



Ottery St Mary Town Council

Minutes of the **PROPERTY AND LAND COMMITTEE MEETING** of **OTTERY ST MARY TOWN COUNCIL** on **Wednesday, 1st July 2020 at 1.00pm**

The meeting was conducted virtually in accordance with Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020

PRESENT: Councillor Grainger (**Chairman**), Cllrs Stewart, Johns, Faithfull and Lucas and the CEO

PL20/06/01

TO RECEIVE APOLOGIES

Cllr Dobson

PL20/06/02

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

Cllr Johns	Strawberry Lane- Cricket Club lease – Personal Interest
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PL20/06/03

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

Those items marked *relating to items of expenditure in respect of the Council's Property Portfolio where quotes have been received (Agenda Item 5).

PL20/06/04

TO APPROVE AND SIGN THE MINUTES OF THE PROPERTY AND LAND COMMITTEE MEETING OF 28th JANUARY 2020

The Minutes of the Property and Land Committee Meeting of 28th January 2020 were approved and would be signed at a later date

PL20/06/05

TO CONSIDER THE COUNCIL'S PROPERTY PORTFOLIO AND ALL OUTSTANDING MATTERS RELATING THERETO AND TO MAKE RECOMMENDATIONS ACCORDINGLY

a. The Council Offices

CORONAVIRUS

It was noted that Ottery Community Volunteers had signed a licence agreement to formalise their occupancy of the rooms/toilet in the Council Offices during the Pandemic.

It was agreed and accepted that the Government's current advice for employees to continue to work from home would continue. One commercial tenant had initially been keen to resume his occupancy of his office and had advised he would keep the toilet and kitchen

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clean. However the CEO had obtained advice from the Council's insurers who had expressed concern that the Council would potentially be in breach of these guidelines if it allowed the tenant to re-occupy his office, thereby potentially invalidating the Council's insurance cover. The Council **RECOMMENDED** that the recommencement of occupancy by any tenant/employee would therefore only be allowed if the advice of the Government was such. It was understood that one tenant's lease had expired (Office 7) and another would expire on 14th July (Office 6). The two remaining tenancies would expire at the end of the year. It was **RECOMMENDED** that tenancies at will be offered to the tenants of Offices 6 and 7 to terminate at the end of the year and then full leases be offered to all four tenants to commence at the beginning of the year so that all tenancies would run concurrently

NPS Building Survey Report and Equipment Schedule – Essential Works est at £6134

A Building Survey Report and Equipment Schedule had been e-mailed to the Committee and the essential repairs had been noted. £50,000 had been put aside for building maintenance of all Council owned buildings. It was **RECOMMENDED** that the Council should invite tenders for building repairs in respect of this property and that Dacks should be included in the invitation. The Chairman was keen to ensure that all the Council's buildings were kept in good condition and met all health and safety legislation, as they were assets of the community. In addition the Chairman emphasised that as a landlord and freehold owner, the Council had a statutory duty to keep the properties in good order. It was noted that any proposed works would need to fit in with the IT works proposed for the Council Offices, subject to the current BT works which were currently underway

*CEO's Current Office (the proposed Reception Area)

The CEO had approached six firms and an individual contractor. The only quotes received were from Richard Gomm. who had provided two quotes. The quotes included laminated attack glass. The cheaper quote from Mr Gomm was **RECOMMENDED** for approval as it provided for the existing area to be used (removing the doors) and inserting the glass with a small tray (to allow documents to be slid under the glass). On the office side a roller blind would need to be installed to allow for privacy when the reception area was not open to the public. It was **RECOMMENDED** that Mr Gomm's cheaper quote be accepted and a small blind be purchased

*Office 1

The Help Scheme had now vacated Office 1 and the CEO and Deputy CEO would be moving into this room, once the new receptionist/administrator was appointed and the government advice confirmed that it was safe to recommence occupancy. Quotes had been received to redecorate the room and it was **RECOMMENDED** that Terry Pike who was on the Council's list of approved contractors be appointed to carry out the job. It was noted that if Dulux paint was used his quote would be slightly higher. A quote has been obtained from Carpets Collect to re-carpet Office 1 for the same colour/type of carpet as in the CEO's current office. It was **RECOMMENDED** that this quote be accepted. The CEO advised that there were sufficient desk/chairs in Office 1 but it may be necessary to purchase an additional locked storage cupboard. In addition it would be necessary to arrange for someone (if Richard Gomm was unable to do this) to move the filing cabinets etc from the CEO's current office to Office 1. There were some old filing cabinet which also needed to be disposed of. This would incur a cost. However a budget had previously been agreed for all the works and these costs would be well within budget. It was **RECOMMENDED** that all these costs be incurred.

