



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, 26TH JANUARY 2023 at 4.30pm**

PRESENT: The Chairman (Cllr Grainger), Cllrs Lucas, Green and Stewart, Christine McIntyre Project Support Officer ('PSO') and Kerry Kennell CEO and Cllr Peter Faithfull (Town Cllr but not a member of the Ctte)

PL23/01/01

TO RECEIVE APOLOGIES

Cllr Johns

PL23/01/02

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

Name of Councillor	Interest
Cllr Lucas	Personal – Attending skatepark meeting and Vice Chair of Station Ctte. Pecuniary Interest re the proposed letting of Office 7
Cllr Green	Personal - Attending skatepark meeting and Chair of Station Ctte
Cllr Grainger	Personal – Member of the Station Ctte

PL23/01/03

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 6 - Skatepark (finances of the Skate and BMX Trust and pertinent legal issues) Item 8 - Station Hub (finances (commercial sensitivity)) and Item13 – Misc Property Matters (Room Hire for proposed business (commercial sensitivity)) all to be discussed in Confidential Session

PL23/01/04

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

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

PL23/01/05

UPDATE ON THE PROGRESS OF THE MUSEUM LEASE AND TO MAKE RECOMMENDATIONS RELATING THERETO AND TO RECOMMEND A CONTRACTOR(S) TO INSTALL THE REPLACEMENT WINDOW

Chair`s Initials.....

It was noted that the Heritage Society (`HS`) was concerned about the delays relating to various aspects of the transaction. The Ctte were keen to ensure that there were no further delays and accordingly made the following recommendations:-

I. Replacement Window

It was **RECOMMENDED** after consideration of the quotes that the quote submitted by JTP Joinery for the making, installation and glazing of the replacement window for the Museum be accepted and that the PSO prepare and submit a planning application to EDDC using the specification provided by JTP Joinery .

II. Lease

In view of the advice of the Council`s solicitor it was **RECOMMENDED** that i. the proposed lease should contain a provision whereby in the event of the HS wishing to purchase the freehold during the term of the lease that the Council would consider the request, (but would be under no obligation to progress the same) and in the event of a sale being progressed to the HS (or any party) during the term of the lease that the provisions contained in S127 of The Local Government Act 1972 (and if applicable S128 of the said Act) are complied with and ii. That a side letter is entered into by both parties which incorporates the requirements in respect of the proposed works re repointing etc

III. Cleaner`s Cupboard

It was noted that EDDC had vacated the cupboard. It was discovered by Peter Shruballs of the HS that the lighting had been left on in the cupboard. (It was not known who had left the lighting on). The HS according to Peter would have to pay the electricity costs. The HS now wished to have the use of the cupboard. It was **RECOMMENDED** that the HS have the use of the cupboard with immediate effect, and at no cost as a gesture of goodwill in view of the lighting issue. It was also noted that Peter has advised that a drain cover was also required in the cupboard

PL23/01/06

UPDATE ON THE SKATEPARK AND TO MAKE RECOMMENDATIONS AS APPROPRIATE

i. **Access**

A meeting had taken place with Jon Williams and Sarah Bowker (both from DCC) and Cllrs Green and Stewart to consider an alternative access for the skatepark. Three possible options were considered:-

1. Entrance from Exeter Road across DCC land – this was deemed not practical for users to walk up Exeter Rd as it was a busy/fast road for any pedestrians.
2. Entrance alongside Cadhay Lane near the airport outer location beacon across DCC land to the skate park – this was deemed unsuitable, as it would mean users having to travel further along Cadhay Lane, which was not practicable.
3. New entrance running alongside the left hand side of the LED sports hall that would take users around the existing outdoor courts, and maintaining the safeguarding measures in place by Kings School. .

All persons present agreed that Option 3 was the most practical solution. It was understood that monies required to provide the path would be in the region of £20,000. Mr Williams had advised that DCC would not be in a position to finance the scheme. However Mr Williams advised that he would look to get plans drawn up that did not provide an over engineered solution to provide the access. Other matters discussed were - Visibility issues; talking to Kings/LED about access to run power from existing floodlights to provide lighting for the skatepark as well as CCTV cameras. Kings School had agreed that if the Council provided 24 hrs notice to the school, that contractors could then gain access to the skatepark during school hours with the assistance of the school site operations team.

Chair`s Initials.....

ii. The Skatepark's Finances on Winding Up

The item to be discussed in Confidential Session

PL23/01/07

CEMETERY MATTERS – UPDATE

1. Tree Concerns

A report had been received from Matthew Shute Consulting Arborist of East Devon Tree Care in response to a landowner's concerns about the height of the trees on the Council's land on the northern boundary of the cemetery. He was concerned that in severe weather – gales etc there was the possibility of branches falling and presenting H&S issues etc. Mr Shute's report was quite clear in that no work was required at this time. It was **RECOMMENDED** that the Council accept the Report's findings and the PSO to inform the landowner of the findings accordingly. If necessary the report to be released to the landowner should he request a copy of the same. East Devon Tree Care had confirmed agreement to this.

