

BOXTED PARISH COUNCIL
EXTRAORDINARY PARISH COUNCIL MEETING

JUNE 2015

The Minutes of the Meeting held on Wednesday 8th June 2015 at Boxted Village Hall, Cage Lane Boxted Colchester, Essex commencing at 6.00pm.

| | <u>Present</u> |
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| Chairman: Councillor H Large | Yes |
| Vice Chairman: Councillor Mrs A McClaulhan | Yes |
| Councillors: | |
| Councillor Mrs R Cryer | Yes |
| Councillor Mrs C Damen | No |
| Councillor Mr G Pugh | Yes |
| Councillor Mr S Lawrence | Yes |
| Councillor Mr M Parratt | No |
| Councillor Mrs T Wells | No |
| Councillor Mrs L Carpenter | Yes |
| Staff: Clerk to the Council Denise Humphris | Yes |

024/15 **APOLOGIES FOR ABSENCE**

RESOLVED: to accept apologies from Councillor Mrs C Damen; Councillor Mrs T Wells

025/15 **DECLARATIONS OF INTEREST** None

026/15 **EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED: that the press and public be excluded from discussions of the following matters because of the likelihood that confidential information could be disclosed under the following categories:

Category 3 – Information relating to occupiers or former occupiers or applicants for occupation to a property provided by or at expense of the Council

Category 8 - The amount of expenditure proposed to be incurred re Council premises and the supply of goods and services.

Category 9 – terms proposed or to be proposed in relation to the use of Council premises.

027/15 **OWNERSHIP AND USE OF THE BUILDING, STORAGE GARAGE AND PLAYING FIELD**

The Council are in possession of all title deeds relating to the land known as King George v Field.

Part of the land is held in trust via Fields in Trust to protect it from being sold on for any future development with the aim of preserving its use for Sport and Recreation. As owners of the land the Council can control use of the land provided it continues to be used for sport, recreation or both.

Various legal advice to date indicates that in the absence of any title deeds ownership of the buildings by the council can not be disputed as:

- The building and garage are situated on land registered as belonging to the parish council;
- The parish council have been registered as owners and occupants at the Valuation Agency and on Borough Business Rates records since pre – 1990.
- The parish council are responsible for paying all utility bills.
- The constitution of the clubs using the building is such that legally they cannot own property and so could not now or ever have been legal owners of the building.
- The clubs use of the building whereby they pay an amount each year to the Council

for use of the building and sports field indicates their acceptance of their status as hirer.

- The reason that the Council have to accept responsibility for the building is that, in the absence of any title deeds and taking into account all mitigating factors above, legal precedence consider them to be owners and therefore responsible for managing the building in accordance with legal and statutory guidance.

The Clerk was asked to continue to investigate this matter and report back accordingly with any further information.

028/15 CLOSURE OF THE BUILDING

RESOLVED: to confirm and ratify the Council's decision to close the building following advice from the internal auditor that the Council and individual councillors would be held as negligent in the event of any incident causing harm to anyone, as they had taken no action on urgent items detailed on professional reports from some two years ago highlighting urgent action required particularly in respect of Fire Safety and Legionella risks.

Whilst the Council had believed that matters were in hand and had made attempts to encourage the user sports clubs to take on the management of these matters this had been unsuccessful and the Council have further been advised that such matters can not legally be delegated to the user clubs in this way. Given the sports clubs standing as hirers of the facility, the auditor advised that the onus of responsibility for these matters is on the Council. Further to this the Council had no access to the building and there was no list of approved keyholders meaning that in the event of needing to make a claim for arson or burglary the council could be considered as negligent in its duties to keep the building secure resulting in any insurance claim being refused – technically meaning that the building is currently uninsured. Given the seriousness of these matters and the potential for serious harm to users of the building the Council agreed to close the building initially for two weeks, particularly as necessary works required water and electricity to be turned off. However, since having been able to access the building and noting the true state of all facilities, further work than had originally been anticipated is necessary and it was **RESOLVED** that discussions about a suitable re-opening date would be reviewed at the July Council meeting with the benefit of a further update with regards progress of current works.

029/15 USE OF VILLAGE HALL FACILITIES

For the past few weeks the Council have hired the Village Hall at the Council's expense for the Cricketers and footballers for 'one off' events, to enable them to have toilet, changing and kitchen facilities for their cricket fixtures – the cost to date £320.. This was offered as a temporary goodwill measure and it was noted that the Village Hall First Aid kit had disappeared during a weekend when there had also been a football event running and that there was a general lack of co-operation over current difficulties. It was **RESOLVED: (unanimously)** that the Council would not pay for the Village Hall hire beyond Saturday 13th June and that the clubs would be advised that they would need to make their own hiring arrangements directly with the Village Hall Management Committee after that date if they wished to continue that arrangement.