*Technical Side

Al Findlay has been contacted re IT and telephone requirements in Office 1. He had provided advice about network cabling and telephones. However Cllr Stewart advised with regards to the cabling that as it was intended to upgrade the building's IT provision (but

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couldn't be carried out until BT had finished the works in the town) and that for the moment the cabling work would need to be put on hold. It was however **RECOMMENDED** that Al Findlay's recommendation (Option 2 for the phone provision (Hybrid onsite PBX)) be agreed but the phone providers be reviewed before the Council enters into any contract. It was also **RECOMMENDED** that the CEO be provided with a mobile phone for work

Car Parking at the Council Offices and Feniton Park

The CEO advised that when the Council purchased the Council building it did not purchase any land at the front for parking. Therefore the Council's boundary ended at the front steps. The Council had rights to park five vehicles in accordance with the 2008 transfer. It was extremely unlikely that the parking bays would be re-marked, as required by the Council, (providing four bays at the front and a further bay at the rear of Feniton Park's sales room). Feniton Park's solicitor had advised that Feniton Park would not permit the Council to have one space at the rear of the sales room in any event, as all these spaces were required for future owners of the shop and the owners of the flat. The transfer provided that five spaces had to be provided by Feniton Park but did not specify at which locations. Therefore Feniton Park had complied with the transfer, by providing 5 spaces at the front of the building, albeit that some of them were crammed in. It was agreed that it would be a waste of public money to pursue the issue legally and it was **RECOMMENDED** that no further action be taken

Request of Removal of Restriction by Feniton Park (which restriction is in favour of the Council re the access way and relates to Feniton Park being unable to dispose of any part of the access way unless the person(s) who acquire part of the access way purchase it subject to the Council's rights and enter into a deed re the burden)

It was noted that Feniton Park's solicitor had indicated that if the Council did not give consent, he would apply to the Land Registry to get the restriction removed unilaterally. The Council's solicitor has advised that legally he should not be able to do this and she had now put the Land Registry on notice. It was unclear as to why Feniton Park required the removal of the restriction which was for the benefit of the Council

b. Strawberry Lane

NPS Building Survey Report and Equipment Schedule –Essential Works est at £430

A Building Survey Report and Equipment Schedule had been e-mailed to the Committee and the essential repairs had been noted. It was **RECOMMENDED** that these be incorporated within the tender (as for the Council offices) for repairs.

Cricket Club Lease

It was noted that written consent has been received from Mr Cave re the restriction on the land re the playing of softball cricket. A plan has been prepared by NPS showing the land proposed to be leased to the Cricket Club. Boundary responsibilities were not shown on the plan so they would need to be agreed. Rights of access would also need to be granted over the driveway and across the Council's retained land to access the pitch. There would also need to be a contribution paid by the Cricket Club as to the maintenance of the access way and parking spaces. The Cricket Club also required the use of the pavilion and parking which had not been requested initially. Other terms had previously been agreed. It was **RECOMMENDED** that the CEO arrange a meeting with the Bowling Club the Cricket Club and members of the Committee to deal with these issues. Cllr Lucas agreed to take the lead on this.

