



Ottery St Mary Town Council

Minutes of the **PROPERTY AND LAND COMMITTEE MEETING** of **OTTERY ST MARY TOWN COUNCIL** on **Wednesday , 28TH OCTOBER 2020** at **10.05am**

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, Faithfull and Lucas, the CEO and Ian Holmes

PL20/10/01

TO RECEIVE APOLOGIES

Cllr Johns

PL20/10/02

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

There were none

PL20/10/03

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

It was agreed that part of Item 9B be discussed in Confidential Session due to commercial sensitivity

PL20/10/04

TO APPROVE AND SIGN THE MINUTES OF THE PROPERTY AND LAND COMMITTEE MEETING OF 30th JULY 2020

The Minutes of the Property and Land Committee Meeting of 30th July 2020 were approved and would be signed at a later date

PL20/10/05

STRAWBERRY LANE - TO APPROVE THE PROPOSED HEADS OF TERMS ('HOTS') AND LEASE ('HOTS') PLAN FOR THE PROPOSED LEASE TO THE OTTERY ST MARY CRICKET CLUB AND TO CONSIDER AND APPROVE (AS APPROPRIATE) ANY SUPPORTING DOCUMENTATION AND TO NOTE THE GENERAL CONSENT FOR DISPOSAL

The CEO had circulated the draft proposed HOTS to the Ctte. The CEO advised that Stratton Creber had advised that a valuation was required in order to comply with the requirements of *Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained*. Stratton Creber had undertaken a number of valuations on behalf of the Council previously and the CEO advised that a valuation should be carried out in respect of the proposed lease. It was **RECOMMENDED** that the CEO progress this in the first instance with Stratton Creber. With regards to the part of the access way at the entrance, that did not belong to the Council, the CEO advised that it was a matter of the Council's solicitor to sort this out but generally the usual phrase to insert in a transfer/lease when ownership

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difficulties were discovered, was a fairly standard phrase `to have vehicular and pedestrian rights of way over the entrance coloured green on the plan (so far as the landlord is legally able to grant the same).....` It was **RECOMMENDED** to approve the plans and the HOTS for the proposed lease. Once the valuation had been carried out, the CEO would then submit the HOTS to Rob Johns and also ask for details of the Cricket Club`s solicitor. It was noted that Western Power had no issues with the proposed use, following their inspection of the site

It was also **RECOMMENDED** that contact be made with the Petanque Club and the Bowling Club to set up individual meetings regarding the proposed MUGA to be sited at Strawberry Lane funded by S106 monies

PL20/10/06

THE STATION

A.TO APPROVE THE PROPOSED HEADS OF TERMS AND LEASE PLANS FOR THE PROPOSED LEASE TO THE STATION AND TO CONSIDER AND APPROVE (AS APPROPRIATE) ANY SUPPORTING DOCUMENTATION

The CEO advised that a valuation to comply with the requirements of *Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained* had already been carried out. In addition she asked whether the Ctte was minded to make the following recommendations:-

Approval of:-

- the Heads of terms subject to outstanding points being agreed;
- the plans;
- the schedule of condition

and to submit the same to the Station to progress and request details of their solicitor. However after some discussion it was **RECOMMENDED** that the lease and approval of other documentation be deferred and that there should be a discussion about the future of the building in the first instance with the trustees, with consideration being given to a freehold transfer of the building

It was **RECOMMENDED** that the Help Scheme pay the full rental amounts on Offices 1 and 3 wef January 1st 2021

PL20/10/07

B.TO CONSIDER A SURVEY REPORT FOR THE STATION ROOF AND AGREE A COURSE OF ACTION

The survey had been e-mailed to all councilors and consideration was given as to the type of repair work which would be most satisfactory. It was **RECOMMENDED** that Dacks be used despite them not providing a guarantee for roofing works*. However the Ctte recommended that a conversation take place with the trustees in the first instance prior to any work commencing

**Note at the September TC meeting it was resolved not to appoint Dacks as the Council`s contractor due to the lack of a guarantee. This decision cannot be re-visited until March 2021*

PL20/10/08

C.TO RECEIVE AN UPDATE ON THE PORTA CABINS AT THE STATION AND TO CONSIDER LEGAL ADVICE RECEIVED AND AGREE A WAY FORWARD

There was much discussion about the rental arrears owed by a tenant. There had been a minimal response from the tenant who had made no offer to discharge the arrears or provide a public liability insurance certificate. The CEO provided background information and had forwarded the Ctte the advice from the Council`s solicitors together with approx. legal costs.. It was **RECOMMENDED** that the solicitors be instructed to serve a break notice and pursue recovery of the arrears.

