

**MINUTES OF THE PROPERTY AND LAND COMMITTEE MEETING OF OTTERY ST MARY TOWN COUNCIL HELD IN THE COUNCIL CHAMBER, THE OLD CONVENT, 8 BROAD STREET, OTTERY ST MARY ON WEDNESDAY 19<sup>TH</sup> JUNE 2019 AT 10.00AM**

<b>PRESENT</b>	<b>Chairman</b>	Councillor Dobson
	<b>Vice Chairman</b>	Councillor Faithfull
	<b>Committee Members</b>	Cllrs Giles, Pratt, Lucas, Grainger & Stewart
	<b>Other Persons</b>	Cllr Pang, Robert Neal & the Town Clerk

PL19/06/01

**TO RECEIVE APOLOGIES**

There were none

PL19/06/02

**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 Giles declared an interest in Item 8 as he was Trustee of the Heritage Society. He would leave the room whilst the subject was being discussed.

Cllr Stewart declared an interest in Item 13 as one of the applicants was a friend and neighbour. He would also leave the room whilst the subject was being discussed.

Cllr Faithfull declared an interest in item 17 (Library Issue) as he was a member of FOOL.

The Chairman declared an interest in item 5 (Skate Park) as he was a member of the Station's Committee

PL19/06/03

**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**

There were none

PL19/06/04

**UPDATE ON TREE MANAGEMENT PLAN AS REQUIRED BY THE COUNCIL'S INSURERS**

The Clerk advised that the Council's insurers required the Council to have a comprehensive record of every tree which was sited on its land. The Clerk had prepared an inspection sheet for each tree which required to be completed with specific details ie variety, condition etc. It was **RECOMMENDED** that the Chair and Vice Chair inspect all the properties within its ownership, photograph each tree on each site and complete a survey sheet

PL19/06/05

**SKATE PARK – UPDATE**

\*Two quotes had been obtained by Roger Chambers. (At a previous Full Council Meeting, the Council had resolved to discharge the Station's legal costs in the transaction). It was **RECOMMENDED** that the quote from Beviss and Beckingsale be approved. The Clerk to request of the solicitors that the cost be capped at the amount quoted. It was also **RECOMMENDED** that the Council pay the additional legal costs for DCC agreeing to alter a provision in the Head Lease (to provide for a new sublease to be granted to a third party) plus DCC's surveyors costs of approx £600

*\*A third quote was submitted by the Station following this meeting. However it was more expensive than the quote recommended for approval by the Council*

PL19/06/06

**TO CONSIDER EMPLOYING A SURVEYOR TO SURVEY THE CLERK'S OFFICE**

It was **RESOLVED** that the Clerk arrange for a surveyor to carry out an inspection of her office in view of the floor appearing to sag in the centre.

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Mayor's Initials.....

PL19/06/07

**TO CONSIDER THE SUGGESTED FUTURE USES OF PART OF THE STRAWBERRY LANE SITE (RUNNING/CYCLING TRACK, CYCLING PROFICIENCY AREA AND CRICKET FACILITIES ETC) AND TO MAKE RECOMMENDATIONS ACCORDINGLY**

There was much discussion about the proposed usage. It was suggested that the costs of providing a cycling/running track were too prohibitive. A cycling proficiency area could be feasible together with providing additional land for the expansion of the Cricket Club. Cllr Pratt had been liaising with Rob Johns of the Cricket Club and had also spoken to representatives of the Pétanque Club and the Bowling Club who indicated their likely support for the potential expansion of the Cricket Club. It was suggested that consideration would need to be given by the Cricket Club to making a financial contribution for its use of the additional land. In addition Cllr Giles advised that the West Hill Wasps Football Club lacked proper facilities for changing/ providing refreshments and that it be considered that the Club be permitted to have the use of the pavillion for these purposes. It was therefore **RECOMMENDED** that the Council support in principal the provision of a cycling proficiency area; to provide additional land for the cricket club and for the West Hill Wasps to have the use of the pavillion for changing/refreshments. It was further **RECOMMENDED** that the Town Clerk`s Assistant set up an initial meeting with all the relevant parties to have an informal discussion to consider these recommendations

PL19/06/08

**TO RE-EXAMINE THE PROPOSED LETTINGS TO ORGANISATIONS IN THE OLD TOWN HALL (NOW THE MUSEUM) AND TO CONSIDER ALTERNATIVEMEANS OF PROPERTY DISPOSAL (THE CLERK TO PROVIDE UPDATES ON THE PENDING LEASES)**

Cllr Giles left the room whilst the item was being discussed.

