



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 **THURSDAY, 29th SEPTEMBER 2022 at 4.33pm**

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

PL22/09/01

TO RECEIVE APOLOGIES

Cllr Johns

PL22/09/02

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

PL22/09/03

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

PL22/09/04

TO APPROVE AND SIGN THE MINUTES OF THE PROPERTY AND LAND COMMITTEE MEETING OF 18TH AUGUST 2022

The Minutes of the Property and Land Committee Meeting of 18th August 2022 were approved and signed by the Chairman

PL22/09/05

TO CONSIDER THE QUOTE (AND MAKE RECOMMENDATIONS) FOR DAMP PROOF WORKS TO THE CELLAR

The two quotes from Heritage Preservation (for the entire cellar and half the cellar) were discussed at length. It was **RECOMMENDED** that the works be deferred until the next financial year but that they be considered as a priority job.

The CEO also advised that the Police had reported damp issues relating to a back wall. Heritage Preservation will deal with the matter under their guarantee

PL22/09/06

TO CONSIDER AND MAKE RECOMMENDATIONS REGARDING OUTSTANDING

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MATTERS IN THE DRAFT HEADS OF TERMS FOR A LEASE RE THE MUSEUM

Cllr Lucas explained that he had had an informal chat with Peter Shrubsall of the Heritage Society ('HS') at which Mr Shrubsall expressed concern that the Council appeared to be back tracking on works agreed to be paid for by the Council. He had subsequently sent a letter (e-mailed out to the Property and Land Ctte) reaffirming this and other points. There was much discussion. Various parties had been involved with the Museum improvement works over the years; agreements had been made and subsequently modified and it was clear that all parties were keen to resolve the outstanding matters in order that a lease could be signed off. It was therefore **RECOMENDED** that the following be approved:-

The Casement Window - The Council to pay for the repair costs to the window (although one quote had been received it would be necessary to obtain others). To check with the Planning Conservation Officer that if the replacement window was 'like for like', whether planning permission would be required.

The Re-pointing – This would need to be carried out in phases and three quotes would need to be obtained. The Council to incur the costs of Phase 1 only

Damp in the building - If the water ingress got worse due to the lack of a cowl being fitted on the chimney (resulting in water going down the chimney) and the situation became urgent then the Council would deal with this issue and arrange for a cowl to be fitted

The remaining points in the Heads of Terms ('HOTS') for the lease were considered and it was **RECOMMENDED** that the HOTS be approved in their entirety subject to the following amendments:-

Point 1 - the HS to have first refusal of the Silver Band room if it was vacated but this would be subject to the Council revising the current lease terms (if appropriate);

Point 1.5 - the Council to replace the casement window but would not be responsible for any other window repairs/replacement in the building

Point 8.2 - the Council to seek legal advice as to what the position would be in respect of the building if the HS were to wind up its organisation within the lease term (the HS were not willing to have its Constitution amended whereby in the event of it being voluntarily wound up, the property would revert back to the Council). It was noted that charity law was complex in this respect.

Point 11 – The repointing works had been addressed previously

It was also **RECOMMENDED** that a further meeting take place with Peter Shrubsall prior to the next Property and Land Ctte meeting

PL22/09/07

SKATEPARK UPDATE AND TO MAKE RECOMMENDATIONS AS APPROPRIATE

The Rospa safety report commissioned by the Council had been received and submitted to the Council's insurers. In response, the insurers had made recommendations with regards to the repairs which were required. However there were no major repairs that needed to be undertaken and it was understood that the skatepark could be re-opened once a risk assessment had been carried out. The

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Deputy CEO would chase up the contractor regarding the required repairs. It was **RECOMMENDED** that the quote provided by the Council's handy person (to carry out regular weekly checks which was a requirement of the Council's insurers) and to document the checks, be accepted. He would charge an hourly rate which was substantially cheaper than the quote the Council had received from EDDC. The graffiti on the signs would be removed and new signage would be sourced. The Council's solicitor had provided an update on the action he would be taking in relation to any assets of the Trust, as a response to the winding up application of the Trust which had been submitted to Companies House on 11th September. As the sublease to the Trust had now fallen away and the Council was the tenant of DCC, DCC had requested that the Council enter into a Deed of Variation which would legalise the current position of restricting the hours of access to skatepark users. Currently the lease did not provide for this and it appeared that DCC was in breach of the terms. It was **RECOMMENDED** that the Council refuse DCC's request to enter into a Deed of Variation and instead set up a Teams meeting with Simon Niles of DCC to explore other options to make the skatepark more accessible from funding available. Persons such as a local landowner be contacted for his input re the access.