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It was understood that Men`s Shed would vacate their porta cabin at the end of the year as they would be relocating. They had enquired as to what the Council wished them to do with regards to the flooring in the porta cabin. The Chairman advised that a site visit would be necessary in order to make a decision.

The CEO had discovered that the planning permissions for the porta cabins would expire on 31st July 2021. She had spoken to EDDC`s Planning Officer who advised that a further planning application could be submitted but there was no guarantee that it would be successful as by their very nature, porta cabins were temporary and were not designed to be a permanent fixture. It was **RECOMMENDED** in the first instance, to gauge if there was any interest in community groups having the use of them but to advise that this would be subject to further planning consent being given. The porta cabins to be advertised in the Gazette and the Council website. If there was interest, the Council to make a planning application to EDDC. If there was no interest, that consideration be given to them being sold off by the Council. However removal would likely necessitate in the use of a crane and expensive costs

PL20/10/09

D. TOWN COUNCIL REPRESENTATIVE UPDATE

The Station had advised that they no longer required a Council representative but a council member could attend the Station`s meetings as an `observer`. It was **RECOMMENDED** that the CEO ask the Station to be placed on the mailing list for agendas to be sent to her. It was also noted that Roger Chambers had resigned as a trustee of the Station

PL20/10/10

THE MUSEUM - CONSIDERATION OF PROPOSED WORKS TO THE MUSEUM AND VAT IMPLICATIONS AND LEGAL REQUIREMENTS OF ANY PROPOSED DISPOSAL OF THE MUSEUM (GENERAL CONSENT AND VALUATION) AND WHETHER THE TRUSTEES HAVE RESPONDED TO THE PROPOSED SUGGESTIONS RE THE METHOD OF DISPOSAL OF THE MUSEUM . IN ADDITION, TO CONSIDER A PROPOSED AGREEMENT FOR LEASE AND THE RECOMMENDATIONS FOR FUNDING AND REPAIRS (WHICH IT WAS AGREED AT THE 7TH SEPTEMBER TOWN COUNCIL MEETING, BE REFERRED TO THIS MEETING)

The CEO advised that no response had yet been received from the trustees re the proposal of a freehold transfer. The CEO advised that the resolution made at the September Council (that actions a – d (as below) should be accepted subject to two meetings having taken place between the Property and Land Cttee and the Heritage Society, and agreements being secured) had not occurred and some of the actions had now been superseded by revised recommendations made at The Finance Cttee Meeting on 15th October which recommendations would be considered by Full Council in November.

The Cttee discussed actions a-d

*.a. the Council to give financial support to the Heritage Society (`the HS`) for the refurbishment of the Museum for the remaining three year term of the current Council - up to the sum of £10,000 per annum which would then be subject to review at the expiry of the three year term (as to whether the new Council should continue to fund the remaining two years for lesser amounts (£7,500 and £5,000 respectively). **The Cttee agreed that this recommendation had been superseded by the recommendations made at the Finance Cttee Meeting of 15th October 2020***

*b. that all invoices be in the name of the Council and paid on an `ad hoc basis. **The Cttee agreed that this should be the case***

*c. that the provision in the fire risk assessment (to line the underside of the staircase (located at the rear of the band room where the staircase is exposed) with a material that will afford a minimum of 30 minutes fire resistance to completely separate off the band room from the museum) be actioned as soon as practicable. **The Cttee RECOMMENDED that this be carried out***

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d. that the `Permissions` be approved (Councillors had been e-mailed the permissions). (The permissions are an extensive list of works which the Heritage Society required to be undertaken to the Museum with approx.costs) **No decision was made about the `Permissions` by the Ctte other than health and safety works would be the responsibility of the Council, as landlord to deal with**

The CEO advised that there would need to be a valuation by Stratton Creber for a freehold transfer (a valuation had previously been carried out but this was for the provision of a lease) The CEO also advised of the necessity of entering into an agreement for lease in the event of a leasehold transfer. She had provided the Ctte with a summary of why an agreement for lease was necessary as part of the legal documentation. She also advised that a schedule for condition would also have to be prepared by surveyors in view of the previous schedule not being satisfactory to the Heritage Society as they had had various concerns. The CEO could obtain quotes for this from several surveyors. She also advised about the recommendation for a provision to be included in the transfer should the charity disband etc which effectively would result in the property being returned to the Council. There was much discussion but the **RECOMMENDATION** of the Ctte was for the freehold of the property to be transferred over to the Heritage Society

