



# Ottery St Mary Town Council

Minutes of the **PROPERTY AND LAND COMMITTEE MEETING** of **OTTERY ST MARY TOWN COUNCIL** held in the in the Council Offices, the Old Convent, 8 Broad Street, Ottery St Mary on **WEDNESDAY 18<sup>TH</sup> AUGUST 2021** at 2.00pm.

**PRESENT:** Councillor Grainger (**Chair**), Cllrs Stewart, Johns, Faithfull and Christine McIntyre (CEO)

PL21/08/01

## **TO RECEIVE APOLOGIES**

Cllr Lucas

PL21/08/02

## **TO RECEIVE DECLARATIONS OF INTEREST FOR ITEMS ON THE AGENDA AND RECEIPT OF REQUESTS FOR NEW DISCLOSABLE PECUNIARY INTERESTS (DPIS) DISPENSATIONS FOR ITEMS ON THE AGENDA**

<b>Name of Councillor</b>	<b>Agenda Item and Interest</b>
Vicky Johns	<b>Strawberry Lane, Ottery Community Volunteers, Museum</b> Cllr Johns is married to Rob Johns who works on various Council properties and is Chair of Ottery Cricket Club Cllr Johns is a Director of Ottery Community Volunteers
Dean Stewart	<b>Ottery Community Volunteers</b> Cllr Stewart is a Director of Ottery Community Volunteers
Richard Grainger	<b>Allotments</b> Cllr Grainger rents a Council allotment

PL21/08/03

## **IN CONSIDERATION OF THE PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960 (PUBLICITY WOULD BE PREJUDICIAL TO THE PUBLIC INTEREST BY REASON OF THE CONFIDENTIAL NATURE OF THE BUSINESS TO BE TRANSACTED): TO AGREE ANY ITEMS TO BE DEALT WITH AFTER THE PUBLIC AND PRESS HAVE BEEN EXCLUDED**

No items needed to be discussed in confidential session

PL21/08/04

## **TO APPROVE AND SIGN THE MINUTES OF THE PROPERTY AND LAND COMMITTEE MEETING OF 22<sup>ND</sup> JUNE 2021**

The Minutes of the Property and Land Committee Meeting of 22<sup>nd</sup> June 2021 were approved and signed by the Chair

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PL21/08/05

## **TO CONSIDER THE COUNCIL`S PROPERTY PORTFOLIO UPDATE PREPARED BY THE CEO AND TO MAKE RECOMMENDATIONS (IF APPLICABLE)**

### **CEO`S PROPERTY PORTFOLIO UPDATE**

#### **Development of a Strategic Property Plan - Janine Gardener**

As at 22<sup>nd</sup> July, no progress had been made with supplying Janine Gardiner from Local Council Consultancy with the information she required, to enable her to form an overview of the Council`s Property Portfolio. It was **AGREED** that the Chairman would formulate a response, with the assistance of Cllr Stewart, if required. He gave an assurance that the information would be provided prior to him going on holiday

#### **Other avenues to explore**

The CEO met with Garth Millard (formerly from NPS and a retired surveyor). He no longer had any professional indemnity insurance etc and thought the work involved of managing the Council`s Property Portfolio may infringe on his interests etc. The information was noted

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### **The Council Offices**

#### **Safety Checks**

It was **RECOMMENDED** that Argos (Exeter) carry out all the checks etc and the Council enter into a three year fixed contract with them. It was further **RECOMMENDED** to contact Rob Johns regarding the testing of water (legionella prevention)

#### **Coronavirus**

All the Council`s employees were now back working in the offices but with the flexibility to work from home `as and when` necessary. All the measures put in place for Covid, were remaining in situ – antiseptic wipes; antibacterial soap etc

#### **Tenants**

The only tenant remaining, was Hostcomm who had relocated to Office 3 (now known as Office 2). They had signed a new three year tenancy agreement (with an option for both parties to terminate earlier if required) commencing on 1<sup>st</sup> August. The CEO was currently in Office 1. Jane and Kerry were occupying the downstairs office. They will relocate to Office 3 (formerly Office 2) in due course and the plan was for all three staff members to occupy Office 3. No redecoration or new carpets was required. Office 1 would be used for meetings and as a `quiet room`.

