

FILEY TOWN COUNCIL
PROPERTY COMMITTEE MEETING HELD ON THURSDAY 5 MAY 2016 AT 10.00AM
IN THE COMMITTEE ROOM

Present: Cllr Richard Walker (Chairman), Cllr John Casey (Vice Chairman), Cllr Anna Shaw
Clerk – Mrs Gina Robinson

Cllr Richard Walker, Chairman welcomed everyone to the meeting and the Clerk advised that the meeting was still quorate with three members in attendance.

NOTICE OF THE MEETING

RESOLVED: That Public Notice of the meeting had been given in accordance with Schedule 12, para 10(2) of the Local Government Act 1972. 336/016

APOLOGIES

The following Councillors had sent their apologies to the meeting, Cllr D Glanvill (work commitment), Cllr J Meek (personal) and Cllr J Shackleton (holiday) and Mr K Leathley (Health & Safety Risk Advisor – non-voting) had also sent his apologies to the meeting. It was

RESOLVED: That Cllr D Glanvill, Cllr J Meek and Cllr J Shackleton's apologies be noted.

337/016

RESOLVED: That Cllr D Glanvill, Cllr J Meek and Cllr J Shackleton's reasons for absence be accepted.

338/016

DECLARATIONS OF INTEREST

The Chairman reminded members of the need to consider whether they needed to declare a disclosable pecuniary interest (DPI) or personal interest as detailed in Appendix A and Appendix B of the Town Council's Code of Conduct and reminded Members that they could make a declaration of interest at any point in the meeting. It was

RESOLVED: That no declaration of interests be noted.

339/016

PARISH WOOD

Parish Wood Lease

Members of the Property Committee were tasked by the full council to consider the terms of the lease for Parish Wood between the Town Council and Filey Bird Observatory and Group with regard to responsibilities for the woodland management as per Minute No 302/016. The Clerk had previously circulated to members a copy of the lease and went through the main points with members and the following points were noted:

The lease is a 30 year lease and was signed by 'The Council' (Filey Town Council) and the Trustees (Filey Brigg Ornithological Group and Bird Observatory) on 4 February 2003

Section 4 – The Trustees' Covenants

- 4.2 To pay all existing and future outgoings of whatever nature and howsoever arising in respect of the Holding including (but without prejudice to the generality of the foregoing) the cost of cutting the grass, the cost of all arboreal treatment and the cost of management.
- 4.4 To use manage and maintain the Holding as a woodland and conservation area for public benefit and to promote and encourage the conservation and study of ornithological and other wildlife.

Section 5 – The Council's Covenants

- 5. The Council covenants with the Trustees to permit them peaceably and quietly to hold and enjoy the Holding during the Term without any interruption or disturbance from the Council or any person rightfully claiming under or in trust for the Council.

Section 6 – Forfeiture

- 6 (ii) If and whenever during the Term:- The Trustees are in breach of any covenant or other term of this Lease.

Then on the happening of any of these events the Council may re-enter the Holding or any part of the Holding in the name of the whole (even if any previous right of re-entry has been waived) and thereupon the terms of this Lease shall cease absolutely but without prejudice to any rights or remedies that may have accrued to the Council in respect of any breach of covenant or other term of this Lease including the breach in respect of which the re-entry is made.

Continued overleaf

PARISH WOOD continued

Parish Wood Lease continued

After noting the above clauses in the lease members considered that the Trustees were complying with the terms of their lease which members supported as being suitable and sufficient and should be upheld by the Town Council. Members were of the opinion that the Trustees should be afforded quiet enjoyment to manage Parish Wood as per clauses 4.4 and 5. otherwise this could risk a deterioration in the relationship between the Trustees and the Town Council. Members noted that this request had come directly from the full council and therefore a response in the form of a recommendation should be made back to the full council. It was

RESOLVED: That a recommendation be made to full council that the members of the Property Committee are of the opinion that the Trustees of Parish Wood (Filey Bird Observatory and Group) are complying with the terms of their lease as detailed above. 340/016

Filey Bird Observatory and Group

Members had previously been circulated with a copy of a letter from Mr P Dunn, Chairman of Directors, Filey Bird Observatory and Group expressing concerns regarding comments made by Cllr J Haxby in respect of Parish Wood at the full council meeting held on 13 April 2016. Cllr J Haxby had sent comments to the meeting which were read out by the Clerk and considered by members. The Clerk drew members attention to the minutes of the Property Committee meeting held on 29 October 2015 following a site visit to Parish Wood and members noted that it stated that 'members were generally pleased with the appearance of Parish Wood and the overall management of the site by the Filey Brigg Ornithological Group'. Members noted the comments made by Mr Dunn and requested that the contents of the letter be examined by the full council at the next council meeting. It was

RESOLVED: That a recommendation be made to full council that the above letter be examined and heard by the full council on 11 May 2016 with the exclusion of press and public.

