



Ottery St Mary Town Council

Minutes of the **ORDINARY MEETING OF OTTERY ST MARY TOWN COUNCIL** held on **MONDAY, 1st FEBRUARY 2021** at **7.00pm**. The meeting was conducted virtually in accordance with Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020

PRESENT:-Cllr Johns (**Mayor**), Cllr Lucas (**Deputy Mayor**), Cllrs Faithfull, Green, Giles, Copus, Shaw, Stewart, Grainger, and Pang, 3 members of the public (Martin Nancekivill, Dianne and Simon Niles) and Christine McIntyre CEO

21/02/01

TO RECEIVE APOLOGIES FOR ABSENCE

No apologies were received

21/02/01

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

Name of Councillor	Agenda Item and Interest
Cllr Giles	Item 18e– the Museum – Cllr Giles is a trustee of the Heritage Society
Cllr Green	Item 19 – Funding request by the Institute - Cllr Green is the Chair of the Institute Management Ctte
Cllr Stewart	Item 19 – Funding Request by the Institute – Cllr Stewart is a director of Ottery Community Volunteers and Ottery Larder who use the Institute Item 19 – Funding request by OSM Primary School - Cllr Stewart deals with the accountancy matters of the school
Cllr Johns	Item 19 – Funding Request by the Institute – Cllr Johns is a director of Ottery Community Volunteers and Ottery Larder who use the Institute

21/02/02

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 **RESOLVED** that the following items be discussed in Confidential Session:-
Item 20 (Grounds Maintenance Quote EDDC) due to commercial sensitivity and Item 18A (Cemetery Fence Issue) due to potential legal implications

21/02/03

TO ALLOW MEMBERS OF THE PUBLIC PRESENT TO SUBMIT QUESTIONS/COMMENTS FOR CONSIDERATION *INDIVIDUAL CONTRIBUTIONS WILL BE LIMITED TO 3 MINUTES*

No matters were raised

Mayor's Initials.....

21/02/41

TO RECEIVE THE MINUTES OF THE ORDINARY TOWN COUNCIL MEETING OF 11TH JANUARY 2021 (MINUTE REFS 21/01/01 – 21/01/51), AND TO APPROVE THE SIGNING OF THE MINUTES BY THE MAYOR AS A CORRECT RECORD

The Minutes of the FULL COUNCIL MEETING of 11th January 2021 (minute refs 21/01/01 – 21/01/51) were presented, approved and confirmed as a correct record. They would be signed by the Mayor shortly.

21/02/05

TO RECEIVE REPORTS FROM EDDC AND DCC COUNCILLORS

EDDC Cllr Pratt and Devon CC Cllr Wright

Reports had been received from Cllrs Pratt and Wright and e-mailed to councillors for consideration. No comments were made.

EDDC Cllr Faithfull spoke about a potential large planning application for housing in Feniton (yet to be submitted to EDDC) which could have serious implications for the infrastructure of both Feniton and Ottery if it was successful. EDDC was looking at supporting the LED centre in Ottery due to serious financial issues it was facing; EDDC's Audit and Governance Cttee would be looking at S106 funding; Cabinet at its meeting on 3rd February would be considering the Devon Carbon Plan; EDDC's waste and recycling required additional financial support due to the substantial increased amount it was handling due to Covid. EDDC Cllr Johns advised of the pending Scrutiny Cttee meeting taking place on 4th February

21/02/06

POLICE MATTERS

No report had been received. The CEO reminded councillors that Sgt Richard Stonecliffe should next attend a Council Zoom meeting with updates in June. It was noted that as Cllrs Pang and Faithfull were the Council's representatives on the East and Mid Devon Community Safety Partnership (Sidmouth and OSM Local Action Group) that they should be able to feed back anything of relevance to the Council, following their attendance at these meetings

21/02/07

S106 UPDATE AND APPROVAL OF ANY RECOMMENDATIONS OR PERTINENT MATTERS (TO BE A REGULAR AGENDA ITEM)

Cllr Stewart was delighted to report that after much hard work and persistence, the sum of approx. £100,000 from the Gerway Nurseries development was in the process of being paid to EDDC which would then be available to the Council. This together with other monies available to the Council would make a total pot of approx. £188,000. Therefore the Council was on course to progress the MUGA at Strawberry Lane. He also hoped that the Redrow monies (£115,000) would follow shortly. He advised that EDDC were intending to take on an additional member of staff to deal with S106 funding requirements in view of the workload. He confirmed that he continued to have a cordial relationship with Sulina Tallack at EDDC who was his point of contact with regards to S106 projects.