A site inspection of the skatepark had been carried out, following the request of a King's School pupil for the provision of a bike park. It was concluded that there was available space for this facility. It was **RECOMMENDED** that this facility be progressed (costings obtained etc).

It was **RECOMMENDED** that a working party be set up consisting of Cllrs Lucas and Green but it was hoped parents, youngsters and other councillors would be willing to become members.

PL22/09/08

STRATEGIC BUILDING REVIEW

This would be discussed at the next Property and Land Ctte meeting in October

PL22/09/09

MISCELLANEOUS PROPERTY MATTERS

PL22/09/10

THE STATION

The Help Scheme

Office 3 has been vacated. The CEO did a check of the vacated premises with two of the HS's representatives and confirmed that the office had been returned in good order. Office 1 will be vacated on 17th November.

Improvement Works to the Station

Cllr Lucas advised that Rob Johns had inspected the exterior of the building with regards to works required to making the building weatherproof, particularly as the winter weather would soon be here. It was **RECOMMENDED** that quotes be obtained for this work. It was **RECOMMENDED** that quotes be obtained for painting Offices 1 and 3.

It was **RECOMMENDED** that the decision at the September Full Council meeting (not to replace the broken boiler pump due to expense) should be rescinded as the Hub Committee was concerned about the implications of the remaining pump going

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wrong during the winter. Further investigation had revealed that the remaining pump would be prone to failing. It was **RECOMMENDED** that a notice of rescission be effected. If the relevant number of signatures to rescind the previous decision were obtained then the purchase of a replacement pump be considered/approved at the November TC meeting and in the interim quotes be obtained for the cost of a replacement pump.

Action East Devon - Lease to Action East Devon of one of the first floor offices

The following terms had been **RECOMMENDED** for approval for the letting one of the first floor offices at the Station:-

1. A 3 year lease of Office 1 to commence on a date to be agreed (likely to be early 2023) for office provision with the option for either party to terminate the lease (on one month's notice) any time after six months of the term have elapsed, so neither party has to be stuck into a three year term if their circumstances change. An admin fee of £50 to be charged for the drafting of the lease
2. £300 rental per month including all utilities and wifi to be charged. A caveat to be included for a quarterly review just in case there was a sudden increase in energy use etc.
3. The tenant to have the use of the kitchen area/ toilets, corridors etc . If a hirer is using the kitchen then the tenant will be precluded from using the kitchen
4. The tenant to have 4 named parking spaces allocated for its use
5. The tenant to contribute to cleaning costs ,
6. The lease to be 'excluded' ie that at the end of the three year term (if it has not been terminated earlier) that the tenant cannot automatically expect a renewal of the lease. In other words a further lease granted will be at the discretion of the Council
7. The CEO to check whether solicitors would be acting for the tenant. If not, the CEO to send all legal paperwork to the tenant direct but advising the tenant that when entering into any legal agreement it is advisable to have legal advice

Portacabins

One portacabin was being used by Station hirers for storage. The other portacabin was being used by Space for admin purposes. The CEO recommended that a licence agreement should be in place regularising their use. It was **RECOMMENDED** that there should be no charge to Space for licence fee or utilities; they would have the use of the kitchen and toilets (the kitchen could not be used if other hirers were in situ); an admin fee of £50 for drawing up the licence would be charged; Space to have the use of two named parking spaces for use during day time activities

Parking

It was **RECOMMENDED** that next year consideration be given to installing a more intelligent system at the car park to monitor and ensure that those persons parking at the facility were legitimately able to do so. It was understood that various persons were using the car park who had no obvious connection to the Station. It was further

Chair's Initials.....