MUGA

The CEO advised that the plan prepared by NPS showed where the proposed MUGA could be sited. However it would encroach onto the Petanque pitch. Cllr Stewart advised that during the pandemic central government was not requiring district councils to seek payment of S106 funds from developers which effectively meant that without funding the proposed

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Council 106 projects would have to be put on hold until the government changed its stance on the funding issue.

c. Tennis Courts

NPS Building Survey Report and Equipment Schedule - Essential Works estimated at £50,000

A Building Survey Report and Equipment Schedule has been e-mailed to the Committee which contained details of essential repairs to be carried out. It was **RECOMMENDED** that these should not be included in the tender for works

Shed

It was noted that during the Pandemic the Pixie Club had been unable to remove its belongings from the shed. It was **RECOMMENDED** that the matter be revisited when practicable

d. Allotments

The Chairman advised that a further water tank was required in the allotments due to water pressure issues. It was **RECOMMENDED** that this be agreed and a budget of £200 be used for the tank and the Chair would liaise with the CEO re the purchase of the same. It was understood that an allotment holder was keen to allow her dog on the allotment for the benefit of her son.. The dog was an emotional support animal ('ESA') required for a person's ongoing mental health as part of their on-going treatment programme. These type of dogs were registered and had their own registration card. It was **RECOMMENDED** that the status of the dog be checked and if satisfactory it was **RECOMMENDED** that the dog be permitted on the allotments subject to the owner ensuring that it was kept under control and the owner ensured any dog faeces were removed

The Chairman was of the view that another site preferably on the other side of town was required for additional allotments and he was keen to pursue this further

e. Cemetery

Shaun Davey regularly carried out the grounds maintenance to a good standard. The CEO had instructed Shaun to carry out safety inspections of the memorial stones as there were no written records to suggest that this had previously been carried out by the Council. Once Shaun had completed the checks the Council would know which stones require attention and the funding implications if holders of the Exclusive Rights of Burial could not be traced to pay for the costs of repairs. Shaun had brought to the attention of the CEO in the past few days that a number of trees on the western boundary had been felled recently without the Council's consent. These trees were not subject to TPOs or were in the Conservation area. It also appeared that land may have been incorporated within the gardens of adjoining land owners. If this was the case then it was extremely serious as it was consecrated land. It was **RECOMMENDED** that the CEO check all title deeds again for certainty of land ownership details and then (if appropriate) write to the adjoining owners about the matter. The letter to be approved by the Committee in the first instance.

f. The Museum

Maintenance and Safety Issues

NPS Building Survey Report and Equipment Schedule- Essential Works estimated at £79,597

A Building Survey Report and Equipment Schedule had been e-mailed to the Committee which contained details of essential repairs which were required to be carried out. However it was **RECOMMENDED** that these works should not be incorporated within the tender at this stage. In addition the Heritage Society ('the Society') had provided a list of works requiring several thousand pounds of expenditure (including addressing asbestos issues).

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Fire risk assessments had been carried out in respect of the entire building (inc the Silver Band Room) with a list of issues which required attention. It was **RECOMMENDED** that as a responsible landlord the works should be carried out as a matter of urgency. With regards to all other matters pertaining to the Museum it was agreed that following receipt of the surveyor`s report in respect of the roof, that a virtual meeting with the Society should be set up to deal with the numerous issues. Cllr Lucas would be happy to assist the Society with a virtual meeting. It was also **RECOMMENDED** that grants be applied for which would assist with the cost of the works. It was noted that the Society may be willing to contribute towards the costs of the works

A Schedule of cabling and other works proposed to be carried out by the Society had been submitted to the Council`s insurers who confirmed that they were happy for the Society to progress them. The CEO believed that the works had now been completed

There had been ventilation concerns in the Silver Band Room. Tony Stokes of Damp Proof & Timber Preservation Ltd had visited the premises and located vents above the windows which provided ventilation but suggested that as a further 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 prior to the proposed vent works being carried out, that they were checked by the Fire Risk Assessor to ensure that they did not contravene any fire regulations.

Apex and Dacks had viewed the exterior of the roof which they considered to be in good condition. They did not look at the interior of the roof. NPS advised that due to H&S they had not been permitted to look at roof voids. David George of Forde George Chartered Building Surveyors was carrying out a survey today

Richard Gomm had repaired the rotted lower stair stringers, newel post and bottom tread riser; he had yet to replace the non-compliant glazing in the main entrance inner screen door with safety glass (the glass supplier has been furloughed). Richard had also installed a new loft hatch

Legals

The CEO advised that two tenancies at will had been completed in respect of the Museum and former disabled toilet. The CEO had prepared a `Letter of Comfort` which the Society had accepted re various matters. The Heads of Terms for the lease still had to be agreed. The rent and maintenance obligations appeared to be sticking points. There were two other secure leases that were `held over` in respect of two buildings - the former male and female toilets. The CEO had suggested that these leases be surrendered by the Society and then the two buildings incorporated with the remainder of the building (excluding the Silver Band room) for the final lease.