The following was observed:-

The Museum was currently let on a two year non-secure lease to the Heritage Society. The Museum encompassed the former print shop and library.

The three former toilets on the ground floor were also let to the Heritage Society.

There was a cleaners room on the ground floor which EDDC held on an annual licence

The Silver Band had signed a new ten year non secure lease and also a deed of surrender in respect of their present lease. The Clerk advised that the 10 year lease to the Silver Band had not yet been completed in view of a valuation having to be carried out in accordance with 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)*.

The Heritage Society was considering entering into a new 25 year lease on or before June 2020 (when their present 2 year lease expired) of the entire building apart from the Silver Band Room. The Clerk advised that Heads of Terms had been submitted to the Heritage Society in respect of the proposed 25 year lease. However to date they had not responded. Cllr Pratt provided background information about the Silver Band and that alternative accommodation had been considered for the Band several years ago. He was of the opinion that the relocation of the Silver Band should be seriously be reconsidered and that the entire building should be transferred to the Heritage Society. He advised that the Heritage Society could then use the Silver Band room for meetings and debates as they didn`t have sufficient room in the premises to carry this out at present. Cllr Pratt was also of the view that if the Heritage Society had the whole building, it would assist them with obtaining grant funding. The Chairman was of the view that any intention to relocate the Silver Band elsewhere would be unpopular and he could not support such a proposal/decision. It was **RECOMMENDED** that the usage of the property be further discussed at the July Full Council Meeting.

PL19/06/09

**TO CONSIDER THE MANAGEMENT OF THE COUNCIL`S CAR PARKING BAYS AND TO DETERMINE AND AGREE AS TO WHO ARE THE AUTHORISED USERS**

It was understood that the land on which the parking bays were situated was owned by Feniton Park Builders. The Council had the right to park five vehicles on the land. However the current bays had been marked out in such a fashion, that they were not fit for purpose. Money had been paid in advance by the previous land owner to have the parking bays re-marked but Mr Cutler refused to agree to the work being carried out. It was understood that legal action would be costly and would probably not result in the desired outcome.

There was much discussion about this matter. It was noted that the Council`s commercial tenants were not permitted to use any of the bays. It was **RECOMMENDED** that a policy be applied whereby the Council`s car parking bays should only be used by councillors when they attended the offices on council business and that no other persons should be allowed to park in the bays

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Mayor`s Initials.....

PL19/06/10

**CONSIDERATION OF THE PROPOSED ALTERATION TO THE COVENANT RE THE CAR PARKING AT THE COUNCIL OFFICES AS REQUESTED BY FENITON PARK LTD**

It was **RECOMMENDED** that the matter be referred to the Council's solicitor for appropriate action and advice subject to Feniton Park agreeing to discharge the Council's legal costs in the matter whether or not a legal deed was completed

PL19/06/11

**CONSIDERATION OF THE USE OF THE COUNCIL'S ACCOMMODATION FOR A BABY BANK**

It was **RECOMMENDED** that the Council support the proposed baby bank in principle and that the Clerk together with the Chairman attempt to source suitable accommodation

PL19/06/12

**TO CONSIDER AND REPLY TO THE MATTERS RAISED BY EDDC IN RESPECT OF THE PROPOSED FOOTBRIDGE**

EDDC had submitted a number of technical requirements regarding the proposed bridge. After some discussion it was **RECOMMENDED** that the Council submit EDDC's requirements to the person who had offered to build the bridge, for his observations/comments

PL19/06/13

**UPDATE ON THE VACANT HANDY PERSON POSITION**

Cllr Stewart left the room whilst this item was being discussed. All members had received details of the proposed applicants. It was agreed that none of them were really suitable. It was also agreed that the advertised hourly rate was too low and that the sum of £20 per hour was more appropriate. It was also suggested that the Council should consider having a handy person for the more difficult tasks ie plumbing/decorating etc and that an additional person be contracted to carry out weeding/gardening work etc at a cheaper rate. It was **RECOMMENDED** that in the first instance the Clerk contact Idverde to carry out additional weeding/grass cutting work around the town (the Chairman to advise the Clerk which areas required attention) and that the Council then consider further its requirements re a Handy Person