RECOMMENDED that RIO be requested to make their customers aware that they must not park at the Station

The Station Charity

An application for dissolution has been made by the CIO (the Station charity) to the Charity Commission and a Notice of Dissolution dated 16th September was now on the Charity Commission's website. There was a period of three months from the date of the notice for objections/representations to be submitted to the Charity Commission. If none were received the CIO would be dissolved. It was **RECOMMENDED** that a meeting be requested with the trustees of the CIO regarding the assets. If there was no response or a meeting was refused then further action to be taken by the CEO in accordance with her suggestions

PL22/09/11

STRAWBERRY LANE

Deed of Grant

The Deed of Grant with Western Power (re a right of way over WP's land at the entrance of Strawberry Lane) was being progressed by the Council's solicitor

Cricket Club Footpath at Strawberry Lane

Cllr Lucas advised that a productive meeting had taken place with Rob Johns (Chair of Ottery St Mary Cricket Club). It was noted that the Cricket Club had made a most generous offer regarding allowing part of their land to be used as a footpath in relating to the proposed MUGA. A 'Permissive Path' was considered to be the way forward and there would need to be consultation with DCC, Western Power and a topographical survey carried out. It was **RECOMMENDED** that a 'letter of understanding' would need to be submitted to Mr Johns by the Council so that there was clarity on the part of the Council and Mr Johns as to what had been proposed/agreed at the meeting. It was understood that the Cricket Club had a wish list for the provision of a fence/tree screen

Bowling Club

There was no update on the land transfer

Gatepost

The quote received from the Council's handy person to replace the existing gatepost (it was rotten at the bottom and could not be repaired) be **RECOMMENDED** for approval

PL22/09/12

Council Offices Lettings

There had been some interest which unfortunately had not transferred in any lettings of the offices

PL22/09/13

Cemetery

The yellow sign (advising of memorial stone checks) on the gate had now been removed. The CEO was in the process of going out to tender to various memorial masons for the repair work to the stones. She would also be starting to input all the paper copies of info re the cemetery on-line now the Council had the relevant software to do this

Chair's Initials.....

PL22/09/14

The Library

It was **RECOMMENDED** that the request from Libraries Unlimited for the library to be used as a hub for emergency services on 5th November be approved

PL22/09/15

Car Park – Albert Close

Agreements were in the process of being signed/returned by Victoria Terrace residents together with payments for the licence fee and bollard & installation costs. Once all the agreements/payments had been received then the Council's handy person would be asked to install the lockable fold-down bollards and residents will be issued with keys. If there were any person(s) who did not pay the fee/return a signed licence then it was **RECOMMENDED** that the bollard(s) still be installed but the keys to be withheld until payment/licence had been received from the relevant persons. A Victoria Terrace resident had provided proposals for the management of the 'Visitor Space'. He had advised

It would involve attaching a key box to the wall near/behind space 6 as this would be the closest to the visitors parking and will allow people to access the key quickly and easily when parking and return the key easily without the need to walk a distance to my house. This will help things run smoothly, especially for those with limited mobility and reduce the chances of people wandering off with the key. The instructions will ask the visitor, after unlocking the bollard, to return the key immediately to the box and when leaving the space to lock the bollard in position and return the key to the box. To avoid loss and inconvenience to others the key is not to leave the car park. Residents are to be responsible for their visitors actions and any key loss.

People will be asked not to park in the space for more than 24hrs, it is for short term parking only. It is not a space for visitors to commute, shop or visit the area from. It is not for a households second car. The number for the key box will be changed monthly. Once changed a resident will need to ask for the new, via a WhatsApp group, when they have a visitor calling. It will also be changed if anyone thinks the space is not being used fairly or being abused.

The two main considerations are to stop long term parking blocking others from having fair use and any non-visitor/other parking misuse.

It will be an organic process of try and adjust if the system does not work!

It was **RECOMMENDED** that the aforementioned proposals be accepted

It was also **RECOMMENDED** that a Victoria Terrace resident's request for the bollard on his space (to be sited sideways) be refused

PL22/09/16

DESIRABLE IMPROVEMENTS TO THE PROPERTY PORTFOLIO AND TIMESCALES

It had previously been requested that the Property and Land Committee draw up a list of desirable improvements to the property portfolio and state the timescales involved. It was **AGREED** that this item be incorporated with the Strategic Property Review to be discussed at the next Property and Land Cttee meeting

PL22/09/17

TO RECEIVE COUNCILLORS' QUESTIONS RELATING TO PROPERTY AND LAND

There were none

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PL22/09/18

DATE OF NEXT PROPERTY AND LAND COMMITTEE MEETING

TBA for a date in the second half of October)

The meeting concluded at 7.00PM

SIGNATURE OF CHAIRMAN	
DATE OF SIGNATURE	

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