PL20/10/11
THE SKATE PARK

A.TO APPROVE THE LEGAL DOCUMENTATION FOR THE PROPOSED NEW SUBLEASE AND TO CONSIDER A WAY FORWARD WITH THE ACCESS WAY

The legal documentation had been circulated (the licence to underlet, deed of variation and sublease) for consideration and approval. With regards to the access way the Council's solicitor wished to know how the Council wished to progress this. He asked whether the Council required him to continue to push the point with DCC. He had also pointed out the termination provisions in the Head Lease It was **RECOMMENDED** that the matter be deferred in the interim and that the CEO check the lease provisions to ascertain the responsibilities of the Council (as sub Landlord) and that of the Ottery Skate and BMX Trust (as the sub tenant). However concern was expressed as to H&S issues and whether the skate park should be temporarily closed. The CEO suggested using the safety/risk assessment person who had recently carried this out at the Council Offices. It was **RECOMMENDED** that this course of action be proceeded with as a matter of urgency. It was noted that Roger Chambers had resigned as a trustee of the Skate Park Trust

PL20/10/12
TO FURTHER CONSIDER THE SKATE PARK TRUST'S ANNUAL MAINTENANCE GRANT

Information has been e-mailed regarding the decision back in 2013 for the Council to fund the `maintenance costs` up to a max of £2500 each year. The CEO had received a recent invoice which had been circulated to the Ctte . The Council had agreed to pay the insurance premium this year which was in addition to the costs currently being claimed. It was **RECOMMENDED** that the matter of payment of the maintenance costs be deferred and no payment be made at the moment. It was understood that the CEO had not yet seen the public liability insurance certificate for this year

PL20/10/13
THE CEMETERY
TO CONSIDER CEMETERY ISSUES AND TO AGREE A COURSE OF ACTION

The Chairman had visited the site and advised that the homeless man was no longer in situ. It was **RECOMMENDED** that Richard Gomm remove the tent and debris from the site. With regards to the cost of the replacement trees/hedging at the cemetery it was **RECOMMENDED** that one property owner pay half the cost and that the person who had

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removed the fence be allowed for it to remain in situ until the planting work had been completed. He would then need to reinstate it on the original fence line. The CEO had also advised that a member of the public had recently complained of youths congregating in the cemetery and using bad language. It was **RECOMMENDED** that Jon Simms be advised

The meeting then went into Confidential Session

PL20/10/14

TO CONSIDER AND APPROVE (IF APPROPRIATE) PROPOSED TENDER DOCUMENTS FOR THE CEMETERY CONTRACTS

These had been circulated to the Ctte. They were **RECOMMENDED** for approval

Public Session then resumed

PL20/10/15

THE COUNCIL OFFICES - UPDATE ON WORKS TO THE FORMER CHILDREN'S CENTRE AT THE REAR OF THE COUNCIL OFFICES AND TO AGREE A COURSE OF ACTION WITH REGARDS TO A WIRING ISSUE

The developer who was working on the former Children's Centre had cut the electrical wire which connected from the Council Offices to the former Children's Centre. He had agreed with the CEO to remove the length that was hanging down which was a H&S issue. The Chairman had looked at the wiring and he was certain it was not live but it needed removal by an electrician. He would speak to the developer about the matter. The CEO advised that the developer had made it clear he was not willing to pay any costs incurred.

PL20/10/16

CAR PARKING SPACES ADJOINING VICTORIA TERRACE - UPDATE ON PROPOSED CAR PARKING SPACES AND TO APPROVE THE LEGAL DOCUMENTATION

The Chairman had visited the site and confirmed that the plans showing the parking spaces provided by the solicitor tied up with the spaces on the ground. The draft transfer and plan had been circulated to the Ctte and they **RECOMMENDED** that they be approved with the following points addressed 1. that the Council would not require the use of the managed land (as shown on the plan) and should not be responsible for any costs associated with the managed land. It was also **RECOMMENDED** that the transfer should include provision for a fold down and surface mounted bollard to protect the parking space

PL20/10/17

TO CONSIDER AND APPROVE (IF APPROPRIATE) PROPOSED TENDER DOCUMENTS FOR THE GROUNDS MAINTENANCE CONTRACT

The tender documents which had been circulated had been **RECOMMENDED** for approval

PL20/10/18

MISCELLANEOUS PROPERTY MATTERS

The CEO advised that cleaning of the library toilets had commenced on 27th August

PL20/10/19

TO RECEIVE COUNCILLORS' QUESTIONS RELATING TO PROPERTY AND LAND

1. Cllr Faithfull enquired about the provision of a stall for the Ottery branch of the Royal British Legion outside the library to sell poppy face masks during the hours the library was closed. The Ctte **RECOMMENDED** approval, subject to the Council's insurers requirements being complied with
2. The issue of the disused toilet block at Winters lane was raised. Cllr Stewart agreed to add this item to his S106 discussions

Chairman's Initials.....

The meeting concluded at 12.05pm

<i>SIGNATURE OF CHAIRMAN</i>	
<i>DATE OF SIGNATURE</i>	

Chairman`s Initials.....