



Ottery St Mary Town Council

Minutes of the **PROPERTY AND LAND COMMITTEE MEETING** of **OTTERY ST MARY TOWN COUNCIL** held in the in the Council Offices, the Old Convent, 8 Broad Street, Ottery St Mary on **FRIDAY, 29TH JULY 2022 at 10.08am**

PRESENT: The Chairman (Cllr Grainger), Cllrs Lucas, Green, Stewart and Johns, Christine McIntyre (CEO) and Kerry Kennell (Deputy CEO)

PL22/07/01

TO RECEIVE APOLOGIES

Cllr Stewart

PL22/07/02

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

PL22/07/03

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

PL22/07/04

TO APPROVE AND SIGN THE MINUTES OF THE PROPERTY AND LAND COMMITTEE MEETING OF 26th MAY 2022

The Minutes of the Property and Land Committee Meeting of 26th May 2022 were approved and signed by the Chairman

PL22/07/05

APPOINTMENT OF CLLR GREEN TO THE PROPERTY AND LAND COMMITTEE

It was **RECOMMENDED** that Cllr Green become a member of the Cttee. Cllr Green accepted the position, subject to the approval of Full Council.

PL22/07/06

CONSIDERATION OF REQUEST FROM ALBERT CLOSE RESIDENT RE CAR PARKING PROVISION AT ALBERT CLOSE FOR VICTORIA TERRACE RESIDENTS

It was **RECOMMENDED** that the proposal from an Albert Close resident (for a car park space swop) be progressed, subject to the CEO receiving clarification from the Council's solicitor of there being no financial penalties for the Council, under the S106 Agreement, and that as a matter of courtesy Victoria Terrace ('VT') residents be advised of the proposal. It was noted that the resident was prepared to pay the

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Council's legal costs in this matter. With regards to the resident's other proposal (to instal retractable bollards, rather than fold down bollards) it was **RECOMMENDED** that this proposal be put to VT residents to decide, as this option would result in there being greater cost implications which the VT residents would have to bear. It was noted that the Council's insurers did not have any issues with fold down bollards. It was **AGREED** that the resident's two proposals be acknowledged.

PL22/07/07

THE HELP SCHEME – UPDATE ON THEIR TERMINATION DATE TO VACATE THE STATION AND TO DECIDE ON ANY FURTHER ACTION

The CEO had provided members with an exchange of correspondence. It was becoming clear that the Help Scheme may not be intending to provide the statutory three months notice. The CEO believed that until that was effected then the tenancy would continue in respect of Office 1 even when the Help Scheme had vacated the premises. Office 3 was subject to a Tenancy at Will and the notice required was not so prescriptive and even one day's notice would be permitted. It was **RECOMMENDED** that the CEO advise the Help Scheme that a Ctte meeting had taken place today and that the Council would continue to invoice the Help Scheme for rental until the three months formal notice had been received.

PL22/07/08

BOWLING CLUB – UPDATE BY THE CHAIRMAN AS TO LAND PROPOSALS AND THE CTTE TO MAKE RECOMMENDATIONS ACCORDINGLY

The Chairman advised that at a previous site meeting with the Bowling Club the indications were positive in that the Club was receptive to releasing part of their leased land to the Council for the MUGA. It was understood that the Club would take back the proposal to its members but to date there had been no further communication from the Club. The Chairman will follow up. Cllr Lucas expressed concern as to the latest proposed MUGA plans. It was indicated that until the Club was firm in its proposals regarding the release of part of its land then this could delay the project. Concern was expressed that DCC Highways (when considering the planning application for the MUGA) could object to the planning application on the grounds of increased traffic movements and poor/unsafe access. However the Petanque Club, Bowling Club and Cricket Club were all sited along Strawberry Lane which Clubs had generated substantial traffic movements and which had clearly not concerned DCC previously. It was **AGREED** that the Chairman would open a dialogue with the relevant DCC Highway Officer(s) to try deal with any potential issues prior to the planning stage

PL22/07/09

UPDATE ON STRAWBERRY LANE ACCESSWAY (WESTERN POWER)

The CEO advised that Western Power ('WP') was agreeable to granting the Town Council a right of way over its accessway, subject to the Council paying its legal costs. The CEO had asked the Council's solicitor to ascertain from WP the approx amount of legal costs. It had already been confirmed by Sulina Tallack that 'reasonable legal costs' should be payable from S106 funding for the transaction.

