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PATRINGTON PARISH COUNCIL

Chair: Councillor Mr David Snaith

Clerk: Mrs Diane Chapman

**Minutes of the Council Meeting of Patrington Parish Council
Held in Patrington Village Hall on 11th May at 7.20 pm**

- 15) **COUNCILLORS PRESENT:** Mr D Snaith(Chair), Mr T Bearpark, Mr J Edmunds, Mrs C Lythe, Mrs K Mckinley, Mrs L Massey Davis, Mrs J Ralph, Mr R Snaith, Mr M Theaker and Cllr C Tuplin
- 16) **GUESTS :** Ward Councillor Mr Sean McMaster and Mr Jon Dimberline and Members of the public sixteen.
- 17) **ERYC UPDATE FROM WARD COUNCILLOR:** Ward Cllr McMaster addressed the meeting and gave a verbal report
The Do It for Yorkshire Grant has reopened. He has visited Winestead and conducted a walk about with the residents regarding road repairs, and will report to ERYC Highways.
Ward Cllr Jon Dimberline gave a verbal report. Spoke about speed watch and Town Smart and 2 more volunteers from Patrington. Update on Kiln Lane and the culvert. Both he and Cllr Mcaster will be involved in the PRIDE in Place funding.
- 18) **PARISHIONERS QUESTIONS: Three members of the public spoke. MP2, MP1 and MP3.**
My name is MP2 and I am speaking as a resident to address the recent resignation of our former Chair, and the events surrounding the removal of the dangerous tree.
First, I want to formally state that the former Chair has done an outstanding job for this community. She has been a decisive, dutiful and dedicated leader. It is a huge loss to this parish that she felt forced to resign, after being pressured over a decision made purely for the safety of our residents.
Regarding the tree: I want to be very clear about the legal principle of Duty of Care. Under English Law, once a Council is informed that a tree is 'dangerously defective,' it has a legal obligation to ensure that harm is prevented.
The former Chair received reports from a resident of a genuine danger. Had she ignored those warnings to wait for 'red tape' and paperwork, and had that tree fallen and caused a severe accident, this Council would be facing a massive negligence claim. Common sense dictates that when lives are at risk, you stop the accident first and sort the administrative sections second. Public safety must always come before bureaucracy.
Under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, a council has explicit discretionary powers to deal with dangerous trees on private land that pose an imminent risk to persons or property. The Chair acted precisely within the spirit of this law to prevent harm.
The Chair's decision was a common-sense application of the principle of duty of care: when life is at risk, you remove the danger first and settle the bill later.

Signed Date

Whilst a landowner is ultimately responsible, if the Council is warned of a danger and does nothing, we share the negligence. Paying for a tree surgeon is a small proactive cost, compared to the millions in liability the Council would face if that tree had fallen, after being warned about it.

The former chair consulted a tree surgeon, another parish councillor & the Council which shows diligence not recklessness.

For the record, I am not here to argue sections; I am here to discuss the Council's fundamental Duty of Care to prevent a tragedy. Public safety is the priority.

I am also concerned about transparency. The draft minutes of the extraordinary meeting were finally published only a few days ago, just days before this meeting. It felt strategic, more like 'compliance by the skin of one's teeth' rather than a genuine effort to be open with the community about what had caused a highly respected chair to resign.

In summary: Heaven forbid a serious accident had occurred whilst we were debating red tape. The former Chair acted in good faith to protect us all. I would hope that going forward, the principle of duty of care precedes technicalities in dangerous incidents such as these. I would like these comments to be formally recorded in the minutes of this meeting.

MP1 addressed the meeting and asked about the bin on Haven Road. The Clerk replied she had contacted ERYC. Ward Cllr Dimberline will also speak to ERYC. MP1 asked why the land that the Parish council owns in Patrington Haven is used by the Burns Head as a beer garden and no rent is received. MP1 ask questions regarding finance and if a running budget could be put on the website and question about payment for internet and telephone which the Clerk answered.

MP3 informed the meeting that MP4 will be filming while he is talking.

MP3 addressed the meeting and gave a verbal report of what he did on 12th March and the events afterwards.