030/15 ALCOHOL LICENSE

The Clerk has consulted with the licensing team at Colchester Borough Council who have advised that following the demise of the old Sports and Social Club some 4-5 years ago the existing Club Premises Certificate is not sufficient for the bar to be operated by three independent clubs as they have been doing, and therefore alcohol sales over that time have been illegal. The Borough Council have advised that a Premises Licence is needed and this would usually require a designated responsible person as the licensee of the premises. However, the Council may be able to have a dispensation to run the ordering

and sale of alcohol via committee. It was **RESOLVED** that no action is to be taken on this matter at present, in order to allow members to consider what options are available in respect of the bar and clubs have already been informed that they have no licence to sell alcohol from the premises.

031/15 BUILDING WORKS AND BUDGETS

a) Review of the building

Members were disappointed to hear the report of the state of the interior of the building. Cleanliness and hygiene is an issue, particularly in the kitchen area where it was obvious that food had been prepared for sale, although the building was not registered for such purpose. Kitchen taps and sink had limescale evident. Various items including stereos, broken fridges, many different sports items, unwanted clothing and shoes and general unused items were stored all around the building including unused carpet tiles stoked against the boiler, blocking the fire escape door. The fire escape door in what is now used as 'home' changing room was blocked with buckets and brooms and no key was available to open the door if needed. The cellar area had electrical items plugged in beneath the main electrical fuseboard area and various odd freestanding old locked kitchen wall cupboards. The overflow from the toilets spilled directly into the area where the beer barrels and dry foods have been stored, with some damp evident from this. Some internal doors look as if they have been kicked or punched, light switches and plugs have been painted over rendering them dangerous and useless, lighting is broken and bar area spotlights have been fitted with no earth. Corridors and shower areas are badly lit with general litter found on the floor in changing rooms. The toilet lobby area had tables and chairs stacked up and repairs to the waste for urinals consisted of a pipe around one foot off the floor cutting straight in front of two doors. The fixed seating in the bar area has been removed to provide storage for unwanted/unused electrical items and additionally are filled with dust dirt and rubbish. The secure locked bar area had years of dust evident.

b) Works needed

Members reviewed progress to date with regards to the following works:

- Recommendations from Fire Safety Risk Assessment
- Recommendations from the Legionella Risk Assessment
- Clerks recommendations re ongoing management and monitoring once the building is open. Regular weekly and monthly checks will be undertaken by cleaner/caretaker and overseen by Clerk.

RESOLVED: to delegate the Clerk the authority to undertake all necessary works to ensure the building meets all legal and statutory obligations before re-opening this to be managed within the funds previously set aside for Sports Pavilion refurbishment of £20k. The Clerk has been investigating grant funding for various aspects and any funds spent now will count as match funding for future funding requests. The clubs have been asked if they are able to contribute towards any works. The works will include new basic kitchen facilities in the front changing room to allow clubs the facility for refreshments pending a decision about the bar/main kitchen area. The main fire escape from the main kitchen is via the cellar area where all new fuse boards will be situated and it was agreed that this area should not be accessible for general use for safety reasons and therefore the use of the kitchen/ bar/cellar area will need to be carefully planned in the future and it was agreed that getting the changing rooms/showers and toilets had to be the main priority at present. The Clerk will investigate what is needed for the premises and the new kitchen area to be registered as suitable for selling food. Further works include the replacement of all water tanks and the immersion heater, upgrading of all electrics and light fittings some of which have been found to be in a dangerous state and new fuseboards etc. to bring the building and the storage garage up to current regulatory standards, improved lighting in corridors and showers to make the areas safe for use, deep cleaning of the building

including descaling of all taps /shower heads. New internal doors where needed, repair and refurbish of existing toilet facilities including plumbing and hand washing facilities to meet necessary standards. New external doors with fire safety bars fitted and wide enough for disabled use. Notwithstanding this the Clerk is working with all contractors to ensure that everything is re-used or fixed rather than replaced or substantially improved, with the aim being to do works necessary to clean, freshen up and comply with legal and statutory obligations only. Having consulted with the insurance company it is not necessary to repair/replace the broken security alarm at present, particularly as the bar and kitchen areas are empty and to save further funds the landline telephone is to be disconnected as we have been advised by RCCE that there is no legal requirement to maintain a landline.

The clubs have been asked to remove all their possessions from the building so that we can comply with good housekeeping procedures as outlined in the Fire Safety report and to ensure that all electrical equipment on the premises is properly used and maintained in accordance with current laws (PAT testing etc.) Alternative storage is available in the storage garage – although as the garage is subject to the same guidelines as the main building this will still need to be kept tidy and free from unauthorised electrical items. We also have space in the Council's storage container and the clubs have been informed of this, although they have been asked to remove all electrical items such as fridges off site.