21/02/08

REGENERATION UPDATE AND APPROVAL OF ANY RECOMMENDATIONS OR PERTINENT MATTERS (TO BE A REGULAR AGENDA ITEM)

Cllr Lucas advised that an informal meeting had taken place simply to review the projects etc which had been agreed at previous meetings. He confirmed that a formal meeting of the Cttee would take place either at the end of the month or the beginning of March

Mayor's Initials.....

21/02/09

CLIMATE CHANGE UPDATE AND APPROVAL OF ANY RECOMMENDATIONS OR PERTINENT MATTERS (TO BE A REGULAR AGENDA ITEM)

Cllr Stewart confirmed that a Ctte Meeting would be taking place on 11th February, to consider electrification of transport; charging points etc and to progress matters that had been approved at previous meetings

21/02/10

TIPTON ST JOHN C OF E PRIMARY SCHOOL - TO REVIEW THE RECENT PLANNING DECISION AND CONSIDER A WAY FORWARD

Correspondence had been e-mailed to all councillors which contained a letter from Cllr Claire Wright to Baroness Bainbridge regarding her concerns about the future of the school, plus responses from Dr Frederick Price and Simon Jupp MP. It was **RESOLVED** that the Council set up a working group to explore possible options for the school. Cllrs Green, Lucas, Faithfull and Pang to be members. Cllr Shaw was considering joining the group which would be subject to her working commitments. It was suggested that there should be discussions with Tipton Primary School; Kings School and OSM Primary School and other relevant bodies. Consideration should also be given to involving CCllr Claire Wright and EDDC Cllr Geoff Pratt. Simon Niles from DCC's Strategic Planning Children's Services was present whilst this subject was being discussed. He advised that in respect of DCC's failed planning application that DCC was considering its position, although 'nothing was likely to happen during the next couple of months'. He anticipated that an announcement from the Schools Building Programme should be made shortly. He concluded by stating that he was available to any councillor by phone/e-mail to assist with any questions raised in relation to Tipton School. It was **RESOLVED** that the CEO formulate Terms of Reference for Tipton St John CofE Primary School (Tipton Primary School) Working Group which could be e-mailed to all councillors for approval in view of the tight timeline. The Group would advise the CEO as to when the Working Group should be included as an item on future agendas. Cllr Giles reminded councillors that the provision of a new school was a DCC responsibility/function and although as a Council we should engage with DCC, that we should be mindful of this fact.

21/02/11

UPDATE ON PROGRESS BEING MADE RE THE QUEEN'S PLATINUM JUBILEE AND APPROVAL OF ANY RECOMMENDATIONS OR PERTINENT MATTERS (IF APPLICABLE)

The Mayor was keen to progress plans for the town to celebrate the Queen's Platinum Jubilee. It was **RESOLVED** that she proceed with booking sites/facilities in the town in readiness for the festivities. There would be a working group in place with likely the same persons who were members of the VE Day working group.

21/02/12

UPDATE ON JASMINE COTTAGE AT BATTS LANE

There was much debate about this matter. The cottage was in a dreadful state of repair. It was understood that ownership of the property was unclear. Works had been sanctioned by EDDC to be carried out and a charge would be registered on the property to cover the costs on completion of the works. It was understood that a property on Tip Hill was also in a poor state of repair. The owners had given an assurance to EDDC that they would remedy the issues. However to date no action had been taken by the owners, The Mayor advised that if there were other properties in the Parish which were falling into a state of disrepair that EDDC should be contacted, The CEO advised that she had access to the Land Registry records and would be able to provide land ownership details of any properties (provided they were registered with the Land Registry)

Mayor's Initials.....

21/02/13

CONSIDERATION OF DEVELOPMENT OF NEW LOCAL PLAN (TO REPLACE THE CURRENT LOCAL PLAN 2013-2031) AND THE COUNCILS INVOLVEMENT

Background information has been circulated to all councillors. A new Local Plan was expected to be adopted in early 2024. The following documents were on line 1. Issues and Options Report; 2. Housing and Employment Land Availability Assessment and 3. a Sustainability Appraisal; Scoping Report. Comments in respect of all these documents had to be submitted to EDDC by 15th March. It was **RESOLVED** to set up a Working Group of which Cllrs Giles and Copus would be the members. It was further **RESOLVED** that the CEO formulate Terms of Reference for the Local Plan Working Group which could be e-mailed to all councillors for approval in view of the tight timeline