Finance

It was **RECOMMENDED** that the CEO contact the Society again to request an official copy of their accounts/ten year financial plan which the Finance and Property and Land Committees would need to consider

g. The Station

Maintenance and Safety Issues

NPS Building Survey Report and Equipment Schedule – **Estimated essential repairs**

£1522.

A Building Survey Report and Equipment Schedule had been e-mailed to the Committee which contained details of essential repairs which were required to be carried out. However it was **RECOMMENDED** that these works should not be incorporated within the tender at this stage.

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It was noted that Richard Gomm had completed the repair to the outside gate. Repairs to the leaking cistern had been dealt with by Roger Chambers. The CEO was currently waiting to receive the updated Building Risk Assessment from Roger

The Proposed Lease

The Station currently held a Tenancy at Will ('TAW') of the premises (excluding the first floor of the car park). The Heads of Terms ('HOTS') prepared by NPS had not yet been agreed by the Committee and the Station. Currently the Station was paying a nominal rent and was responsible for internal decoration whilst the Council was paying for any external/ structural repairs of the building. A Schedule of Condition to be incorporated within the lease still needed to be agreed. The Council's solicitor had prepared a draft lease but was unable to finalise it until the HOTS were agreed. The Council also needed to approve the draft lease. Quotes had been received for the roof repairs and the cost of repairs would be several thousand pounds. It was **RECOMMENDED** that the Council ask the Station for a copy of its up to date accounts. It was noted that the Station received income from its hirings (non-lease arrangements). The commercial tenants paid rental to the Council which the CEO understood was used to offset any repairs required to the building. Once the financial position of the Station was known then the Committee would be in a better position to assess what was a reasonable rent to be paid by the Station and the responsibility for repairs. It was **RECOMMENDED** that the Chair of Finance speak to Roger Chambers and Mac Dick about these issues, following which it was hoped that the proposed new lease could then be progressed

Other Lettings.

One of the commercial tenants had vacated her office on 31st May 2020. The Help Scheme was intending to take over the tenancy of this office on a commencement date to be agreed. It was **RECOMMENDED** that the Help Scheme be offered a TAW initially for their occupancy and a more permanent agreement be entered into, once its long terms objectives were known.

h. Skate Park

Maintenance and Safety Issues

NPS Building Survey Report and Equipment Schedule **Essential Repairs est at £900**

A Building Survey Report and Equipment Schedule had been e-mailed to the Committee which contained details of essential repairs which were required to be carried out. However it was **RECOMMENDED** that these works should not be incorporated within the tender at this stage.

Annual Maintenance Grant

It was noted that In May 2013 the Council had agreed to pay an annual maintenance grant of up to £2,500. Cllr Dobson had advised the CEO previously that the paying of the maintenance costs by the Council included some admin expenses. Concern was expressed by some Committee members that public money was being used for admin expenses. It was also noted that essential repairs of £900 were now required to be carried out. Concern was also expressed that because of the access issues the skate park was not being used extensively and also its isolated location had resulted in some parents not allowing their children to use it. It was **RECOMMENDED** that a meeting be set up to discuss all the skate park issues between the Head Teacher and Director of Finance of the school, plus the directors of the Skate park and Committee members to consider the various issues and that the continuation of the annual maintenance grant provision agreed by the Council back in 2013 would be dependent on the outcome of the meeting

Legal Work and Access Issues

The School had closed the access way between certain hours and gave the reason for so doing, as safeguarding issues. However, as between DCC and the Town Council, the

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closure of the access was a derogation of grant and breach of the terms of the lease by DCC as Landlord. The CEO had advised the Committee that access to a property was a fundamental right and thus DCC was obliged to provide an alternative access and the cost of doing so was not a justification for not providing it. Cllr Lucas expressed his frustration in trying to resolve the issue with the school in which no progress had been made. The CEO advised that a Deed of Variation and Licence to Sublet was being progressed. Once these were completed then the new sublease could be entered into between the TC and the Station. Jenny Bryant NPS Surveyor had 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 if the access way was to be dealt with separately. However the CEO was of the view that to deal with the access way separately could result in it being put on the back burner with no solution in sight.