032/15 ONGOING USE OF THE BUILDING

a) Hiring agreements

RESOLVED: to approve suggested hiring agreements for signature by the clubs before re-opening. These would ensure that both the Council and user clubs had a full understanding of their own responsibilities for use and management of the building moving forward. The lack of any clear agreements has been one of the issues that had led to the building being in such a poor state now. It was **RESOLVED** that the hiring agreements must be signed and returned before any individual club can be given access to the building.

b) Club Invoices

The clubs have indicated that they wish to share the total cost of all invoices this year equally three ways and it was **RESOLVED:** that the Clerk should issue new invoices for £2934 each which include the use of the Sports Pavilion and playing fields.

It was further **RESOLVED** to advise the clubs that if they are paying these invoices monthly then all monthly payments equating to £244.50 per month commencing in April 2015, must be up to date before they will be allowed to access the building i.e each club needs to have paid three monthly payments or a quarter of their invoice by 30th June or as in the past, they have the option to pay one lump sum just prior to the start of their respective sporting seasons.

c) Keyholding

RESOLVED: that the Council would arrange for our existing handyman to act as caretaker to open and close the main building for the clubs in order to comply with the need to maintain secure keyholding arrangements to validate our insurance arrangements. Clubs will be allowed to hold a limited and agreed number of keys for the storage garage but a keyholding register will need to be held by the Clerk.

d) Cleaning

The Clerk will liaise with the cleaner to ascertain suitably increased hours to ensure proper cleaning of the building following each use by the clubs. It was agreed that the existing two hours per week was insufficient to cover up to three to five uses per week by in excess of three hundred club members.

e) Communication

The Clerk advised of difficulties with multiple communications from all clubs which are time consuming and cause unnecessary stress and uncertainty for all concerned. This leads to the Clerk often having to answer the same query to many different members and email 'copied in ' lists getting longer and longer for no apparent reason, often leading to a 'chinese whisper' effect causing much mis-information to be circulated. For simplicity and clarity it **was RESOLVED** that the clubs would be advised that the Clerk would in future only communicate with one person from each club – probably the Chairman although each club could delegate someone else if they wished. – it would then be down to the Chairman of each club to communicate effectively with their own members and this simplifies communication lines for the clerk.

033/15 FUTURE PLANS FOR THE PAVILION

Councillors have all viewed the clubs' outline plans for significant refurbishment and extension to the existing building, which includes two additional changing rooms to make 4 changing rooms in total and their plans to apply for funding from the Sports Foundation which they have advised will only be possible if the Council were to give them security of tenure and a long lease for the whole building. The Clerk has researched the matter and advised that currently the clubs do not have the legal constitution to be able to take on such a lease and also that the Parish Council are able to access the same funds in its own name if considered necessary without the provision of such a lease to those clubs. Members discussed other ideas and options such as putting the running of the bar facilities out to tender, community pub, employing its own bar man, hiring the facilities out to other community organisations etc. facilities for a community shop and agreed that all ideas needed to be looked at thoroughly to measure the impact socially and in terms of funding, feasibility and sustainability for the local community and that it would take some months to consider all options properly, although there was a general consensus of opinion that sports facilities would remain important albeit that there was potential for the building to be developed to provide more community facilities for all villagers to enjoy. Further to this, if the Hill Farm site development does go ahead in accordance with the Neighbourhood Development plan substantial funds could be available for community facilities which may include the Sports Pavilion dependant on the view of local villagers and therefore the result of the current local survey on the matter should be considered alongside any longer term plans for the building and other community facilities. It was **RESOLVED** to inform the clubs that the Council would be considering all options over coming months and do not expect to be able to make a firm decision for at least six months after re-opening of the building. If it looks likely at that point in time that the Council wish to lease the building and are in favour of refurbishment and extensions on the scale suggested then the clubs would be invited to put their formal proposals forward at that time for consideration. Meanwhile, existing necessary refurbishments should go ahead as planned as without them the building would be unable to re-open, potentially leaving the clubs with no facilities at all for many months which is not the point of this exercise.

034/15 MANAGEMENT TIME

RESOLVED: that the Clerk should keep a record of all hours spent on this project which will be re-imbursed at normal hourly rate. The Clerk advised that once the building is re-opened and all management procedures put in place she estimates weekly time commitment to be a maximum of five hours which includes managing caretaker and cleaner. The Clerk agreed to manage the project for a further six months pending the Council's final decision on use/management of the building thereafter.

035/15 CONFIDENTIALITY AND LOCAL GOVERNMENT TRANSPARENCY

RESOLVED: that the Clerk and Chairman are authorised to update all user clubs fully with matters discussed in this closed meeting and that nothing currently under discussion at

this meeting needs to remain confidential and so the minutes of the meeting may be made openly available.

There being no further business the meeting was closed at 6.55pm

CHAIRMAN SIGNATURE

DATE

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