21/02/14

CONSIDERATION OF THE PROVISION OF PLANTERS OUTSIDE THE FRONT OF THE COUNCIL OFFICES

Ottery in Bloom had offered the provision of two Amberol black self-watering planters to be sited at the front of the Council Offices. After some discussion it was **RESOLVED** to refuse the offer, as the planters were too large for the area; permission from Feniton Park would have to be obtained (as the Council did not own the frontage) and concerns were expressed for the potential of vehicles parking at the Council Offices obscuring the planters and possibly colliding with them

21/02/15

UPDATE ON RESPONSE FROM DEVON COUNTY COUNCIL RE THE COUNCIL`S REQUEST TO ENHANCE SERVICE 4 HONITON TO EXETER SERVICE)

John Richardson-Dawes, Principal Transport Co-ordinating Officer, Transport Co-ordination Service had responded to the Council`s request to enhance the present bus service. He had advised *`Enhancements to the Service 4, including the evening service, are funded through the Cranbrook development, but there are some `bonus` benefits for the entire route to Ottery St. Mary, Honiton and Axminster. The present late-evening Exeter-bound journey which misses Ottery St. Mary is unfortunately very tightly scheduled and needs to be back in Exeter in order to operate a later departure to Cranbrook. The frequency of the Exeter-Cranbrook section is closely specified in the funding agreement, such that the suggested rescheduling would disrupt this`*

It was **RESOLVED** that the Council write to thank Mr Richardson-Dawes for his considered response and ask that he recognises the Council`s desire for a later bus service and that he try to achieve this in the future for parishioners. It was noted that the lack of a late night bus service necessitated residents having to use their vehicles which was not environmentally friendly, whilst Cranbrook not only had a late night bus service but a late night train service as well. Ottery had neither of these facilities. It was agreed that both these pertinent points be drawn to the attention of Mr Richardson-Dawes.

21/02/16

UPDATE ON THE REVIEW OF THE COUNCIL`S POLICIES AND PROCEDURES AND CONSIDERATION OF PROPOSED INTERIM MEASURES

An e-mail had been sent to the Policies and Procedures Working Group ,(plus recently, to all other councillors) by the CEO advising that the policies she had reviewed/revised last year had not been brought to the attention of the Full Council for consideration/approval. This was due to the new Working Group having been set up, whose remit was to completely overhaul the Council`s current Policies and Procedures system (which was still to be progressed to conclusion). However in the interim the Council was having to work with some out of date documents which concerned the CEO. It was **RESOLVED** that the CEO`s revised versions be brought to the attention of the Council in tranches for consideration/approval (with an approx. 12 month time line from approval of each policy) .

Mayor`s Initials.....

This would then allow time for the Working Group to consider the policies and overhaul the system completely (if it considered it necessary).

PROPERTY MATTERS

21/02/17

The Cemetery – Update and approval (if appropriate) of fencing proposals by an Abbott Close Resident

This item to be discussed in Confidential Session

21/02/18

The Station – consideration of working group notes dated 20th January 2021 and to approve (if appropriate) the proposed Heads of Terms (HOTS) for a lease and the request for the Station to have the use of a portacabin

The Working Group notes had been e-mailed to all councillors which contained various recommendations. Cllr Stewart was unhappy with the proposed Heads of Terms (`HOTS`) for the lease in relation to the Station having a peppercorn rent for the first five years with the Council taking on full maintenance responsibilities during that time, following which the situation should be reviewed. The CEO advised that the Council`s solicitor had advised of the following:-

*` Any lease could be granted to provide that repairing responsibilities change at a fixed point during the lease. However, this would need to be worded carefully as anything which could be seen as an agreement to agree would be unenforceable. For example, the lease could provide that repairing responsibilities change at a fixed point or after service of a period of notice but having a provision for review and agreement between the parties would probably not work. It would also be worthwhile considering the terms of the various tenancies and whether they can be updated to include a service charge towards the maintenance costs of the building and the common parts. Consideration should also be given to granting a lease of the whole building subject to any pre-existing tenancies. It was **RESOLVED** that a further meeting of the Working Group should take place to try and reach agreement with the Station regarding all the HOTS(including the solicitor`s suggestion for the whole building to be leased to the Station subject to sitting tenants). It was also suggested that the Station needed to be more creative with regards to obtaining grant funding from other bodies to improve/enhance the Station. The Council was also mindful that all monies it was providing to the Station were public monies and it needed to decide as to how much it was prepared to commit, to continually fund `the Station Project`*

The matter of the electrical rewiring of the building also needed consideration as the costs (according to NPS who had prepared the building report) would be extremely expensive. It was understood that John Campion (Station Trustee) would investigate the need for an annual electrical installation check (as advised by the Station`s electrician) as he was of the opinion it was normally every five years

There had been a misunderstanding as to which community groups should be offered porta cabin accommodation. It was agreed to reconsider the matter when EDDC had determined the Council`s planning application (for the porta cabins to remain in situ). .

