 **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 thein the Council Offices, the Old Convent, 8 Broad Street, Ottery St Maryon **THURSDAY, 1ST DECEMBER 2022 at 5pm** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PRESENT:** The Vice Chairman (`VC`) (Cllr Lucas), Cllrs Green and Stewart, Christine McIntyre Project Support Officer (`PSO`) and Kerry Kennell CEO

*PL22/12/01*

**TO RECEIVE APOLOGIES**

Cllrs Grainger and Johns

*PL22/12/02*

**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

*PL22/12/03*

**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**

Item 7 (ii) (Cemetery) to be discussed in Confidential Session

*PL22/12/04*

**TO APPROVE AND SIGN THE MINUTES OF THE PROPERTY AND LAND COMMITTEE MEETING OF 1ST NOVEMBER 2022**

The Minutes of the Property and Land Committee Meeting of 1st November 2022 were approved and signed by the VC

*PL22/12/05*

**UPDATE ON THE PROGRESS OF THE MUSEUM LEASE AND CONSIDERATION OF QUOTES FOR THE REPLACEMENT WINDOW**

1. The recommendation of the Council`s solicitor to incorporate a number of the HOTS in a side letter (the contents of which the PSO had read out) rather than in the lease was **RECOMMENDED** by the Ctte to be accepted, with a slight amendment relating to the Landlord providing a cowl on the building. The lease as drafted by the solicitor was also **RECOMMENDED** for approval
2. The Ctte **RECOMMENDED** that the lease be treated as a disposal under the 2003 General Disposals Consent . *(The Local Government Act 1972, s123, provides that the Council may dispose of land in any manner it sees fit subject to the constraint that (except in the case of leases for less than 7 years) disposal must be for the best consideration reasonably obtainable. The General Disposal Consent (England) 2003 provides a general consent removing the requirement for Local Authorities to seek specific approval from the Secretary of State for a wide range of disposals at less than best consideration).* A valuation by a chartered surveyor was carried out for undervalue purposes in 2019 which had been circulated to councillors this week. The Council`s solicitor was of the view that it was not necessary to obtain a more updated valuation in view of commercial rents having fallen since 2019. It was **AGREED** by the Ctte that in the light of this advice that a further valuation was not necessary
3. The PSO had approached four companies for quotes for the casement window but had only heard from two firms. A tender had been received from Firm A for the making of the casement window only. Firm A had also submitted a separate quote for the making, installation and glazing of the window. Firm B had submitted a quote for the making of the window only. It was **RECOMMENDED** that the VC contact Mr Johns to check whether or not he wished to submit a tender for works to glaze and install the former Gaffney window, as the PSO had not heard from him. In the meantime, the PSO to check out the spec of the window with Firm A. If Mr Johns did not wish to carry out the works then it was **RECOMMENDED** that the PSO seek delegated authority to authorise the making, installation and glazing of the window with Firm A.
4. The PSO advised that the insurance premium currently payable for the Museum premises only, was in the sum of £739.38. However this sum would be increased with inflation. The Heritage Society (`HS`) had agreed it would pay the annual premium.
5. All safety checks would be carried out prior to the handing over of the building. The HS would arrange the PAT testing of appliances at their expense
6. The handy person had recently cleared blocked pipes/drains/gutters in view of leak/damp issues
7. The PSO had served EDDC with a notice to quit their use of the cleaner`s cupboard. The notice would expire on 17th December. EDDC would then use the cellar at the Council Offices in which to store their equipment

PL22/12/06

**UPDATE ON THE SKATEPARK AND TO MAKE RECOMMENDATIONS AS APPROPRIATE**

1. Jon Williams from DCC - SCF Group Deputy Lead had questioned as to why the Council considered there was a need for the skatepark to be accessed between 8.00am and 15.30pm on school operating days. DCC was in breach of the lease as the Council was permitted to have unrestricted access. It was **RECOMMENDED** that Russ the CEO at Maverick be consulted to assist the Council with technical information to build a case to have unrestricted access if DCC was not going to provide an alternative route (which Mr Williams had advised was not affordable). In addition, issues had arisen with the Council`s maintenance persons being denied access to check the skatepark equipment
2. The Council`s litigation solicitor was continuing to progress the legal issues re the winding up of the Trust and distribution of assets.

*PL22/12/07*

**CEMETERY MATTERS – TO CONSIDER:- I. ISSUES RAISED BY A RESIDENT CONCERNING TREES ON THE CEMETERY BOUNDARY; II. TENDERS FOR THE MEMORIAL STONES AND III. A PROPOSED COMMON WEALTH GRAVE SIGN**

1. It was **RECOMMENDED** that East Devon Tree Care carry out a risk assessment of the Council`s trees abutting Coleberd Close, (in view of the concerns of the height of the trees and potential H&S issues re falling branches in high winds as raised by a Coleberd Close resident).
2. The tenders would be considered in Confidential Session.
3. It was **RECOMMENDED** that the Council accept the free standard sized Common Wealth war grave sign and it be sited on the cemetery gates. It was understood that the installation would also be FOC

