

**HATHERLEIGH TOWN COUNCIL
MINUTES OF MEETING HELD TUESDAY 12TH SEPTEMBER 2023
7.00pm IN THE COMMUNITY CENTRE**

Present Cllr. Reddaway in the chair, Cllrs.Laycock, Walters, Laing-Trengove, Burrow, Lewis, Dist. Cllr. Kimber, The Clerk, 3 members of the public

Apologies: Cllrs. Alford, Southwick, Dist. Cllr. Wakeham

Declarations of interest None

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PUBLIC SESSION

- a) Mrs.J. Sutton – Jubilee footpath bench
 - b) Mrs.S.Harrison – expressed interest in becoming a councillor
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APPROVAL OF MINUTES 11TH JULY 2023

115 The minutes of the meeting held 11th July having been duly circulated were signed by the chair as being a true and correct record. Proposed Cllr. Laycock seconded Cllr. Lewis All agreed

APPROVAL OF MINUTES 8TH AUGUST 2023

116 The minutes of the meeting held 8th August having been duly circulated were signed by the chair as being a true and correct record. Proposed Cllr. Walters seconded Cllr. Lewis. All agreed

MATTERS ARISING FROM MINUTES 11TH JULY 2023

117. Co-option (min.80 refers)

- a) Clerk had circulated Mrs. Harrison’s cv. and she had spoken in the public session. Resolved that Mrs. Harrison be co-opted onto the council
- b) Cllr. Entwistle has tendered his resignation. Clerk had commenced the co-option process and produced notice of vacancy to be displayed on website/noticeboard and forwarded to WDBC
- c) Clerk confirmed that when Cllr. Alford moves from Hatherleigh he can remain as a town councillor

118. 20 is plenty (min.81 refers) Clerk to ascertain if Cllr. Alford attended the webinar on 6th July. One further expression of interest

received on joining the speed watch group. Clerk to contact County Cllr. McInnes on the matter. Resolved that this be agenda item next meeting.

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119. Co-op bus shelter (min.82 refers) repairs now completed

120. Defibrillator (min.98 refers) cheque for £1,000 has been received from Moor Management

MATTERS ARISING FROM MINUTES 8TH AUGUST

121. There were no matters arising

PLANNING MATTERS

122. Applications to consider – none

123. Permissions granted:-

a) 1723/23/VAR Kingswood Homes var. condition to roofing of market building

124. Refusals advised:-

a) 1722/23/CLE G.Case Seldon Farm timber chalet to main dwelling

125. Any other planning matters:-

a) For information only 2672/23/ARC Mr.Rockett Market St. application for approval of details reserved by 0975/23 relating to windows and doors – awaiting key consultation responses

b) 4242/21 Berridge – Legg Farm 5 bedroom dwelling – appeal lodged

HATHERLEIGH MARKET

126. Cllr. Burrow gave the following update

a) Legal agreements from Kingswood Homes – 28th August Tozers solicitors received the draft legal agreements from Brown Turner Ross solicitors acting for Kingswood Homes

– draft lease

– agreement for lease

– option agreement.

These have been reviewed by Tory Rodgers, Hatherleigh Market Group legal advisor and her comments have been sent to Tozers who are in the process of reviewing the documents in conjunction with our comments. A call has been booked for 14th Sept. to discuss and review his findings and for him to better understand the financial aspects of the deal namely the finance schedule outlined in the

heads of terms document which illustrates the lease repayments together with repayments for the additional fit out work

b) Initial findings/comments – the additional fit out costs are being included as “rent” repayments within the lease agreement and it is

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the view of Tory Rodgers that these better belong in a separate loan agreement as they are not rent costs, they are improvement costs. Including them as “rent” payments makes them subject to stamp duty land tax meaning we could end up paying more SDLT than necessary and should be avoided. Allowances should be made in the lease documents for transferring the lease from Hatherleigh Town Council to a nominated entity (CIC etc.)

c) Stamp Duty Land Tax – given the above SDLT implications from the current draft lease, it is important that we seek proper advice on this. Tozers has recommended we contact Heather Britton from accountants Francis Clark to seek the necessary tax advice. I have emailed her explaining the situation and the SDLT advice we need and asked for expected costs for providing the advice.