There was an issue with Offices 2, 4, 6 and 7 regarding rateable values (based on office size). It appeared that some of the measurements (taken many years ago) and used to calculate the rateable value of the offices, may be inaccurate. This could effect the rates being paid by any future tenants and Hostcomm. The CEO had referred the matter to the Valuation Office. The downstairs office was exempt from the payment of rates but any other offices used by the Council would be subject to rates. It was **RECOMMENDED** that the vacant offices (4,6 and 7) be advertised for letting

The Community Volunteers had signed a licence for the use of the meeting room and chamber as a community larder and for volunteering purposes. The licence was for an initial three month period commencing on 18<sup>th</sup> July. Cllr Stewart **AGREED** that the seats removed from the chamber and meeting room (currently in the corridor) would be taken into Office 4

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### Cellar

It was **RECOMMENDED** to obtain quotes for works to the cellar. The area to the right appeared more affected by water and not useable. There had been damage to the walls and only one of the lights worked. It would be useful if the area in front of the door, could be used more productively ie storage of the gazebos as they were so heavy and would prevent people having to duck under the archway when collecting/returning them.

### Cleaner

It was **RECOMMENDED** to source a replacement cleaner for Marilyn (who cleans the Council Offices and the Station) for when she is on holiday or sick. Cllrs Lucas and Stewart had provided details of contacts who may be able to assist which the CEO would follow up

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## Strawberry Lane

### Pavilion

#### Safety Checks

It was **RECOMMENDED** that Argos (Exeter) carry out all the checks etc and the Council enter into a three year fixed contract with them. It was further **RECOMMENDED** to contact Rob Johns regarding the testing of water (legionella prevention)

### Cricket Club

The following was noted:-

1. Written Consent had been received from Mr Cave re the restriction on the land re the playing of softball cricket
2. Rob Johns had advised that the Cricket Club was keen to progress a lease but they were seeking S106 funding so this would need to be dealt with before the lease could progress

### Bowling Club

#### Potential BMX Track

It was noted that the Council had granted a lease back in 1993 to the OSM Bowling Club. The lease was subject to a Deed of Surrender of Part (2009) and a Deed of Variation (2013). The Deed of Surrender contained a provision whereby the Council agreed not to use part of its land as a BMX track. However despite the Deed of Surrender not being registered with the Land Registry by the Bowling Club's lawyers; the Council's lawyers advised that the Council would still remain bound by the covenants as the Council was contractually bound to the Bowling Club. Successors in title to the Council may not be bound if the Bowling Club did not get the covenants registered with the Land Registry. It was **AGREED** that the CEO check the title deeds re the provision of access etc which Cllr Stewart believed may be restrictive

The Water pipe leak had been dealt with. The CEO had contacted the Bowling Club re amendments to a lease. She understood they may require amendments to the plan. She was waiting to hear from them

### Petanque Club

A meeting would be taking place with the Club next week regarding the proposed relocation of the Piste. It was **RECOMMENDED** that the Club be given a 12 month rental holiday for any inconvenience caused in respect of the relocation. It was understood that it may also be necessary to relocate electrical lighting etc.

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## Tennis Courts

### Shed

The shed had now been emptied of all its contents, apart from a chest freezer which was still in situ. It was **AGREED** that the Chairman and Cllr Stewart would investigate the freezer. Cllr Johns would make enquiries as to whether any party required the freezer

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## Allotments

The CEO advised that revised allotment agreements were being drafted. There was provision in the agreements for the Council to provide and pay for personal insurance for allotment holders. The CEO advised that this was incorrect and the term was historical. Allotment holders had been notified of the position. Delegated authority had been obtained for the Council to pay the premium for the insurance cover as a 'one-off payment' (on behalf of the Ottery Allotment Association) which would cover the personal liabilities of each allotment holder. The insurance was offered through the National Allotments Association. In future years the allotment holders would have to make their own provision

### **Jane Bushby Admin Assistant had advised of the following:-**

*'Rats – I have approached EDDC with a view to dealing with Council shed – use of by plot holders. Access to the code and possible use for seed sharing etc. Rubbish clearance - quotes have been obtained and discussion with Richard G and Stewart ongoing. Need to contact plot holders to arrange to place rubbish in an agreed place. Committee doing further inspections and check on what rubbish is still present. I have contacted six tenants so far regarding untidy plots but have since been notified by plot holders of others. Committee doing another check in the next two weeks. Widening of the roadway of plot 2 – to be dealt with in the autumn AGM – to be held in September with the hope of enlisting more committee members. Clearance of plots left which have not been cleared for the new tenant. Possible signage 'slow down, allotments exist'*