*PL22/12/08*

**CONSIDERATION OF EDDC`S COMMUNITY ASSET TRANSFER PROCEDURE**

It was **RECOMMENDED** that the Land of Canaan be considered (including the car park) as a transfer to the Council. In addition that it was **RECOMMENDED** that Windrush/Millcroft be rewilded. It was also **RECOMMENDED** that an initial meeting be set up with EDDC to consider the benefits/drawbacks of taking on the assets and to work with EDDC to progress if appropriate

*PL22/12/09*

**CONSIDERATION OF MISCELLANEOUS PROPERTY MATTERS (TO INCLUDE AN UPDATE ON THE PROPOSED PERMISSIVE PATH AT STRAWBERRY LANE)**

*PL22/12/10*

**Strawberry Lane**

The Council`s solicitor was progressing the grant of the right of way with Western Power(`WP`) which would allow the Council access over WP`s land to access its own land

*PL22/12/11*

**Cricket Club and Permissive Path**

The PSO had provided Ctte members with the legal definition of a Permissive Path. It was understood that Mr Johns, Chair of the Cricket Club, had concerns about the responsibility for the path as he would like to hand it over to the Council. There was much discussion about a Permissive Path and screening and fencing was raised, plus the adoption of the path. It was **RECOMMENDED** that there should be further dialogue with Mr Johns and a Teams Meeting be set up with the VC and Cllr Green to establish clarity and a clear understanding as to how the matter could be progressed to the satisfaction of all parties. It was **RECOMMENDED** that there should be public consultation re the fencing and the potential gifting of land. It was also **RECOMMENDED** that if consultation was carried out, that it should also include the provision of a footpath to Otter Garden Centre and that a further approach be made to the landowner

*PL22/12/12*

**Bowling Club**

The PSO advised that the Land Registry, (when it registered the Deed of Surrender in 2009 (re the land the Bowling Club (`BC`) gave up) appeared to have made an error with the registration. Effectively it meant the Council already had the land that it required from the BC for part of the MUGA . The BC had indicated that in view of this, they considered there was no necessity to have a legal agreement drafted. However the BC required written confirmation that the drain/pipe would be dealt with correctly. Further, that once the fence was moved, the drain/pipe would not be accessible to the BC for cleaning and maintenance, so the BC considered this to be the responsibility of the Council. The BC also stated that the BC would not be accountable for any damage/disruption to the pipe/drain during the works. The Ctte had been supplied with plans from the BC as to its preferred location for a tree planting scheme. It was **RECOMMENDED** that the BC be permitted to plant the following trees:- 8 Goat Willow, 6 Hazel, 8 Crab Apple, 8 Rowan, 4 Black Thorn at the proposed location. It was noted that the BC had sought advice from the Woodland Trust re the most suitable trees.

*PL22/12/13*

**Council Offices Lettings**

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

*PL22/12/14*

**Car Park – Albert Close**

The PSO reported that all the bollards were in situ, licences signed, payments received and all residents appeared happy!

*PL22/12/15*

**The Station Charity**

The Station Charity was in the process of being wound up as confirmed by the Charity Commission (`CC`) on its website. The PSO was still waiting to hear from the CC regarding her e-mail sent in October requesting that the CC consider the request of the Council for the funds the Station held, to be distributed to the Council which could be used towards the cost of youth provision. It was **RECOMMENDED** that the PSO send a chasing e-mail to the CC

*PL22/12/16*

**The Station**

Licenses had been drafted to formalise the use of Portacabins 1 (multi use organisations) and 2 (Space) which it is hoped would be signed shortly.

Offices 1 and 3 had been redecorated. Action East Devon had now entered into a three year lease with the Council for the use of Office 1

*PL22/12/17*

**Safety checks**

The PSO was in the process of ensuring that all the safety checks (emergency lighting; fire risk assessment; alarms etc) relevant to all the Council`s buildings were all up to date and if not to arrange for necessary checks to be carried out

*PL22/12/18*

**Property Portfolio**

The PSO had e-mailed round information about the Council`s legal responsibilities as landlord. The CEO had recently participated in a course on the same subject and was of the view that in order that the properties were properly managed/checked that regular inspections were carried out on the properties and to also ensure that tenants were complying with the covenants in their leases. The PSO advised of the legislative requirements in this respect. The CEO advised there needed to be a strategy in place for this and written records kept. She also strongly advised on the hiring of a caretaker. It was **RECOMMENDED** that the Police be contacted by the Council (in its capacity of Landlord) to carry out a check of the police premises. It was **RECOMMENDED** that a review be carried out by a professional company of the Council Offices and how there was a more practical way of the admin team working within the building and to also get best value out of the building. It was also **RECOMMENDED** that the Council`s very expensive mortgage taken out in 2008 be reviewed again,

*PL22/12/19*

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

There were no questions raised

*PL22/12/20*

**DATE OF NEXT PROPERTY AND LAND COMMITTEE MEETING**

*TBA*

*PL22/12/21*

**CONFIDENTIAL ITEM**

It was recommended that the quote from Orchard Memorials for repairs to the memorial stones be accepted

**The meeting concluded at 18.35 PM**

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