PL19/06/14

**TO CONSIDER THE FUTURE MANAGEMENT OF THE COUNCIL'S PROPERTY PORTFOLIO**

The Clerk advised that she was struggling to manage the Council's property Portfolio. It was acknowledged that the Council had one of the largest property portfolios in Devon of any town council, with the smallest amount of staff. This was supported by the schedule of information prepared by the Clerk and her assistant, which showed the numbers of properties/proportion of staff of other town councils. She wished to concentrate her energies on supporting the new councillors with their various projects but felt she didn't have much available time to do so. She also admitted that due to lack of time that currently she was unable to carry out regular checks of the properties to ensure their safety certificates/inspections etc were all up to date. Potentially this could have risks for the Council. She had provided councillors with information as to the Council's obligations (Occupiers Liability) in respect of its properties which confirmed its duty of care. She also expressed concern that she was having to prepare Heads of Terms ('HOTS') for some of the Council's properties (as the Council had not agreed to a surveyor being instructed) when she wasn't qualified to carry out this task and that this could have potential risks to the Council. In the case of the Station, she stated it was a complex building and as well as dealing with the various shared rights/obligations in the building, a Schedule of Condition was required together with Land Registry compliant plans. Further discussion followed during which it was suggested that the Council may consider divesting itself of some of the properties. It was subsequently **RECOMMENDED** that the HR Cttee should consider staffing levels; the Financial Cttee at its first meeting should consider expenditure and revenue streams of the Council's properties and that the Clerk should instruct a surveyor to prepare HOTS in respect of the lease to the Station charity (which could be the same surveyor as that appointed to inspect the Clerk's office). Once a surveyor had been appointed then many of the issues raised by the Council's solicitor regarding the lease should be addressed.

PL19/06/15

**FEEDBACK REQUIRED RE THE RIVER GAUGES (SITED AT OSM PRIMARY SCHOOL AND THE KINGS SCHOOL AND TIPTON ST JOHN) FROM DEVON COUNTY COUNCIL**

DCC was seeking feedback re the River Gauges It was agreed that the River Gauges had been useful but on occasions they could be slightly annoying if warning texts came through during the night. The Clerk had

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Mayor's Initials.....

removed the Chairman and Cllr Holmes from the list of contacts (as they had been appointed in their previous roles as Mayor and Deputy Mayor). Cllr Stewart agreed to be the point of contact

PL19/06/16

**CYCLE RACK – UPDATE**

No further progress had been made. It was **RECOMMENDED** that the matter be referred to the Regeneration Working Group for action

PL19/06/17

**UPDATE ON ANY OTHER MISCELLANEOUS PROPERTY AND LAND ISSUES**

i. The librarian had advised that the alarm in the disabled toilet situated in the library (which toilet was in the ownership of the Council) had recently been going off intermittently. The librarian had enquired as to whose responsibility it was, to deal with the alarm when the toilets were not part of their demise. The Clerk advised that there was no provision in the Council's lease to Libraries Unlimited to indicate that it was the responsibility of the library staff. It was **RECOMMENDED** that in the first instance the Clerk enquire as to whether or not it was a legal requirement that a disabled toilet should have an alarm. It was also suggested that the surveyor instructed to deal with the Station/Clerk's office, may be able to provide this information

ii. The Clerk advised that a new tenant would be moving into Office 6 during July. A tenant who had rented an office last year for a few months was seeking another short term office let. However Office 7 was full of rubbish which needed clearing and the Clerk advised that she was not prepared for it to be moved back into the Archives room which had taken several days to clear/organise. She advised that if somebody was willing to clear the room then it could be let. It was **RECOMMENDED** that the Clerk provide the Chairman with information about the proposed tenant for him to follow up the matter

iii. The Clerk advised that she had sought three quotes for damp proof work required in the Station; however despite much effort only two had been received. It was **RECOMMENDED** that the quote provided by Heritage Preservation be accepted

PL19/06/18

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

Cllr Pratt expressed his dismay at EDDC who were failing to respond to any communications sent by the Clerk regarding the Council's S106 monies. He was intending to write to Ed Freeman Head of Planning, in his capacity as the EDDC councillor, with the Town Council being copied into all communications

PL19/06/19

**TO CONFIRM THE DATE OF THE NEXT PROPERTY AND LAND COMMITTEE MEETING**

The next meeting would take place `as and when` necessary

**The Meeting Closed at 12.30pm**

**Mayor's signature: ..... Date:.....**

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