2. Memorial Stones

It was noted that the repairs to the memorial stones should be carried out this month

PL23/01/08

UPDATE ON PROPERTY STRATEGY FOR THE STATION PLUS CONSIDERATION OF ANY OTHER PERTINENT MATTERS RELATING TO THE STATION (INCLUDING LICENCES AND TENANCY AGREEMENTS)

1. Update on Property Strategy

The CEO advised that the Property Strategy document was almost finished and will be shared with the consultants engaged by the EDDC in relation to the Prosperity Fund

2. New licences and tenancy agreements

Office 1

A three year tenancy agreement has been completed with Action East Devon

Office 2

06 – the tenancy agreement will expire on 30th April 2023. The Council will need to negotiate with Graham Harry as to whether or not he wishes to renew his tenancy. It was **RECOMMENDED** that a meeting be set up with Mr Harry to progress this

Office 3

This was vacant. The CEO made the point of potential safeguarding issues if a prospective tenant was not involved with youth services (and did not have a DBS check) re the use of toilets etc when young people could be on the premises at the same time as the tenant. The risk needed to be mitigated. It was **RECOMMENDED** that an advert be put together advertising the Office Space for suitable tenants involved with youth works

Portacabins 1 (shared storage space)

A Licence had been entered into with DYS Space Ltd. The PSO was currently awaiting a signed licence from Brownies/Guides/Rainbows

Portacabin 2 (admin purposes) – a Licence had been entered into with DYS Space Ltd

3. Maintenance Issues

It was **RECOMMENDED** that the Council accepts the quote to supply and fit a new Jet 50 litre expansion vessel which was needed in respect of the heating system. It was also understood that one of the twin head pumps had failed, but the manufacturer would supply a replacement pump, free of charge. A new EPC had been provided. The provision of solar panels, the harvesting rainwater etc required further consideration.

Chair's Initials.....

4. Station Charity – Winding Up

This would be discussed in Confidential Session

PL23/01/09

CONSIDERATION OF PROPOSED EXPRESSION OF INTEREST FORM RE PROPOSED TRANSFER OF LAND TO THE COUNCIL (RE EDDC`S COMMUNITY ASSET TRANSFER) AND (IF APPROPRIATE) TO RECOMMEND SUBMISSION OF THE FORM

It was **RECOMMENDED** that the PSO make further amendments to the form. This would then to be scrutinised by Cllr Stewart (who had prepared the original form). Subject to his approval of the content, to then **RECOMMEND** to Full Council, the submission of the form to EDDC

PL23/01/10

CONSIDERATION OF ISSUE WITH TREE AT WINTER`S LANE (TENNIS COURTS) AND TO RECOMMEND A PLAN OF ACTION

A resident had contacted the PSO regarding a silver birch tree on land owned by the Council adjoining the tennis courts at Winters Lane. He had advised that EDDC`s recycling team had informed him that unless the tree was trimmed back substantially, there was a possibility that the van would not collect recycling waste (as the van was coming into contact with the tree!). The tree was not in the Conservation Area or listed with a TPO. There had been much correspondence with EDDC who had advised that there was no reason to fell the tree and that the works should consist of a crown lift of the silver birch to ensure clearance over the road of 5m. EDDC would liaise with the property owners of Nos 31 and 32 and would request that they undertook appropriate maintenance works to trim the hedge back to the boundary. If they were unwilling to do this, EDDC would undertake the works and may charge them. It was also suggested that the branches be pruned from the electricity cables to ensure statutory clearance and 0.5m clearance from telephone wires. It was **RECOMMENDED** that the Council arrange for Connor Down to carry out a crown lift of the silver birch and to also put Western Power on notice re the branches near the electricity cables

PL23/01/11

UPDATE RE CAR PARKING AREA (FRONT OF THE COUNCIL OFFICES)

The PSO had contacted the Liquidator who was dealing with the winding up of Feniton Park requesting the Council`s interest be noted with regard to it acquiring the land at the front of the Council Offices (used for parking) and the green area adjacent to the beauty salon. To date she had not received a response. It was understood that the indiscriminate parking of vehicles at the front of the Council Offices had significantly increased and there were also vehicles parking overnight. It was **RECOMMENDED** that notices be placed at the front of the Council Offices advising that parking was for staff/councillors and visitors of the Council. In addition lockable bollards be placed on each space.

