

Minutes of the Meeting of Full Council in the Community Office at 8pm on Tuesday 14th December 2010

Present: Ian Hill – Chairman
Angie Paterson – Vice-Chairman
David Tindale
Nick Greaves
Barry Adby
Ted Backhouse
Tony Williamson
Rhian Woods

Officer: Kristina Tynan

District Councillor Angie Paterson

Thames Valley Police PC Ian Kent

Members of the Public: 1

151/10 Apologies for absence
Roger Beattie, Roger Belson – County Councillor, Rodney Mann – District Councillor.

152/10 Chairman's Remarks
There were none.

153/10 To receive Declarations of Interest
There were none.

154/10 Minutes of the Full Council Meeting on the 9th November 2010 to be signed as a correct record
Resolved: That these minutes were a correct record and that they be signed by the Chairman.

155/10 Matters arising from the Minutes
5 Year Review of current arrangements with Sports Club (Minute 147/10 refers)
Ian Hill will prepare a paper on points A – The Financial Business Plan and B- A Business Plan for use of the whole site.
Tony Williamson to talk to Oxford Football Club and seek advice on agreements and leases.
Barry Adby has been in contact with Mark Wasmurth – Chalgrove Cavaliers. They will not consider changing their current arrangements until the next Football Season.

However Chalgrove Parish Council are looking into buying some land from a local farmer that could be used for 2 football pitches. It seems that it is too late to get them to use Watlington facilities. It was noted that this is not particularly good news for Watlington as we need to get some more teams using our facilities.

The Sports Club have a Saturday and Sunday team and 2 Junior teams. They have lost the ladies team. It was noted that the Sports Club AGM will be held on the 24th January and the next Pavilion and Sports Field Committee meeting will be held on the 31st January.

Air Quality Machine – Barry Adby has met with Simon Hill, SODC Air Quality Officer. It was noted that SODC would pay for the electricity used but there would be no other payment for housing this unit. It is not in an ideal place at the moment and they looked at a few options. It was noted that the gas cylinder with it is only used when the officer checks the machine.

Barry Adby asked if there was any data on air quality since the new parking regime was introduced about 3 months ago but was told that this is too short a time to report on.

Resolved: That this issue is dealt with by the Operations Committee.

Sanctuary Care Home – Intermediate Care Beds – Tony Williamson reported that there has been no report about any alternative way of saving money apart from looking at removing these beds in Watlington.

156/10 Public Questions

There were none notified

157/10 District Councillors Report- Angie Paterson

Localism Bill – This was announced in Parliament yesterday. There will be a number of new things to discuss in the new year.

Local Government Settlement – This is now being worked on by officers at County and District Councils. It is too early to tell what the cut to funding is.

158/10 County Councillors Report

There was no report.

159/10 Thames Valley Police Report – PC Ian Kent

Car Break-ins/Criminal Damage – During the last 3 weeks there have been more break-ins being experienced than have been in the past. There have been a few in the Hill Road car park recently and cars parked by Junction 6 have been particularly badly hit. The National Trust car park at the top of Hill Road has also been targeted. In other local areas there have been incidences of poaching and criminal damage. There are operations in progress to combat these things which are both overt and covert in nature. Extra units are being put into this area to deal with these issues. It was noted that old Land Rovers are being specifically targeted and stolen.

Junction 6 Parking – They are looking into a medium/long term approach to parking in this area. They are putting together a meeting of the Police, County Council, Local Parish Councils, Bus Companies and hopefully John Howell, our Local MP. He is hoping to have something further to report in February. Lewknor

Parish Council will be very involved in this issue and information will be forthcoming from OCC and SODC. It was noted that this issue is very controversial.

160/10 To receive the Balance of Accounts and approve the list of Payments

Tony Williamson read out the Balances of Accounts and proposed that the List of Payments be settled.

Resolved: That the Balances of Accounts be agreed and signed by the Chairman and that the List of Payment be settled and signed by the Chairman.

161/10 **SODC – Proposed Submission Core Strategy** – paper attached to Agenda
Consultation lasts until Friday 21/1/11

Angie Paterson stated that this is about the legal soundness of the process. Mostly the people who will respond will be either Developers or Residents. The Secretary of State will need to decide whether it is a legal sound process. Site Allocations for the main towns are the only ones that have been decided upon.