i. The Library

NPS Building Survey Report –Essential Repair work est £519

A Building Survey Report had been e-mailed to the Committee and it was agreed to include it in the tender (as for the Council Offices). The CEO advised that the Library was now operating a `Choose and Collect Service where books were ordered online/telephone with customers not entering the library. The toilets were not open to the public presently. The CEO also advised that the CCTV system required someone with knowledge to set it up so that recorded images were deleted after 30 days to ensure compliancy with GDPR and to also ensure it was password protected. It was **RECOMMENDED** that Al Findlay be requested to assist with this matter

PL20/06/06

TO CONSIDER THE LATEST DEVELOPMENTS WITH THE PROPOSED TRANSFER OF CAR PARKING SPACES AT THE FORMER FACTORY SITE AND TO MAKE RECOMMENDATIONS ACCORDINGLY

It was **RECOMMENDED** to accept the Council`s solicitor`s suggestion to opt for indemnity insurance rather than the carrying out of searches, as this would be substantially cheaper. It was also noted that the solicitor would raise enquiries with the Seller`s solicitor as to the Council`s financial liabilities in respect of the car parking spaces

PL20/06/07

TO CONSIDER THE DRAFT SERVICE LEVEL AGREEMENT RE THE MANAGEMENT OF COUNCIL PROPERTIES AND TO MAKE RECOMMENDATIONS ACCORDINGLY

It was **RECOMMENDED** that the CEO arrange a Zoom meeting with NPS to consider terms/costs etc. It was requested that all Committee members familiarise themselves with the document prior to the meeting

PL20/06/08

TO CONSIDER THE TREE SURVEY AND THE RECOMMENDATIONS CONTAINED

The Tree Survey had been e-mailed out to the Committee for consideration. It was **RECOMMENDED** that all the recommendations made in the report in respect of tree works, be actioned. It was **RECOMMENDED** that Connor Down be asked to carry out the work as he was on the Council`s approved contractors list. It was also suggested that the tree at the Council`s office, (once it was removed), be relocated if this was possible. It was noted that all the Council`s trees should be re-inspected at three yearly intervals. .

PL20/06/09

TO CONSIDER THE COUNCIL`S CURRENT LEGAL REPRESENTATION REGARDING CURRENT AND PENDING TRANSACTIONS AND TO MAKE RECOMMENDATIONS ACCORDINGLY

The Council had appointed Tim Walmsley at Stephens and Scown to be the Council`s solicitor, through its tender process. Prydis Legal has been dealing with the Council`s legal work to date but its solicitor had now been furloughed until October. Prydis had not put in

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a tender bid. The CEO had asked Prydis for an update of the Council's property transactions but to date had not received this. It was **RECOMMENDED** that all the Council's legal work be transferred over to Tim Walmsley

PL20/06/10

TO DECIDE THE CUT OFF DATE FOR THE COMMITTEE TO PUBLISH AN ENVIRONMENTAL PERFORMANCE STATEMENT AS PER THE COUNCIL'S CARBON AND ENERGY POLICY

The CEO advised that the Committee was responsible (under the Council's Carbon & Energy Policy) for ensuring that the objectives of the policy were met. The Committee under the Policy needed to review progress on a six monthly basis and publish an Environmental Performance Statement that would include an Energy Performance Report and also regularly review and make recommendations to update the policy to ensure it remained consistent with, and relevant to, the Council's vision and targets. The Committee would need to prepare an Environmental Performance Statement for publication. The Chairman agreed to take this forward

PL20/06/11

UPDATE ON ANY OTHER MISCELLANEOUS PROPERTY AND LAND ISSUES

The Chairman reiterated his main intention was to source an additional allotment site in the town

PL20/06/12

TO RECEIVE COUNCILLORS' QUESTIONS RELATING TO PROPERTY AND LAND

There were none

The meeting concluded at 3.53PM

SIGNATURE OF CHAIRMAN	
DATE OF SIGNATURE	

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