PL22/07/10

UPDATE FROM CHAIRMAN RE CELLAR DAMP SITUATION FOLLOWING HIS CHECK OF THE DISABLED TOILETS PIPES

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The Chairman would check this today and report back to the CEO

PL22/07/11

TO DECIDE WHO IS TO BE PART OF AN INFORMAL GROUP TO CONSIDER THE HEADS OF TERMS FOR THE MUSEUM LEASE AND THEN DECIDE ON A MEETING DATE (THE RECOMMENDATIONS FROM THAT MEETING TO THEN BE CONSIDERED BY THE PROP AND LAND CTTE)

It was **AGREED** the Chairman, Cllrs Green and Lucas would form the group but other members of the Property and Land Cttee would be welcome to attend meetings. The first meeting to take place on Tuesday, 16th August at 10.00am - Face to Face or Zoom to be decided later

PL22/07/12

TO DECIDE ON A DATE FOR THE NEXT PROPERTY AND LAND CTTE MEETING

It was **AGREED** that a meeting should take place on Thursday, 18th August at 10.00am at the Council Offices

PL22/07/13

UPDATE ON SKATEPARK LEGALS AND FINANCE

The Trustee/Directors of the Ottery BMX and Skate Park Trust had informed the CEO earlier in the week that they had resigned en masse and were winding up the Trust on Companies House. They had subsequently advised the CEO this morning that they had closed the skate park due to safety issues. The CEO advised that if the sublease was not surrendered by the Trustees/Directors or there was no agreement in place as to the handover of any equipment, before the Trust had officially been wound up and removed from Companies House, then the assets would become the property of the Crown ('Bona Vacantia'). There was much debate. The Cttee was of the view that the skatepark should remain as a facility for the community but in view of the actions of the Trustees/Directors they

RECOMMENDED the following:-

- a. The CEO seek legal advice today about the implications for the Council of the actions of the Trust with regards to the headlease and sublease and whether the Council can legally ask for the keys to the Park from the Trustees in order to allow contractors to carry out any work required to the equipment (and surrounding area) to make it safety compliant for users and to also ensure that any other works eg the rusty wire and other implements (to stop children accessing the skatepark) can be removed
- b. The CEO to seek clarification from the Trustees/Directors on whether they will release the keys to the locks on the gates to councillors (in order to allow them access); confirmation whether the insurance cover is still in place; to request they hand over their log of weekly safety check sheets re the equipment; to advise as to their intentions re the sublease they have with the Council; to request clarification on the removal of the two pieces of equipment as per the safety report (who asked for its removal?; are they still intending to remove it?; has the work been costed?, if so how much and are they going to fund ?)
- c. The CEO to enquire of EDDC as to how much they would charge to carry out weekly documented safety checks of the equipment
- d. The CEO to arrange for a specialist contractor (Rospa/EDDC recommended) to visit the skatepark and calculate the cost of works required to ensure safety compliancy

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e. The CEO to ask the Council's handy person to remove the rusty wire and other implements (used by the Trustees/Directors to block up an unauthorised accessway), subject to clarification from the Council's legal advisors that it is permitted for the Council to have access to the site.

It was further **RECOMMENDED** that:-

The short term plan was to get the skatepark operational again and for it to remain shut for no longer than one month to allow for all necessary work to be carried out (subject to the Council having the legal authority to access the site) to make it safety compliant. The long term plan was for the Council to seek a more suitable site to provide for improved facilities

PL22/07/14

STRATEGIC BUILDINGS REVIEW

There was much discussion. It was **AGREED** that there needed to be a proper strategic plan formulated as to the best use of the building in order to make it financially viable. A decision would need to be taken as to whether the building was to be used commercially or by the community. A tourism facility was intended to be integral to the building and it was understood that progress was being made in this respect. Costings of how to upgrade the building needed to be considered eg reducing energy costs; insulation; solar panels, rainwater harvesting etc. It was **RECOMMENDED** that the item be included on the next Property and Land agenda. The Chairman and Cllr Lucas agreed to work together on this.

PL22/07/15

MISCELLANEOUS PROPERTY MATTERS

There were none

PL22/07/16

TO RECEIVE COUNCILLORS' QUESTIONS RELATING TO PROPERTY AND LAND

There were none

The meeting concluded at 11.45am

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| SIGNATURE OF CHAIRMAN | |
| DATE OF SIGNATURE | |

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