21/02/19

Porta cabins – to arrange for the securing of both porta cabins to be checked.

The CEO had discovered that when the original planning application for the porta cabins was submitted in 2016 to EDDC, that one of the supporting documents stated that `the Council would securely fix the porta cabins to the ground to prevent them floating away in a flood`. She did not know whether or not the former Council had dealt with this. Cllrs Grainger and Stewart would investigate the situation and report back to the Council and advise accordingly

Mayor`s Initials.....

21/02/20

The Skate Park – consideration of working group notes dated 28th January 2021 and to approve (if appropriate) any recommendations made

There was much discussion. It was **RESOLVED** to approve the following recommendations:-

To request the Council`s solicitor to ascertain from DCC as to whether or not DCC would agree to the following:-

- a. The Head Lease between DCC and the Council and the sublease between the Council and the Ottery & District Skate & BMX Trust (`Trust`) being surrendered
- b. A new 25 year lease between DCC and the Station be entered into – hence the Council would not be a party to the lease. (A 25 year lease term was required for funding opportunities (currently the lease term remaining was only 10 years) or
- c. Alternatively the land to be transferred to the Station by DCC, for nominal consideration

In addition, that the decision for the Council to pay the Station`s Maintenance Costs be deferred until the March Council meeting as by that time John Campion (Director of the Trust) should have produced a list of items which he considered should come under the definition of `Maintenance`, for the Council to consider.. It was also hoped that DCC would have come back by this time with a response regarding the Council`s revised legal proposals which could also be considered at the March meeting.

The Council was pleased that John Campion had clearly got to grips with the issues of concern stated in the report provided by the Safety Consultant and should be commended for all his efforts. It appeared that there was now only two outstanding issues to be dealt with.

21/02/21

The Museum – to approve any additional repair/renovations costs required by the Heritage Society that are in addition to those previously agreed by the Council and to consider the legal advice provided by the Council`s solicitor and to formally appoint Cllr Grainger as Project Manager

It was understood that the works discussed at last month`s meetings and which it was stated `fell under `the Permission`s` (works/costs previously sanctioned) were not included in the Permissions. It was therefore **RESOLVED** that the provision of a loft hatch in a sum not exceeding £950 be installed by Richard Gomm which the Council would pay for. In addition the repainting of the ground floor windows (inc the Silver Band`s window) of the building,(to be in keeping with adjacent properties in the vicinity) to be carried out at the Council`s expense. It was **RESOLVED** that there should be joint project managers namely Cllrs Grainger and Stewart. The Council`s solicitor`s legal advice was also discussed. He advised that:-

`There are a number of options, however, an agreement for lease would be preferable as this would allow the Council to feed through the funding on an annual basis whilst maintaining control over the works. This would also allow the Council to deal with any VAT in a tax efficient manner. Detailed specifications would be required for each element of work along with a programme showing when each element would be undertaken. Only on completion of all the work would the lease be granted. The Heritage Society (`HS`) would be allowed to use the building as a licensee during the agreement for lease. I would also suggest that the lease is for the whole building. The HS would then become the immediate landlord of the Silver Band`

It was **RESOLVED** that the Council enter into an Agreement for Lease with the HS and that subject to the HS agreeing:- that they have the lease of the whole building and the Silver Band become its sub-tenants. In addition the Heritage Society surrender existing leases and become licensees of the building during the duration of the works.

Cllr Giles did not take part in the discussion or vote

Mayor`s Initials.....

