

# Ottery St Mary Town Council

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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, 31<sup>st</sup> July 2019 at 10.00am

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**PRESENT:** Councillor Dobson (**Chairman**), Cllr Faithfull (**Vice- Chairman**), Cllrs Giles, Stewart and Lucas together with the Town Clerk

PL19/07/07

**TO RECEIVE APOLOGIES**

Cllrs Grainger and Pratt

PL19/07/08

**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**

The Chairman advised he had an interest in Item 6 (the Station) as he was a member of the Station's Committee. Cllr Giles had an interest in Item 9 (the Former Old Town Hall/Heritage Society) as he was a Trustee of the Heritage Society and would leave the room whilst the item was being discussed

PL19/07/09

**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**

Items 5 (Cricket Club lease), Item 6 (the Station – quotes for gate repairs), Item 12 (the Station – surveyors fees), Item 13 (Clerk's Office survey) Item 14 (grounds maintenance work) and Item 18 (cleaning costs of the Library) were discussed in Confidential Session due to their financial sensitivity

PL19/07/10

**THE CLERK TO PROVIDE A SHORT PRESENTATION ON THE RESPONSIBILITIES OF THE COUNCIL AS LANDLORD OF ALL ITS COMMERCIAL PROPERTIES AND THE MANAGEMENT OF THE COUNCIL'S PROPERTY PORTFOLIO AND THE WORK REQUIRED (TO INCLUDE MATTERS OF RELEVANCE)**

The Clerk gave a presentation to the councillors present, regarding the responsibilities of the Council as a land owner and landlord. Prior to the meeting, she had provided them with the NALC Information Sheet 'Occupiers Liability' plus Document 1 'the Responsibilities of a Commercial Landlord' and Document 2 'What is involved in Managing a Property Portfolio – the Admin work and other Tasks'. Document 2 explained what the Clerk had to do to in order to try and 'manage' the Council's properties. The Council had the largest property portfolio with the smallest number of staff of any parish and town council in Devon. The Clerk advised that it was extremely difficult to ensure that the 'duty of care' that should be adhered to in respect of the Council's properties was being complied with, due to time restraints. She explained about the legislation that the Council had to comply with in respect of its properties and the need for regular documented checks of the properties. In particular the legal requirement for an asbestos management plan and an asbestos register in the Council Offices, the Station, the Old Town Hall and the Library. Suggestions ranged from employing a person with relevant experience to manage the portfolio, or alternatively for it to be managed by a property company. Cllr Stewart advised that the Council should consider its property portfolio and whether it could divest itself of some of its properties within the proposed 5 year business plan, he was intending to discuss at the Finance Committee Meeting later in the day. After much discussion it was **RECOMMENDED** that a property audit of all the Council's properties should be carried out in the first instance. The Chairman would progress with a local person who may be able to assist with the audit.

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Mayor's Initials.....

However the Clerk advised that in accordance with the Council's Financial Regulations three quotes should be obtained for the work

*The Clerk's presentation notes together with the information sheets are attached to these Minutes for reference.*

PL19/07/11

**CONSIDERATION OF THE PROPOSED HEADS OF TERMS ('HOTS) (IN PARTICULAR THE LOCATION OF THE AREA TO BE LEASED AND THE AMOUNT OF RENTAL TO BE PAID) FOR THE PROPOSED USE BY THE CRICKET CLUB OF PART OF THE STRAWBERRY LANE SITE AND ANY MISCELLANEOUS STRAWBERRY LANE ISSUES**

The proposed HOTS were discussed in Confidential Session. The written consent of Nicholas Cave (former owner of the site) to the proposed use by the Cricket Club had been sought, which was a requirement stipulated in the transfer deed to the Council. However the Chairman thought a letter had been sent some time ago from Mr Cave which provided the consent necessary to cover various activities including cricket. The Clerk would investigate. The Clerk also reported that some of the grass cutting had not been carried out by the Pétanque Club (the grass had now got too long for the Club to cut it and they were trying to get a local farmer to deal with it). The agreement the Council had with the Club, was that the Club would cut the entire site, and in consideration of this, the Council would pay for other costs, ie the lighting of the court and the cost of utilities in the pavilion. In addition, the poor standard of workmanship on the pavilion wall was raised. (The Club had carried out some plastering on the wall, which plastering was now falling away. In addition, the colour of the paint used to paint over the plaster, did not match the existing). It was understood that if Wasps Football Club required the use of the pavilion that they would need to contact the Clerk who would arrange an appropriate hiring agreement for the club to enter into

