjustified expense and must ensure value for taxpayers' money.
- The Parish Council was last elected in 2023, with five councillors elected unopposed.
- Four councillors have since resigned, and on each occasion residents had the opportunity to request a by-election under the Local Government Act 1972, but none was requested.
- There are currently three vacancies on the Parish Council, open to eligible residents.
- The next scheduled election is in 2027, when all qualifying residents can stand for election.

2. Outdoor Gym Expenditure

- The majority of respondents to the consultation supported the installation of outdoor gym equipment.
- The Council is currently assessing the project's feasibility, including planning permission requirements.
- No formal proposal has been developed at this stage.
- The Parish Council complies with the Transparency Code and the Accounts and Audit Regulations.

3. Response to Requests

- **Suspend the community garden closure:** Not possible due to the Health and Safety Inspection findings and the Council's legal duty to remove identified hazards.
- **Provide transparency on the outdoor gym project:** There is currently no formal project plan, so no procurement or approval process exists yet.
- **Hold an Extraordinary Public Meeting:** The Council already holds monthly public meetings where residents are welcome to attend, ask questions, express views, and present alternative proposals.

CG Letter Bullet Points

Meeting requests

- No evidence that the Community Garden Committee requested meetings which the Parish Council ignored.
- Clerk's email account contains no record of such requests.
- Parish Council repeatedly invited the Committee to discuss future plans (June 2025 minutes, two Councillor emails, February 2026 letter offering a meeting at a convenient time).
- These invitations were declined.

Health & Safety

- Committee met two Councillors and its own H&S assessor on 4 July 2025 for an insurance risk assessment.
- Committee declined to provide the Parish Council with a copy of the report.
- Parish Council therefore commissioned its own inspection (Attachment 1).
- Independent H&S inspection identified hazards requiring action.

Meetings held

- Committee Chair and members met the Parish Council Chair and two Councillors to discuss the site's future.
- Contemporaneous notes sent to CGC in lieu of their H&S from July 2025.
- No further meeting requests received from the Committee since.

23 June emails

- FOI request received - response will be issued within the statutory 20 working days.
- Separate email responded to on 24 June requesting evidence of a signed agreement supporting the Committee's claims.

Planning and lease compliance

- Parish Council's objective is to return the land to compliance with the approved CDC planning permission.
- Community Garden has breached planning permission & lease conditions (PRINT OUT).
- Lease breaches were identified and communicated in June 2025.

Council's legal duties

- Independent H&S inspection identified safety hazards.
- Parish Council has a legal duty to protect public safety and comply with planning and lease obligations.
- Council has no option but to implement the recommendations and remove hazards.

Resident consultation

- Independent consultation undertaken in September 2025.
- Poll delivered to every household with a 33-day response period.
- Further consultation cannot be justified due to cost and value for taxpayers' money.

Legal status of the Community Garden

- Committee has never held a lease, licence, tenancy or other legal agreement.
- Occupation was permitted only through the Parish Council's lease.
- Permission did not create any independent legal right to remain.
- Continued occupation in breach of planning/lease obligations places the Parish Council in breach.

New lease

- New lease agreed with the landowner to ensure compliance and clarity.
- Lease is between the landowner and Parish Council only.
- No rights are granted to third parties without a separate legal agreement.

Notice to vacate

- Two weeks' notice issued on 19 June 2026 to remove all Committee property, including the shed and contents.
- Notice followed the H&S assessment on 19 May 2026, attended by Committee members – has been published on the website.
- No written occupation agreement exists specifying a notice period.
- There is no statutory requirement for three months' notice in these circumstances.

Trespass and theft allegations

- Parish Council rejects allegations.
- As leaseholder, the Council has exclusive possession and legal control of the land.
- Following notice to vacate, previous permission to occupy does not create ongoing possession rights.
- The Council cannot trespass on land it lawfully leases.

Notice served

- Notice to vacate sent by email and hand-delivered on 19 June 2026.
- Subsequently published on social media.

Social media

- Parish Council requests removal of misinformation unless evidence is provided to support the claims.
- Council policy not to respond to comments on social media.
- False statements may be defamatory.
- Legal advice indicates the Council may consider legal remedies if inaccurate statements remain, as per advice received.

Next steps

- Committee asked to contact the Parish Clerk to arrange access for removal of its property.