21/02/22

CONSIDERATION AND APPROVAL (IF APPROPRIATE) OF REQUESTS FROM VARIOUS ORGANISATIONS FOR FUNDING FROM THE COMMUNITY ACTION FUND

All applications had been e-mailed to councillors. The CEO advised that the Council had £6101 in the Community Action Fund

After much discussion it was **RESOLVED** to award the following grants to local organisations, which funding was required as a result of the Covid pandemic

- a. **The Institute** - £1500 towards the costs of signage, Sanitisers, additional cleaners etc –*the Mayor; Cllrs Stewart and Johns did not take part in the discussion or vote*
- b. **King`s School PTA** - £580 towards the costs of laptops/dongles etc.
- c. **OSM Football Club** - £1041.78 towards signage
- d. **OSM Primary School PTA** – the application could not be considered as the applicant had failed to provide financial information ,despite the CEO requesting this. It was agreed once this was forthcoming and additional information provided as to the funding purpose, the application could be considered at the March Council meeting – *Cllr Stewart did not take part in the discussion*

21/02/23

CONSIDERATION AND APPROVAL (IF APPROPRIATE) OF COSTS FOR WEEDING AREAS OF THE TOWN AND TIPTON ST JOHN BY EDDC

This would be discussed in Confidential Session

21/02/24

TO APPROVE THE JANUARY 2021 COUNCIL SCHEDULE OF PAYMENTS

These had been e-mailed to all councillors. It was **RESOLVED** to approve the January 2021 Council Schedule of Payments in the sum of £12,544.50

21/01/25

TO APPROVE THE QUARTERLY ACCOUNTS

The quarterly accounts had been e-mailed to councilors. It was **RESOLVED** to approve the accounts

21/01/26

TO APPROVE THE CEO`S ANNUAL SOCIETY OF LOCAL COUNCIL CLERKS SUBSCRIPTION FEES

It was **RESOLVED** to approve the CEO`s subscription fee of £344

21/02/27

REPORT FROM THE MAYOR

The Mayor had nothing further to add to the points discussed at tonight`s meeting

21/02/28

REPORT FROM THE CEO

- a. Jane Bushby the Administrator/Receptionist, had successfully completed her three months probationary period
- b. Further investigation had been carried out regarding councillors expenses – namely that it would be unlikely the Council could allow councillors to claim a separate expense for attending meetings, however travel expenses for attending meetings

Mayor`s Initials.....

could be paid to co-opted and elected councillors. NALC was already pushing for co-opted members to get the annual allowance and it was suggested that this Council should submit a motion to the DALC County Committee also. Cllr Stewart was a member of the County Cttee and it was suggested that this could be something he could push for. The CEO advised that the annual allowance forms necessary for elected members to claim the allowance, had been e-mailed out today.

- c. Tom Buxton-Smith would be attending the April meeting in relation to the Feniton Road Flood Alleviation Scheme

21/02/29

TO NOTE ANY SPECIFIC CORRESPONDENCE RECEIVED

- A. Census Information
 - B. Update of Local Bus and Community Transport Services
- were both noted

21/02/30

TO NOTE ANY REPORTS PREVIOUSLY E-MAILED BY COUNCILLORS OF MEETINGS ATTENDED.

Reports had previously been provided

21/02/31

COUNCILLORS QUESTIONS ON COUNCILLORS BUSINESS

There were none

CONFIDENTIAL SESSION

21/02/32

THE CEMETERY – UPDATE AND APPROVAL (IF APPROPRIATE) OF FENCING PROPOSALS BY AN ABBOTT CLOSE RESIDENT

Details of the proposed re-siting of the fence by the Abbott Close residents (‘the Residents’) had been sent round to all councillors. Cllr Grainger in his capacity as the Chair of the Property and Land Cttee had carried out a site visit. He expressed concern, concluding that the proposed re-siting of the fence by the Residents would not run in line with that of the fences of the adjoining properties, or where the fence had actually been erected by Redrow (the developer of the housing estate) in the first instance. There was also concern expressed that the owners or future owners of the adjoining properties may also move their fences to align with the Residents proposed re-siting, thus more land would be taken from the cemetery site. It was **RESOLVED** that the CEO write to the Residents and request that the fence be re-sited on the correct boundary line (so that it ran in line with the adjoining properties) and if they were not prepared to do this, then to inform the Diocese of Exeter in view of this being a consecrated land issue.

21/02/33

CONSIDERATION AND APPROVAL (IF APPROPRIATE) OF COSTS FOR WEEDING AREAS OF THE TOWN AND TIPTON ST JOHN BY EDDC

It was **RESOLVED** that the quote provided by EDDC (to weed the town and an area of Tipton St John) be approved subject to EDDC adopting a more friendly environmentally approach to weed removal. *Cllr Grainger abstained from voting due to environmental concerns*

The meeting ended at 9.40pm

SIGNATURE OF MAYOR	
DATE OF SIGNATURE	
DATE/VENUE OF NEXT MEETING	Monday 1 st March 2021 by Zoom or in the Council Offices if public meetings are resumed

Mayor’s Initials.....

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Mayor's Initials.....

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