d) Legal entity/ownership structure decision – following the last working group meeting Neil Jory was tasked with providing a comparison table outlining the benefits and drawbacks of the different possible legal entities for leasing/owning the new market (eg Town Council ownership, Community Interest Company, Community Interest Group, Co-operative Society) – taking into consideration fund raising requirements. We are still awaiting this information from Neil and I have chased him via email this morning.

e) Valuation of the market site – after approaching two local valuers Andy Lane Independent rural practice chartered surveyor and Mark Bunt of Kivells both confirmed that as assets like the market with large car parks rarely come up for sale, as they have no comparables it would be very difficult to provide accurate valuations. They both suggested contacting the District Valuation Service (DVS) to obtain an accurate valuation. I have emailed the DVS requesting costs and likely timescales for them to value the new market and car park, and to understand what the likely business rates for the new site will be.

12/9/23 Iain Thompson of DVA called to discuss the valuation in

more detail. We agreed that he would come out to view the site within the next 2 weeks. He confirmed that it is realistic that the VOA should be able to provide a valuation within the next 4 weeks and he would email again with a cost for providing the valuation. As part of the valuation I have tacked on a request for a realistic indication of the likely business rates payable for the new pannier market and car park

f) negotiated extras from Kingswood – I feel it is worth clarifying the following point - at the last TC meeting I made the council aware that Kingswood had u-turned the position where they were

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to add extras such as E.V charging points into the additional fit out specification at no extra cost. The clarification I wish to make is that Kingswood Homes have informed us that from the point where the original fit out costs were agreed at £110,000, the cost of the glass for the glass panelling has doubled. Kingswood are prepared to swallow this cost increase but are now unable to throw in the extras we came up with at the first working group meeting at no cost. Recap of original additional fit out requests – Yorkshire boarding to enclose the end gables – louvre shutters above glass panelling on the long edges of the building – market operator office – 1 disabled toilet. Recap of new requests arriving from the first working group meeting on 29.6.23

- 3 toilets not 1

– 10 ev charging points

– 8 infrared heating appliances

– post and rail fencing around paved market square area (suitable to fix external power hook ups to)

– 6 litter bins.

Following the higher than anticipated costs that came back (see minutes from last HTC meeting) the working group debated what our minimum requirements would be, where compromises could be had, and what could be implemented separately from Kingswood after the market building has been delivered.

The following decisions were made:
minimum 2 toilets, 1 disabled

- ev charging points can be installed ourselves using grant funding schemes (list of these provided by Chris Shears during the meeting)
- infrared heating appliances no definite decision reached, view of the group was that we should seek comparable quotations to make a value for money decision
- post and rail fencing it was decided that this could be removed from the spec. but further discussion with Kingswood should be had about suitable external power arrangements for the market square – litter bins it was decided that the price quoted was not good value for money and we should fund these separately from Kingswood.

In addition to the above Debbie Kimber raised that during her original negotiations with Kingswood she requested that the entrance/exit to the market square be moved towards the fur and feather end of the building to stagger the entrance to avoid “a wind tunnel affect” She has asked for this to be raised again with Paul as she feels this has likely been forgotten.

A call with Paul Jones, Cllrs. Burrow, Reddaway and Ben Bailey is being planned for this week to discuss our requirements for the changes to the additional fit out (toilets, external power, potential

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entrances) An update will be providing following outcome of this call.

g) Next big key actions – business case/planning needs to be adjusted pending the advice on likely business rates and stamp duty land tax costs – decision on ownership structure needs to be made following advice from Neil Jory then appropriate legal entity should be set up – expression of interest needs to be put in as soon as decision on ownership structure has been made.

Following this report the matter was discussed by Councillors and it was resolved that the Town Council would issue a statement to be drafted by Cllr. Burrow and circulated to all councillors for their agreement/approval. Such statement to be placed on the council website and the Hatherleigh Community Facebook page. Other points raised in discussion

a) concern was expressed that Birmingham City Council had declared itself bankrupt along with Mid Devon who had set up an at arms length building company

- b) Cllr, Laycock would look into and check the next phase of the levelling up funding
- c) Cllr. Laycock reported that members of the public had asked whether any other site options for the market had been looked into