19) **APOLOGIES** : Cllr G Walker

20) **DECLARATIONS OF PERSONAL AND PREDJUDICIAL INTERESTS**: None

21) **MINUTES OF EXTRAORDINARY MEETING HELD ON 9TH APRIL 2026**

The minutes of the extraordinary meeting held on 9th April 2026 after being duly circulated were adopted as a true record. Proposed Cllr J Ralph and seconded Cllr J Edmunds. Unanimously agreed

22) **MATTERS ARISING FROM THE ABOVE MEETING:**

Cllrs L Massey Davis said the advice that was given at the meeting was incorrect and read out the email she had sent to the Councillors prior to the meeting.

It seems difficult at first to comprehend that land can be owned by the crown estate but simultaneously for them to not have any responsibility for maintenance repair or putting right. But that is exactly what Bona Vacantia means.

The land was Escheated to the crown when James Robert Builders Ltd was wound up in 2007. There is some dispute about why as usual the ERYC council did not adopt the land. For a while they maintained the grass and there was a notice saying that the land was owned the ERYC and no ball games were permitted. This sign and grass cutting ceased when the ERYC realised the legal ownership of the land. But not before they did some serious damage to several trees. The Crown have sold 2 parcels of land for at least £30,000.

Signed Date

There are many parcels of land around the village like this and they could cause a range of problems for our community.

In the case of Westgate Manor the law is clear. The money cannot be forcibly reclaimed from residents. It is also illegal to force the residents to take responsibility for trees which are not on their own land.

A partially fallen tree which presents a danger to life and limb must be dealt with as soon as possible. It isn't the responsibility of the residents, no more than a fallen tree would be the responsibility of residents. It isn't a private street. (I can provide detailed legal support for this assertion)

Regulation 5.3 allows for exceptional action in emergencies.

How Regulation 5.3 Protects the Chair's Action:

- Explicit Exception for Emergencies: This regulation explicitly acknowledges that in an "emergency"—such as a precarious, dangerous tree—the standard rules requiring multiple quotes or prior council authorisation can be set aside.
- Safety Over Procedure: The presence of this clause proves that the Council's own rules prioritise public safety over administrative bureaucracy. If a tree surgeon was hired without a formal tender process because the tree was in "immediate danger to life and limb," the Chair acted exactly as the regulations intended for an emergency. She notes that several people including herself had tried to both contact other members of the parish council, ERYC, Crown Estates and even the fire service. All reasonable action was taken
- The Clerk's potential Overreach: The Clerk cannot use Regulation 5.3 to block payment. Once the emergency exception is invoked by the Chair in the Clerk's absence, the action is validly authorised. The Clerk is an employee of the Parish Council and cannot veto a decision taken by other councillors which are within the standing orders or justified under the Common Law. The Clerk's duty is to record the exception, not to veto it retroactively.

How regulation 16.3 allows councillors to make a decision in the absence of the Clerk in exceptional circumstances:

- The "Absence" Trigger
The regulation specifically names "periods of absence" as a reason to temporarily amend the rules. Since the Clerk was on holiday, the council's standard financial "machinery" was broken. The Chair acted to fill that gap to prevent a public safety disaster.
- Retrospective Resolution
16.3 allows the Council to pass a "duly notified resolution" to temporarily change the rules for that specific event
- The Argument: "Under Regulation 16.3, we are now passing a resolution to temporarily amend our spending procedures to account for the Clerk's absence and the exceptional safety risk of the tree. This makes the Chair's action fully compliant with our own rules."
- Exceptional Circumstances (The Tree)
A precarious tree on "Schrödinger's ownership" (Crown/Bona Vacantia where the crown own the land but bear no responsibility) land—where a previous tree had fallen and was lying across another weakened tree which could fall—is the definition of an "exceptional circumstance."
- The Chair's decision was not a whim; it was a response to a documented physical danger that couldn't wait for the Clerk's return or for two higher bodies the ERYC and crown to shift responsibility backwards and forwards.

Signed Date

- **The Doctrine of Agent of Necessity and Public Safety**

The former Chair's actions are justified under the common law doctrine of **Agent of Necessity**, which empowers an individual to act in an emergency to prevent "imminent danger to life or limb" when the responsible party is unreachable. Because the land is held by the Crown Estate as Bona Vacantia, there is no active owner to manage the risk. The Chair acted to mitigate a precarious hazard—a tree that posed an immediate threat to the public—after another had already fallen.

To have left the hazard in place while the Clerk was on holiday would have been a dereliction of the Council's general duty of care. This emergency action creates a valid justification for the Council to settle the bill, as it prevented a foreseeable tragedy and far more costly negligence litigation.