Resolved: That we acknowledge this paper and state that Watlington Parish Council will not be responding to this consultation.

162/10 Committees:

A: FINANCE – There has been no meeting - Tony Williamson

It was noted that we have had an extension from SODC to give them our Precept Figure. There are four things that we need to decide on, whether or not we put in salary increases, what we put in for election costs, what the street cleansing grant will be and also if and how much should there be in contingency.

Resolved: That a meeting be held on the 20th January to discuss the Budget and Precept and that a Recommendation be made for the 25th January when Full Council will meet prior to the Strategy Meeting.

B: PLANNING – 4/12/2010 – Rhian Woods

Resolved: That these minutes be accepted by Council.

10 Beech Close, Watlington – The Committee objected to this application as it was felt it was an overdevelopment of the site and cramped form of development and that it also had a detrimental visual impact on street.

Boundary Cottage, North End - The Committee objected to this application as it was felt it was totally inappropriate boundary in both materials and design, at odds with the rural character of the site within the Chilterns AONB and contrary to the Chiltern Design Guide

The Old Stables, Greenfield - The Committee objected to this application as it was felt it was detrimental to the character of the area as specified in condition attached to the original application P03/E0379.

Lavender Cottage, Christmas Common – It was noted that this has now been removed.

Sanctuary Care Home, Hill Road – It was noted that they have damaged 2 trees which have Tree Preservation Orders on them.

C: STRATEGY – 23/11/2010 – Ian Hill

Resolved: That these minutes be accepted by Council

Cuxham Field – The draft paper from Nick Greaves was discussed and was agreed as a correct record following a few minor changes. The full text that was agreed is given here.

NARRATIVE ACCOUNT OF THE EVENTS SURROUNDING THE ACQUISITION AND PROSPECTIVE LETTING OF THE FIELD AT CUXHAM

Nick Greaves was asked by the Strategy Committee to set out a narrative account of events concerned with the acquisition of the freehold and the prospective letting of the field at Cuxham. This is intended to be discussed at the next full council meeting on 14/12/10. There were certain confidential items such as figures offered for the rent of the field which have not been shown since these ought still to remain confidential.

Below is an account of the negotiations with SODC, the public statements in the Watlington Times, reports and minutes of meetings on the acquisition of the Cuxham field and its prospective letting, following a query from Tim Horton.

August 2007: WPC accepted offer of the freehold of the field from SODC for zero consideration.

October 2007: It was noted that there was a horse in the field. Peter Seddon of SODC was contacted who explained the owner of the horse was using the field at no rent under a common law tenancy, provided she had tidied up the boundaries. Anticipating that WPC would soon own the field her use of the property was terminated by SODC and it was agreed in September 2007 that the field should be marketed for rent once the freehold was conveyed.

December 2007: Draft contract received from solicitor Keith Green where it became apparent that there was a restriction against sale of the freehold for profit for 21 years. This was queried but confirmed as usual SODC policy, not to be set aside.

January 2008: It was agreed that an advertisement be drafted and placed in the Watlington Times in March. A copy of this has not been found but NG suggested the following draft at the time:

**1 ACRE FIELD
Available to let**

The Parish Council have the benefit of a field just this side of Cuxham, which is approximately one acre fronting the Cuxham Road and adjacent to and on the left of 1 Chestnut Farm Cottage.

The property has gated access from Cuxham Road. The last occupier kept a horse on it, and erected a timber construction for shelter. Anyone who would like to rent the field should apply to the Clerk, Kristina Tynan at the parish office, 1 Old School Place, Gorwell, Watlington OX49 5QH, (01491613867).

A rent in excess of £350 per annum is required, and the proposed use will have to be described and approved, and the length of term is to be agreed between the parties.

Interest to be expressed before Friday 28/3/08 after which time it is intended that a decision be taken as to the letting of the property.

March 2008: Keith Green wrote to say his old firm was splitting up and did we want to continue to instruct him in his new firm. This was agreed which took another month or two.

