

2 Yarmouth Road,
Kirby Cane,
Norfolk.
NR35 2HQ

9th February 2016

Kirby Cane and Ellingham Parish Council.

Dear Clerk, Chair and Councillors,

Meeting of Kirby Cane and Ellingham Parish Council 15th November 2016

The minutes of the above meeting have an item recorded below the official record as follows:

18. To consider correspondence relating to local charities: Councillors had all received copies of correspondence relating to the Ellingham United Charities and Sand & Gravel Charities. The chairman and clerk explained their consultations with the solicitor at NP Law and the advice that had been given, namely that the council did not insure the lands in question, was not registered as owning them, and did not have them on its asset register. Even if the correspondent could prove that the council had once owned them, the law of adverse possession would have long ago extinguished any rights. Also, the council could not be forced to own something it did not wish to own. The solicitor's advice was that if the correspondent wished to take the matter further they would have to apply to the High Court at their own expense for a declaration that the council owned the land, and would have to prove their case to the court's satisfaction and overcome the law of adverse possession. The solicitor's advice was to respond that the council did not own the land and would not enter into any further correspondence on the matter, and the clerk should file any further correspondence and not take any action. His opinion was that no court would criticise the council for this action. Councillors agreed that the clerk should reply to the correspondent accordingly, and add "as previously stated" and "[any correspondence] whatsoever". Councillors also approved that, subject to the outcome of the Ellingham United Charities forthcoming meeting, the clerk should reply to the correspondent to re-confirm that it was not possible to make a donation to the Sand & Gravel Charity.

As there is no evidence whatsoever of this item being considered at a properly constituted meeting:

I am now asking via the Freedom of Information Act 2000 for copies of the correspondence, email or otherwise, between the Clerk, Chair and other councillors concerning Item 18 from below the minutes of the November 15th 2016 meeting. I am also asking for full details of councillors present for Item 18, those who took part in discussions, what dispensations were asked for and given and what interests were declared.

Whilst I will communicate this request via recorded delivery post, I will take the date for the start of FoI proceedings as from the date of this email.

I look forward to receiving the required information in the time scale afforded by the Freedom of Information Act 2000.

Yours sincerely,
Rod Cooke