- **The Legal Immunity of Westgate Manor Residents**

The residents of Westgate Manor have no legal obligation to pay for the removal of trees on land they do not own or control. Under the Occupiers' Liability Act 1957, responsibility for hazardous trees lies solely with the "occupier"—the party with legal control of the land. Furthermore, the Local Government (Miscellaneous Provisions) Act 1976, which provides statutory powers for councils to deal with dangerous trees, explicitly limits the recovery of costs to the owner or occupier of that specific land. There is no provision in English law that allows a Parish Council to bill neighbours for maintenance on third-party land simply due to proximity. Any attempt to force residents to pay would be legally baseless and ultra vires (beyond the Council's authority).

- **Contractual Liability and Reputational Risk**

Under English law, the Chair entered into a valid verbal contract with Yorkshire Tree Surgery by authorising the works. As the Chair had "apparent authority" to act for the Council in an emergency and attempted to contact other councillors for their input, the Council—as a corporate body—is the debtor.

- Refusing to pay the invoice leaves the Council vulnerable to a Small Claims Court action for non-payment, which would inevitably result in additional legal fees, interest, and a court order against the Council.
- Furthermore, the two councillors involved could potentially seek redress for reputational damage if the refusal to pay—and any associated accusations of misconduct (an investigation by the standards committee) —causes serious harm to their standing.

Resolving this via a resolution to pay is the most effective way to protect the Council's standing in the community and the personal reputations of its members. Accepting and acknowledging that the former chair Cllr Murphy and Councillor Theaker were acting in exceptional circumstances and under pressure would seem the right thing to do. These actions will enable the Parish Council to draw a line under these exceptional events and move forward get on with all the other many tasks it needs to undertake as community volunteers.

The Chair said the Clerk had not blocked or veto any payments the meeting had agreed to wait for further advice before payment was made. No discussion was held by the meeting regarding Cllr Massey Davis email.

23) **MINUTES OF PREVIOUS MEETING HELD ON 11th APRIL 2026:**

The minutes of the meeting held on 11th April 2026 after being duly circulated were adopted as a true record. Proposed Cllr C Tuplin and seconded Cllr K McKinley. Unanimously agreed.

Signed Date

24) MATTERS ARISING FROM THE ABOVE MEETING:

a) **Westgate Manor –**

- i. No discussion was held on the information received from SLCC. Cllr D Snaith proposed that given the contractor acted in good faith and the Parish Council pay the invoice. Cllr C Tuplin Seconded and the meeting unanimously agreed. **Mr J and Mr M Farmery left the meeting at 7.40pm.**
- ii. The Chair asked if all Councillors had read the emails and would like to discuss the emails and the meeting agreed to move on. Mr Farmery emails to the Clerk are available to view on the website patrington-pc.gov.uk.

b) **Planters, Hanging Baskets and Flags –** Cllr Lythe will have an estimate by the June meeting. The hanging baskets are up but either 3 more hanging baskets are need or purchase 4 Parish Council flags. Cllr Tuplin proposed the purchase of 4 flags and Cllr Lythe seconded the meeting agreed. Cllr Massey Davis asked if the flags could be designed by the schoolchildren.

c) **Christmas Lights Switch On - The** meeting discussed the date of the light switch on which would be Sunday 29th November and it is the same day as the Church Christmas Market. If there are non-charity Stalls at the light switch on we have to pay for a licence. Cllr Massey Davis said the light switch on effect the Church Christmas Market. Cllr Tuplin disagreed and held his hand up towards Cllr Massey Davis, which she did not, appreciated and asked for it to be minuted. The meeting also discussed not holding an event this year and turn on the lights in time for St Patricks Christmas Market. The Chair proposed that the Switch On is Sunday 29th November and Cllr K Mckinley Seconded. 7 voted in favour 2 against and 1 abstained.

d) **Green Lane off Holmpton Lane –** This matter has being on going for many years. The land is access to 2 fields and Mr Dyson has put up a gate and people cannot walk down the lane. The Parish have previously looked at who owns the land but were unable to find out. Cllr J Dimberline will speak to ERYC to see if they own the land. The Clerk will try to find out if anyone owns the land.

e) **Telephone Box-** The Clerk will order the supplies to maintain the telephone box and Cllr Edmonds and Mr Cropper will complete the work.

f) **St Patricks Church –** Cllr Lythe agreed to attend the monthly Parochial Church Council meetings on behalf of Patrington Parish Council.

g) **ERYC Planning enforcement Plan Update 2026 Consultation Draft-** The Parish Council will make no comment but any Cllrs who wish to make a comment can do so as a member of the public.