341/016

QUEEN STREET GARDEN

The Clerk reported that no further information had been received from Mr M Lloyd, SBC Principal Engineer and suggested this matter be deferred to the next meeting. It was

RESOLVED: That this item be deferred to the next meeting.

342/016

THE EVRON CENTRE/FILEY TIC

The Clerk informed members that the Decision Notice for the Asset of Community Value for the Evron Centre/Filey TIC had not been received from the Borough Council and had not been published on the Borough Council website. Members were requested by the full council to consider the feasibility of making an application to the Borough Council for an asset transfer for the Evron Centre and Car Parks, Filey TIC/Visitor Centre premises. Members considered that the rent from all leases in the building would be vital to the sustainability of an asset transfer for these buildings. Members noted that the Evron Centre lent itself to being a prime town centre location in which the Town Council could possibly be based together with having space for the Council Archive and could be more accessible for local people with many possibilities for additional community use. The Clerk stated that if the Town Council were to progress an asset transfer following the acceptance of an expression of interest, a detailed business plan would need to be drawn up and submitted to the Borough Council for acceptance and she would need a clear outline of community services the Town Council would wish to deliver in the proposed premises. The Clerk was requested to contact Mr N Edwards, SBC Director of Finance and also the Yorkshire Local Councils Association to identify whether the existing leases could be transferred as part of an asset transfer. After much discussion it was

RESOLVED: That a recommendation be made to full council that in the first instance an 'expression of interest' be submitted to the Borough Council for an asset transfer for the whole of the Evron Centre buildings and car parks and the Filey TIC.

343/016

THE OLD CONFERENCE HALL

The Clerk informed members that the Decision Notice for the Asset of Community Value for the Old Conference Hall had not been received from the Borough Council and had not been published on the Borough Council website. Members were requested by the full council to consider the feasibility of making an application to the Borough Council for an asset transfer for the Old Conference Hall premises.

Continued overleaf

THE OLD CONFERENCE HALL continued

All members of the Town Council had been requested to submit ideas for the Old Conference Hall and it was noted that only two members had submitted any information (other than the members present at the meeting). Members stated that they were of the opinion that the location of this building was not in a prominent site and there were other premises in the town which were currently being used by youth groups. The buildings were in a very dilapidated state and would most likely need to be demolished and rebuilt and this would depend upon grant funding. After much discussion it was

RESOLVED: That a recommendation be made to full council that no expression of interest be submitted to the Borough Council for an asset transfer for the Old Conference Hall at the present time.

344/016

COMMEMORATIVE SEATS

Cllr J Casey circulated a report which he had undertaken for new commemorative seats on Church Ravine, Filey as he felt there was a need for seats in this area. The report suggested that spaces for 9-10 commemorative seats could be identified and he suggested that the new resin type material would be better suited in this location. The Clerk stated that permission would need to be obtained from Scarborough Borough Council and if agreed concrete bases would be required. Cllr Casey suggested that once permission is received the Town Council should offer the proposed seats to people on the waiting list before an order is placed. It was

RESOLVED: That a recommendation be made to full council that a request be made to the Borough Council to grant permission to install 9-10 additional commemorative seats on Church Ravine as detailed above.

345/016

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under the Public Bodies (Admission to Meetings) Act 1960, members of the press and public be excluded for the following item of business in view of the confidential nature of the business to be transacted.

346/016

OLD GAS SHOWROOM LAND

The Clerk informed members that a response from the agent had been received and the Town Council's bid for the land had been unsuccessful. As per Minute no 313/016 members of the Town Council requested that members of the Property Committee explore ideas for the above land prior to meeting with property developers should their bid prove to be successful. All members of the Town Council had been requested to submit ideas for potential use of this land and it was noted that only two members had submitted any information (other than the members present at the meeting). Members considered some possibilities but suggested this item be deferred to the next meeting. It was

RESOLVED: That a recommendation be made to full council that this item be deferred to the next Property Committee meeting with ideas from all members of the Town Council being submitted for consideration as previously requested.

347/016

PROPERTY UPDATE

The Clerk reported that a complaint had been received regarding 10 commemorative seats on Royal Parade being used by boot camps from a local gym as exercise equipment, the Clerk had dealt with the complaint and had been given assurance by the gym that this practice would not reoccur and it was noted there had been no damage to the commemorative seats. It was

RESOLVED: That the above information be noted.

348/016

The meeting closed at 11.50am

Councillor R Walker
Chairman
Property Committee