FINANCIAL MATTERS

127. The Clerk presented the following accounts for payment:-

a) Mrs. Rewse	toilet cleaning	£567.89
b) Mr.J. Tagg	street caretaker	£156.75
c) Mrs.R.Lock	wages	£366.43
d) PKF Littlejohn	external audit	£378.00
e) A.Cranleigh	bus shelter repairs	£755.00
f) Hatherleigh Com.Centre	hirings	<u>£ 69.70</u>
Total		<u><u>£2293.77</u></u>

Proposed Cllr.Laycock seconded Cllr.Laing-Trengove that the above accounts be paid. All agreed. Cheques signed by Cllrs.Lewis and Walters

128. Moneys received:-

a) Community Centre	toddler playpark	£ 5522.00
b) Lottery funding	Island Park	£10000.00
c) Lock & Sons	funeral Wrenn	£ 325,00
d) Moor Management	defibrillator	<u>£ 1000.00</u>
	26	<u><u>£16847.00</u></u>

129. Any other financial matters:-

a) PKF Littlejohn, external auditor has now signed off the accounts with one comment “minute numbers show that we approved Sec 2 of the AGAR forms before Sec.1” Queried why the asset register was less than last year despite money spent on new equipment – reason was that the zip wire value of £15,000 had been condemned and removed from the site.

b) Clerk had completed the notice of publication of accounts and copied parts 1 2 and 3 of AGAR forms to be placed on council website

c) Okehampton Community Transport group – resolved that grant of £250.00 be awarded

d) resolved that to make the town council computer compatible with other councillor computers that the council purchase yearly Microsoft 365 subscription

DISTRICT COUNCILLORS REPORT

130. Cllr. Kimber reported as follows:-

a) residents had expressed concern over traffic speed near the school and bad parking at bottom of South Street which affects visibility

b) WDBC were looking at creating more cycle ways to take cars off the roads

c) looking into mechanism for organisations to put diary events on the Visit Hatherleigh website.

d) parts of the ditch from Moor View to the cricket pitch needed cleaning out.

TRAFFIC/MAINTENANCE ISSUES

131. Cllr Lewis reported:

a) Rhino Play were coming to Island Park regarding the installation of a new zip wire and new benches and gate

b) Events in the Square – stressed the importance of organisations applying for TENs from WDBC and that any such events should finish on time. Dist. Cllr. Kimber to ascertain from WDBC as to whether such a notice would be required for the carol service on Xmas Eve.

132. Cllr. Reddaway:-

a) Jubilee footpath bench – following the comments made in the public session he would check the condition of the bench and liaise with Mrs. Sutton

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b) Co-op bus shelter – following completed repairs, the shelter required painting. Resolved that Cllr. Burrow would paint the shelter using yellow masonry paint.

c) The railings in Market Street needed repainting which Cllr Burrow volunteered to do. Cllr. Kimber to ascertain if they needed to be black

- d) Millennium Corner – resolved that site visit be held on 24th Sept. 11am to ascertain a future works programme.
- e) Street caretaker – Mr Tagg be asked to concentrate on clearing this area of weeds. Clerk to inform

133. Cllr. Walters:-

a) Has great concern that Hatherleigh medical centre has no medical staff – only used as a pharmacy. Resolved that Council send letters expressing our concerns to the Health Board, Mel Stride and Helen Savage. Cllr. Walters to draw up draft and circulate to councillors

134. Cllr. Laing-Trengove:-

a) the footpath through Kingswood Homes has now been reopened although they broke a planning condition as it should have stayed open during construction

b) Grant of £700 received from Devon Wildlife for new trees and fencing at the community orchard

135. Cllr. Burrow reported that the stile on Strawbridge footpath needed attention.

ACTION FOR CHILDREN

136. Cllrs. Laycock, Lewis and Laing-Trengove had attended a meeting held by Action for Children which they found informative and eye opening. The organisation were concerned that if their funding was withdrawn their work could cease. Resolved that the town council would support this organisation in the future.

CORRESPONDENCE

137. All relevant correspondence had been forwarded to councillors

MEETINGS ATTENDED BY COUNCILLORS

138. None

ITEMS OF INTEREST/FUTURE AGENDA ITEMS

139, Future agenda items Millennium Corner, Remembrance Day and Xmas celebrations

140. Date of next meeting Tuesday October 10th 7pm

There being no further business, the chairman thanked those present for their attendance and closed the meeting at 9.10pm

Signed.....dated.....2023