PL19/07/12

**TO CONSIDER QUOTES(S) RECEIVED RE THE SECURING OF THE GATE AT THE STATION AND TO MAKE A DECISION (IF APPROPRIATE**

The matter was discussed in Confidential Session

PL19/07/13

**TO CONSIDER GOING OUT TO TENDER FOR AN `APPROVED CONTRACTORS` LIST**

It was **RESOLVED** that the Council should go out to tender for an approved contractors list with priority being given to local tradesmen. The approved contractors to produce their public liability insurance certificates, annually. This would make life significantly easier for the office staff to contact a recommended contractor, rather than having to search for someone off the internet.

PL19/07/14

**TO CONSIDER THE ACQUISITION OF LAND AT SLADE ROAD**

It was **RECOMMENDED** that the Clerk write to the owners of the land with a request that it be donated to the Council in view of it failing to be sold at auction

PL19/07/15

**UPDATE ON THE HEADS OF TERMS ('HOTS') RE THE PROPOSED NEW LEASE TO THE HERITAGE SOCIETY AND CONSIDERATION OF SURVEY REPORT WITH REGARDS TO THE CONDITION OF BUILDING IN RELATION TO THE TYPE OF LEASE PROPOSED AND ANY OTHER PERTINENT ISSUES/SUGGESTIONS RELATING TO THE BUILDING**

Cllr Giles left the room whilst the item was being discussed. The Clerk had not received a response from the Heritage Society regarding the proposed HOTS for their new lease sent to them in May, despite a chasing e-mail being sent recently. The Chairman would follow up this matter. Other matters could not be discussed regarding the building due to Cllr Pratt not being present

PL19/07/16

**UPDATE ON THE SKATE PARK TRANSFER TO THE STATION**

The Clerk advised that the Council's solicitor Katie Stewart had been away on holiday and was now progressing the transaction (Katie had only received instructions for the transaction in mid July)

PL19/07/17

**UPDATE ON THE PROGRESS OF THE PROPOSED FOOTBRIDGE**

No progress had been made to date. The Chairman would speak to the benefactor to see whether he was still willing to progress the bridge. It was **RECOMMENDED** that if the benefactor had changed his mind that funding for the bridge should come from the S106 receipts

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Mayor's Initials.....

PL19/07/18

**CONSIDERATION OF QUOTES FOR THE STATION (HEADS OF TERMS, SCHEDULE OF CONDITION ETC) AND TO MAKE ANY RECOMMENDATIONS**

The matter was discussed in Confidential Session

PL19/07/19

**CONSIDERATION OF QUOTES FOR SURVEYING THE CLERK'S OFFICE AND TO MAKE ANY RECOMMENDATIONS**

The matter was discussed in Confidential Session

PL19/07/20

**TO CONSIDER QUOTES(S) RECEIVED RE GROUNDS MAINTENANCE WORK IN AND AROUND OTTERY AND TO MAKE A DECISION (IF APPROPRIATE)**

The matter was discussed in Confidential Session

PL19/07/21

**TO CONSIDER HAVING A VISITORS BOOK IN THE COUNCIL OFFICES WHICH IS GDPR COMPLIANT**

It was **RECOMMENDED** to have a visitors` book

PL19/07/22

**UPDATE ON HANDY PERSON POSITION**

No tenders had been received for the handyperson position to date. If there was no interest whatsoever in the position it was **RECOMMENDED** that a local man be used in the short term

PL19/07/23

**TO CONSIDER CONCERNS RAISED BY A RESIDENT REGARDING THE TELEPHONE BOX AT THE CORNER OF SPRING GARDENS**

A resident had expressed concern as to the condition of the telephone box and had requested its removal. There was much discussion. It was suggested that the cost of removing it to another location was likely to be expensive and that planning permission may be required. It was **RECOMMENDED** that the Clerk write to the Heritage Society in the first instance to see whether they would be interested in taking possession of the telephone box and if so, to arrange for it to be sited in the cultural triangle.