The aforementioned was noted

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## Cemetery

A memorial toppler test had been carried out by Orchard Memorials. There were several memorials which had had to be laid down because of safety concerns and a number of memorials required repairs. There would be issues with tracing relevant Exclusive Right of Burial owners (some of whom would be deceased) who were responsible for the repair/maintenance of graves etc. The time involved would, in a lot of cases not be cost effective to investigate. Therefore the Council needed to have a budget for the repairs. It was **RECOMMENDED** that notices be placed on each affected grave for a period of one year. Families may, if they saw the notices come forward offering to pay the costs, but if not, then the Council in August 2022 would have to decide whether it would pay for any of the repairs to the memorial stones

It was noted that there was a huge problem with the cemetery plan. There were numerous errors which had arisen in past years and not been dealt with. The website and the maps in the folders were not up to date. Plot numbers needed to be checked against the maps to see

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where the errors were. Vacant plots needed to be marked correctly on the maps. This would be a huge task

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## The Museum

### The Proposed 20+ years lease and an agreement for lease

It was noted that the Council had not progressed this (hence the reason for having Tenancies at Will (TAWs) to allow for further negotiation time). The proposed lease was in respect of the former print shop, library, the three former toilets. The Silver Band Room was excluded but it would make sense to include this in the lease to the Heritage Society ('HS') and the HS then sublet the room to the Silver Band. The agreement for lease was to clearly define the works to be carried out to the property and to indicate who was responsible for specific payments etc. It would also contractually bind the HS into entering into a lease with the Council. An agreement for lease would protect the Council and would also provide transparency as to how public money had been used. To date this had not yet been actioned.

It was understood that Skyblue a local company could provide a quote for works. It was also **RECOMMENDED** that an approach be made to the HS via Cllr Roger Giles to see whether the HS would consider having a Council representative on their charity.

### **Kerry Kennell Deputy CEO has advised of the following:-**

*The current situation with the museum is that Richard Gomm has been asked to stop work until advised otherwise. Rob Johns met at the Station with Western Power to look at the power supply with a view to moving where it enters the building as it is currently at the top of the stairs, and also to upgrade it to support a lift. The view of Richard, Stewart & Rob is that this work needs to be completed first. Quotations will then be obtained for the outstanding works which need to be commissioned by the council. The fire extinguishers had recently been checked. It was not considered at this stage that a fire risk assessment be carried out. Once the works had been completed a full fire assessment could be carried out*

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## The Silver Band Room

The Silver Band had now resumed occupancy of their room (July 2021).

The lease drafted by Gilbert Stephens did not meet Land Registry requirements and had had to be re-drafted. The final version was approved and signed off at the August TC Meeting. The lease had now been completed and dated 6<sup>th</sup> August 2021

### Fire Risk Assessment

A Fire Risk assessment was carried out in February 2020

The recommendations were:-

1. to change fire extinguisher notice to the correct one
2. Electrical units require to be PAT tested

### Vents

There have been ventilation concerns in the Silver Band Room. Tony Stokes of Damp Proof & Timber Preservation Ltd (which had now ceased trading) had visited the premises and located vents above the windows which provided ventilation but suggested that as a further

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measure that a vent could be cut through the area boarded up (where there was previously an exit) to go through to the bottom of the stairway. It was **RECOMMENDED** that companies which specialised in this type of work be contacted for quotes. It was noted that all the aforementioned works would be included in the list of works

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## **The Station**

### Rates

It was noted that rates would need to be paid on the premises for 2021/21

### Portacabins

Both are vacant. A County Court judgement had been issued against Anne Pearson, a defaulting tenant in the sum of £994 plus fees. This matter would now go down the route of High Court Enforcement Officers pursuing recovery (removal of goods, payment, or payments agreement). Initially the Council had interest from Rotary; the Carnival Committee; The Honiton Camera Club and Rio for the use of the portacabins. There was much discussion including the suggestion of the Community Larder using the portacabins (or one portacabin) for the larder. It was subsequently **RECOMMENDED** that the CEO check with the Hub in the first instance to see if they required a portacabin and then contact the Carnival Ctte and Rotary to see if they would share a portacabin and split the cost of the usual monthly rent. It was noted that the portacabins needed to be secured which was a condition of the 2016 planning consent and which had not been actioned by the previous Council. It was suggested that contact be made with DCC to see if they had a list of contractors who would be able to do this type of work. New Planning permission for the portacabins had been granted in 2021 for a five year period.