PL23/01/12

UPDATE ON SAFETY CHECKS CARRIED OUT ON ALL COUNCIL PROPERTIES

The PSO reported that the only outstanding check was an electrical installation check at the Museum. All the other safety checks were up to date. The recent fire risk assessments carried out at the Museum, Council offices and Pavillion had picked up items that need attention but none of them were urgent. Any mention in the report of fire safety checks/Pat testing etc (requiring to be carried out in any of these premises) could now be disregarded, as other than the electrical installation test in the museum, all checks were up to date. It was **RECOMMENDED** that the PSO consider the items requiring attention and deal with them accordingly and any matters she was unable to deal with to be brought to the attention of the next P&L meeting. It was **RECOMMENDED** that the PSO query with John Godfrey

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(Risk Assessor (who had been instructed by Argos)) as to why in both reports for the museum and the pavilion, that it was stated that powder extinguishers should not be used, when Argos had advised to the contrary

It was also noted that with regards to PAT testing, that persons should be dissuaded from bringing in their own personal equipment onto the Council's premises, unless the items had been tested showing a certificate of compliance

PL23/01/13

CONSIDERATION OF MISCELLANEOUS PROPERTY MATTERS

1. Council Offices Lettings

i. Office 6 has been let to two tenants and their three year tenancy will commence on 3rd Feb 2023

ii. Cllr Lucas wished to raise a proposal in respect of Office 7. He was proposing to use the office for a laser tattoo removal service, combined with photographic and videography service. It was considered that a change of use consent would be required. **Cllr Lucas declared a pecuniary interest.** However he took questions from councillors regarding the proposed use. He then left the room whilst the matter was considered. Councillors were of the view that Office 7 would be unsuitable for the type of business proposed as it would be in close proximity to the new Office 6 tenants. However Offices 3 and 4 were a possibility. Cllr Lucas returned to the meeting and indicated that he would be happy with Office 3 if it was offered to him and would pay the cost of an initial enquiry with EDDC with regards to the change of use. It was **RECOMMENDED** that the Council consider whether (or not) Office 3 should be offered to Cllr Lucas and if so agreed, that Cllr Lucas proceed with the change of use enquiry to EDDC and the payment of the fee.

iii. The proposed hiring of the Meeting Room to be discussed in Confidential Session

2. MUGA

The CEO advised that a planning application had been submitted to EDDC in respect of the MUGA by David Hemstock; a flood risk assessment was required. It was possible the MUGA costs may be more expensive than anticipated. Mr Hemstock urgently needed to go out to tender to get an idea of costs, but a clear plan of the requirements needed in respect of the MUGA had to be in place before going out to tender. It was noted that LED have offered suggestions re the MUGA

3. Permissive Path

Rob Johns had advised that the Cricket Club would be happy to donate land for a path with the condition that a bank is made and planted with laurels and a 3m fence is erected to protect the public and the cricket club, on top of the bank. He stated it was a 2.1m area of land running adjacent to the road up to the oak tree, (which tree must not be removed) and then from the oak tree around to Western Power's ditch. Fencing would need to be erected for safety reasons and before the path was in situ. The Club would not sanction a permissive path, in view of cost implications. Cllr Green would consider the Club's requirements and come up with a likely strategy to progress the matter

PL23/01/14

THE COUNCIL THEN WENT INTO CONFIDENTIAL SESSION

Cllr Faithfull who was not a member of the Cttee was allowed to be present at this part of the Confidential Session

a. Skatepark's Finances

Cllr Faithfull confirmed that a director of the Ottery District Skate and BMX Trust (not present at the meeting) had asked him to ask on the Trust's behalf as to 'why the Council's solicitor was bombarding the Trust with legal letters'. The

Chair's Initials.....

accusation was firmly disputed. The Chairman advised that the line of enquiry relating to the finances of the Ottery District Skate and BMX Trust had now concluded but it would be resumed again, if the Council considered it to be necessary. It was **RECOMMENDED** that no further action be taken at the present time by the Council

Cllr Faithfull then left the Confidential Session

b. Letting of Meeting Room

An individual was in the process of setting up a commercial learning business. She had made enquiries as to the use of the meeting room in connection with her business and advised that initially there would be limited monies available for room hire fees. It was **RECOMMENDED** that for three sessions, no hire fee would be charged and thereafter the hire fee to be an agreed reduction of 50% of the usual rate, plus vat, for a two hourly session. The rate to be reviewed at regular intervals

c. The Station Charity Finances

The response from the Charity Commission re the winding up of the Station Charity and the transfer of its assets was noted. It was **RECOMMENDED** that no further action be taken by the Council

THE CONFIDENTIAL SESSION WAS THEN CONCLUDED

PL23/01/15

TO RECEIVE COUNCILLORS' QUESTIONS RELATING TO PROPERTY AND LAND

It was requested that an item to include consideration of the purchase of the Old Boys School, be included on the next P&L agenda

PL23/01/16

DATE OF NEXT PROPERTY AND LAND COMMITTEE MEETING

To be arranged

The meeting concluded at 18.35 PM

SIGNATURE OF CHAIRMAN	
DATE OF SIGNATURE	

Chair`s Initials.....