Interest from the advertisement received from

1. Alex Thorneycroft-Taylor for training of gun dogs
2. Richard Soanes for pony grazing and vegetable patch
3. Willie Web for Pony grazing
4. John Brannan for horticulture
5. J. Fitzpatrick

There is a confidential minute of the strategy meeting recording the interest of the above parties .

April 2008: NG wrote to KG regarding relaxation of the stricture against the ability to build a structure without consent of SODC if it were ancillary to grazing, horticultural, or agricultural use. Query also made as to a restriction in the conveyance against grant of any lease of more than one year.

June 2008: KG replies saying that SODC were in principle in agreement with relaxation the restriction on the ancillary structure, and papers would be ready for signature shortly.

July 2008: NG chases KG again for progress and he replies that SODC are stone walling.

August 2008: Ditto for August

Oct. 2008: Angie Paterson chases Pat Connell in- house lawyer for SODC and received reply dated 13/10/10 explaining that there is delay due to complex legal process connected with Land Registry and the old Enclosures Act award.

May 2009: NG chases KG

July 2009: KG replies saying it has taken 7 calls to get hold of Mrs Connell at SODC who said that she had “now pieced together all the remaining information ready to send to the Land Registry to enable registration to take Place.”

He said he thought that this had been done months ago. He asked did NG have anyone at the council end who to talk to who could get this hurried along.

Oct. 2009: NG chases KG who says nothing happening on the legal front with SODC. NG then writes personally to Mrs. Connell who replies at length on 8/10/09 stating that the conveyance was being done, together with the other pieces of land, to Watlington PC and there were a few further formalities to be undertaken.

Feb. 2010: NG hears from KG that registration had now been completed and by the end of next week she would be transmitting all the detail to him.

March 2010: Confidential note from strategy meeting 23/3/10: “It was resolved to ask potential users for one side of A4 submission on their proposed use of the field and an indication of the rent they were prepared to pay. It was agreed that publicity (ideally in the form of an article rather than an advert) should be placed in the WT during April and May with a closing date for submission of the end of May. Clerk to organise”

May 2010: Advert in WT as follows:

We would ask all interested parties to register or re-register their interest.

We would like your submission on one side of A4 detailing your proposed use of the field and an indication of the rent you would be prepared to pay. The length of term is to be agreed between the parties. Interest to be expressed before 18th June 2010 after this date all offers will be assessed.

June 2010: Confidential note from WPC Strategy meeting on 22/6/10 reporting on interest and offers received from advertisement, 8 in all: Copy available to council members but not attached, this being still confidential.

July 2010: KG asks NG to check location of boundaries on site with plan to be attached to conveyance. Done. Papers received from KG for signature. NG checks and writes to KG on 28/7/10:

Within the first 21 years if we want to let the land for grazing a horse for more than 365 days which I imagine we would, then under clause 11.1.7 we have to make a written invitation to SODC to exercise an option for them to acquire the property back for £150, and if they do not respond within two months or they confirm they do not want it back then we can go ahead.

I had assumed this applied to any freehold or long leasehold transaction but not to a short lease of a year or two. Is this normal, and of little consequence given that they are SODC and would in theory not be unreasonable and suddenly demand it back? I assume that we need not be worried in the circumstances but I have never come across this before and would appreciate your confirmation that there was nothing of concern here.

Sept. 2010: KG replies to NG saying that SODC have agreed to change the one year restriction to five years, and would WPC send back the papers for amendment. NG reports progress at this time and many others to all council members.

Oct. 2010: Strategy meeting 26/10/10:

Discussion of Cuxham Field to be held in confidential session:

1. Discussion of field usage: uses applied for: Pony field, use for grandchildren, Orchard, Ploughing and Cultivation, riding lessons, Horticultural use, It was noted that all these uses would be acceptable for this field
2. Individual interest in field

NG recalls that it was generally considered that in times of financial stringency it might be best to accept the highest and best offer in the form of rental income, given other considerations of covenant strength and use were also acceptable.

November 2010: An increased offer from one of the applicants was received on 1/11/10. The Full council meeting was held on 9/11/10 in confidential session on the Cuxham Field, when the various offers were discussed, as to what criteria were to be considered further than just the amount offered. It was noted that there were a number of variables to be considered: use, length of term, covenant strength, lease terms, and the amount of rent offered. It was agreed that in the circumstances the highest offer be accepted provided a term of suitable length could be agreed and if it was for the full five years there should be a rent review at the end of the third year. The relevant applicant was informed accordingly a few days later, subject to formal confirmation at the next strategy meeting of the council.