### Bookings and Other Matters

#### **Kerry Kennell – Deputy CEO has advised:-**

*The current situation with the Station is that most of the bookings are by regular hirers - Headlight, 06, OHS, Silver Band and Slimming World. Bookings are currently being taken manually and entered in a diary with invoices being produced on Word. Rialtas Training for the facilities management system is in early August from which point we will have the ability to take online bookings and produce online invoices. Depending on the progress with the new website will depend when this goes live. The alarm has had it's annual service (June 21), Gas Check (March 21), Fire extinguishers serviced ( June 21) Electrical test carried out (March 21). Broadband is due to be installed at the end of July which will improve the WiFi available to hirers. One quote has been obtained for upgrading the entry system and further quotes are being sought but unfortunately companies are quite reluctant to quote at the moment! I have two quotes for a Fire Risk Assessment. The last two committee meetings have been cancelled due to not being quorate. Attached is an appendix of items needing attention drawn up during a meeting with Stewart, Sarah, Rob J and myself.*

Fabric of the Building – see Appendix attached which details repairs/improvements required

### Cleaner

It was **RECOMMENDED** to source a replacement cleaner for Marilyn (who cleans the Council Offices and the Station) for when she is on holiday or sick. Cllrs Lucas and Stewart had provided details of contacts who may be able to assist which the CEO would follow up

It was **RECOMMENDED** to contact Rob Johns regarding the testing of water (legionella prevention)

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## Skate Park

### **The history is as follows:-**

#### Access Issues

The School closed the accessway between certain hours and gave the reason for so doing as safeguarding issues. However, as between DCC and the Town Council, the closure of the access is a derogation of grant and breach of the terms of the lease by DCC as Landlord. Access to a Property is a fundamental right and thus DCC is obliged to provide an alternative access and the cost of doing so is not a justification for not providing it.

#### Legal Issues

A Deed of Variation and Licence to Sublet was required to be completed between DCC and the TC and then the new sublease could be entered into between the TC and the Station Charity as it was understood that the Ottery Skatepark and BMX Trust ('the Trust') was intending to wind up.

#### Other Issues

Jenny Bryant NPS Surveyor advised that it would take time to resolve the issue of the access way. The legal work (licence and deed of variation) could be progressed quite quickly now if the access way was to be dealt with separately. However to deal with the access way separately could result in more legal costs and the issue may be put on the back burner with no solution in sight.

### **UPDATED PROPOSALS BY THE TC**

It was subsequently suggested and agreed by the Council previously that rather than the Council taking a lease from DCC and then subletting the property to the Station, that the DCC grant a new lease directly to the Station, thus removing the Council from the transaction entirely.

The CEO contacted John Campion to ascertain whether the Station charity still wished to have the skatepark transferred over to it and he responded by stating:- *..... that the existing lease 'simply' be amended, with the same terms and conditions and expiry date, to one where the tenant of DCC becomes the Trust with the Town Council being removed.*

**Tim Walmsley – the Council's solicitor has advised:-** *‘If the parties want the sublease to remain in place then the head lease could be surrendered. A surrender would not extinguish the sublease. The head landlord (DCC) will become the landlord of the of the Trust on the terms of the sublease. However, DCC is under no obligation to accept the surrender of the sublease’.* It was **RECOMMENDED** that the Council as tenant request a surrender of the Head Lease and that DCC becomes the landlord of the Trust

#### Grants

It was noted that all outstanding monies for 2019/20 and 2020/21 requested by the Trust/Station for maintenance etc had been paid to the Trust.

Any future expenses for the skatepark would only be considered if the Trust/Station submit an application for a community grant payment. The Trust/Station had been advised of this fact.

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The Library

It was **RECOMMENDED** that Argos (Exeter) carry out all the checks etc and the Council enter into a three year fixed contract with them. It was further **RECOMMENDED** to contact Rob Johns regarding the testing of water (legionella prevention)

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**Car Parking Spaces – Factory Site**

The legal work is progressing (albeit slowly) . The Council`s solicitor advised on 19<sup>th</sup> July `I am still waiting for confirmation that the last few points are agreed and have chased`. There were some land slippage issues in the vicinity (unconnected with the car parking) which Cllr Faithfull was dealing with

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PL21/08/06

**MISCELLANEOUS PROPERTY MATTERS**

There were none

PL21/08/17

**TO RECEIVE COUNCILLORS' QUESTIONS RELATING TO PROPERTY AND LAND**

There were none

The meeting concluded at 15.50 pm

<b>SIGNATURE OF CHAIRMAN</b>	
<b>DATE OF SIGNATURE</b>	

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