25) PLANNING

a) The Council considered the below application and unanimously agreed the following decisions:-

- I. **26/00988/TCA** Winestead Conservation Area – fell 11no Leylandi trees as one has half blown down so removing will prevent risks of further damage. Grange Hall Bydales Lane Winestead. HU12 0NN
Mr Ellis Tree Works in Conservation Area – **No Comment**
- II. **26/00928/TCA** Patrington Conservation Area – Fell 2no Conifer trees (T1 and T2) as they have outgrown their position and starving the garden of light; Remove 1no lower limb from 1no. Conifer tree (T3) as it has previous stress fracture that runs light through the limb. Canada House 32 Church Lane Patrington HU12 0JR Mr J Harper. Tree works in Conservation Area - **No Comment**

b) The meeting noted the following ERYC decisions on previous consultation applications: - NONE

c) Outstanding planning applications updates: NONE

Signed Date

26) FINANCE

- a) Payments which had being made were unanimously approved: D Chapman £890.65 ,M Cropper £494.77 , P Bunfield £250 (Bus shelter) ERYC Cemetery waste £334.16 , ERYC Cemetery Rates £362.44, Business Stream water £312.67, Nisbetts £125.58, SLCC £158.00, WHA Volwes £28.55, T Fash (Hanging baskets) £480
- b) The following payments to be made were unanimously approved: Yorkshire Tree Surgery £1500 + VAT
- c) Receipts: None
- d) The meeting considered and approved the adding of Cllr J Ralph onto the mandate. Cllr D Snaith and Cllr J Edmunds are also signatures.

27) COMMITTEE REPORTS

Verbal reports were given in respect of the following:

- a) **Cemetery and Churchyard:** Churchyard is tidy and the weed killing has started. The Cemetery needs a cut and the Clerk will speak to Mr Smith.
- b) **General Purpose:** Mr Catt has asked if he can repair the posts at West Kell and if The Parish council will purchase the wood. The meeting agreed that the Parish would pay for the wood and to get it from MKM.
- c) **Personnel:** Mrs Chapman and Mr Cropper need their appraisals.
- d) **Village Hall:** The bank account needs changing.
- e) **Playing field and Recreation Club:** All running smoothly. New play equipment and the gate needs repairing. Applied to DIFY for a grant for new play equipment.
- f) **SHAPE:** The next meeting is 20th May in Withernsea.

28) OTHER ITEMS OF INFORMATION – The Clerk gave a verbal report of the following items:

- I. ERYC Archives letter asking if we would like to house our minutes with them.
- II. ERYC email re DIFY grants
- III. ERYC email confirming parish council can co-opt the vacancies.

29) ANY OTHER BUSINESS:

- a) **Items on next agenda;**
 - i. Cllr Massey Davis proposed the Clerk ask the Society of Local Council Clerk (SLCC) for further advice on the information she had provided regarding the trees removal in the email she read out item 22. Cllr C Lythe seconded. Once the information is received this will be discussed at the next meeting along with the advice received on the information the Clerk had also provided to SLCC.
- b) **Items for information only;**
 - i. Cllr M Theaker read a letter out from Mrs H Murphy (a copy is available from the Clerk) It states that Cllr D Snaith asked her to sign cheques after she resigned and after looking online her husband Mr Murphy said it could be classed as fraud so she declined to sign the cheques. The Clerk should know this. The meeting agreed that the Clerk report Cllr D Snaith to ERYC Standards Committee for failing to comply with the Code of Conduct. Amendment to minutes The Clerk apologised to the meeting and Cllr D Snaith for the error and the Clerk would raise the matter with the standards committee. 7.15 pm 8/6/2026 Cllr D Snaith and the Clerk signed the mintues.

30) NEXT MEETING

The meeting confirmed the next Council Meeting will be held on 8th June 2026, 7.00 pm in Patrington Village Hall.

The Chair thanked everyone for attending, and closed the meeting at 20.25 pm.

Signed (Chair)

Date