PL19/07/24

**TO CONSIDER AND APPROVE (IF APPROPRIATE) THE QUOTE FOR THE CLEANING COSTS OF THE LIBRARY TOILETS SUBMITTED BY EDDC**

The matter was discussed in Confidential Session

PL19/07/25

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

1. A complaint had been received regarding the condition of the cemetery – grass strewn over the paths; benches in need of repair; pots on some graves. In the same week of the complaint having been received, a letter of thanks had been received from a gentleman in Essex who had visited the cemetery to pay his respects to his late grandfather. He had commented on the excellent condition of the cemetery and had sent a £100 donation towards its maintenance. The Chairman was of the view that the cemetery was in the best condition it had ever been but the damage caused by deer and rabbits was something that the Council was unable to overcome. It was **RECOMMENDED** that Cllr Stewart together with Sue Ginman (and possibly the complainant) visit the cemetery to ascertain as to what steps needed to be taken re the seats and other matters and also to follow up the suggestion to re-stain the gates
2. It was noted that the Regeneration Working Group would be responsible for dealing with the provision of a cycle rack in the town
3. It was suggested that an idea be floated to the trustees of the playing field at Tipton St John as to whether they would consider the Council taking ownership of the field. The reasons behind the suggestion was to ensure its long term viability (the Council should be able to provide funding through S106 funding to provide replacement equipment, to provide financial assistance when emergencies arose eg flooding . The Clerk advised that if the playing field was effectively held on charitable trusts, that it would remain so and all that could be changed was the trusteeship. It was **RECOMMENDED** that Cllrs Pratt and Harding be asked to have a preliminary word with one of the trustees David Boyle in the first instance to explore the idea

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Mayor`s Initials.....

PL19/07/26

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

There were none

PL19/07/27

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

To be arranged ` as and when` required

**CONFIDENTIAL ITEMS**

PL19/07/28

**CONSIDERATION OF THE PROPOSED HEADS OF TERMS ('HOTS') (IN PARTICULAR THE LOCATION OF THE AREA TO BE LEASED AND THE AMOUNT OF RENTAL TO BE PAID) FOR THE PROPOSED USE BY THE CRICKET CLUB OF PART OF THE STRAWBERRY LANE SITE AND ANY MISCELLANEOUS STRAWBERRY LANE ISSUES**

It was **RECOMMENDED** that the area of the proposed land for the lease, as shown on the map provided, be re-considered (the Chairman had initially suggested that the proposed area should run parallel with the hedge). It was also **RECOMMENDED** that the rental proposed, should be increased to a more realistic figure. A revised figure was discussed and **RECOMMENDED**. The remaining HOTS were **RECOMMENDED** for approval

PL19/07/29

**TO CONSIDER QUOTES(S) RECEIVED RE THE SECURING OF THE GATE AT THE STATION AND TO MAKE A DECISION (IF APPROPRIATE)**

It was **RESOLVED** that Neil Franks` quote be accepted subject to him providing a reasonable start date

PL19/07/18

**CONSIDERATION OF QUOTES FOR THE STATION (HEADS OF TERMS, SCHEDULE OF CONDITION ETC) AND TO MAKE ANY RECOMMENDATIONS**

It was **RECOMMENDED** that NPS prepare both the Heads of Terms and the Schedule of Condition and that the Council incur the costs

PL19/07/30

**CONSIDERATION OF QUOTES FOR SURVEYING THE CLERK`S OFFICE AND TO MAKE ANY RECOMMENDATIONS**

It was **RESOLVED** that Drew Pearce`s quotes be accepted. The Clerk to ascertain from the surveyor when he/she was on site, as to which report would be required ie either a basic report or full survey report

PL19/07/31

**TO CONSIDER QUOTES(S) RECEIVED RE GROUNDS MAINTENANCE WORK IN AND AROUND OTTERY AND TO MAKE A DECISION (IF APPROPRIATE)**

It was **RESOLVED** that Idverde carry out this work in the short term, but in the long term the Council to contract a local person who may be willing to carry out this type of work

PL19/07/32

**TO CONSIDER AND APPROVE (IF APPROPRIATE) THE QUOTE FOR THE CLEANING COSTS OF THE LIBRARY TOILETS SUBMITTED BY EDDC**

It was **RECOMMENDED** that the quote provided by EDDC be queried by the Clerk, as the cleaning operations carried out by EDDC should now be reduced, in view of the toilets only being open when the library was open

**Meeting Closed at 11.35pm**

**Mayor`s signature: ..... Date:.....**

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