Letter from Tim Horton received on 23/11/10 indicating dissatisfaction and the formerly chosen applicant informed by NG on 30/11/10 that a final decision had to be delayed due to a letter received lodging a complaint about the process involved.

Strategy meeting on 23/11/10: It was agreed that an account of events surrounding the process of acquisition and letting of the field should be prepared and considered in public discussion at the next council meeting on 14/12/10.

Dec. 2010: NG waiting to hear from Keith Green when completion of freehold acquisition likely to occur, WPC having returned the signed contract during mid-November.

Since Nick Greaves is a chartered surveyor, He was asked been asked to explain a few points about the process of letting property. His note follows:

Formal tenders:

If a sale or letting is of some major consequence then the formal tender is often adopted. Searches are done before hand and a contract for sale is preferred and sent out to all interested parties (usually provided that they pay a fee for the documents which are complex), and then best offers are invited by a certain time and day, and any such offer received can then be accepted whereupon the contract is binding. Government institutions and local authorities often use this process but it usually reduces the amount of any offer by up to 20%, since purchasers avoid formal tenders if at all possible unless they are desperate to buy. It is also totally unsuitable for a letting, there being too many variables.

Informal Tenders

Agents will often resort to an informal tender if there is enough interest from a number of parties none of whom are likely to have put in their highest offer straight away. The agent then indicates in a letter or advertisement that best offers should be made in writing subject to contract (which means non-binding) by a date and then the vendor will decide which one to accept and maybe some indication will be given of when that acceptance is likely to be declared. The particulars may say that no offers will be considered after that time or it may not: no rules on this, but there is usually a proviso that the vendors will not necessarily select the highest offer, although I do not think this is an essential part of the process especially in a letting when there are a number of other considerations apart from the rent to consider: use, covenant strength and lease terms.

An informal tender is what we have done here, and I think from the wording of the last advertisement, we have not exceeded our jurisdiction by accepting an offer made after 18/6/10, since we have not stated that this is specifically the deadline. The problem with lettings is that there are so many variables that they are not usually dealt with by tender. If I were acting for a private client then some form of tender would not be the choice as the most efficient and likely to produce the best result. However due to constraints of the behaviour on public bodies, the above procedure should avoid any possible infringement of rules and regulations, which is why freeholds owned by local authorities are nearly always sold via formal tenders.

End of Note from Nick Greaves

It was noted that we have looked at a range of potential uses and have looked at the whole process. We still have not had this land transferred to the Council.

Resolved: That we accept the bid with the highest amount offered and a letter be sent regarding this. Letters to be sent to the unsuccessful applicants.

Resolved: That a letter be sent to Tim Horton.

Cuxham Field – The Confidential Note from Full Council 9/11/2010 was accepted by Council.

Traffic Orders – We are awaiting Malcolm Bowlers response to the meeting that was held with him on November 22nd.

Website – It was agreed that Ian Hill and Tony Williamson be involved with this project.

D. OPERATIONS – 17/11/2010 – Barry Adby

Resolved: That these minutes be accepted by Council

Grundon Bin in the Recreation Ground – This has now been removed.

Toilet Project – We need to have drawings before we can proceed any further. Revenue consequences will need to be considered.

E. ALLOTMENTS – **There has been no Meeting**

F. PAVILION AND SPORTS FIELD – **There has been no Meeting**

Resolved: That Neil Boddington be appointed onto this Committee.

Resolved:

1. That Tony Williamson should make contact with the Football Association
2. That Ian Hill, Parish Council Chair, would draft a note on the Business and Use plans for the Parish Council's Strategy Committee Meeting on 25 January, so that a suggested way forward might be considered by the Pavilion Committee on 31 January.
3. To note that Tony Yeulet and Barry Adby were in touch with Chalgrove Cavaliers

163/10 Correspondence for Information

Correspondence was noted and will be dealt with by the relevant Committee.

Letter No 697 – David Orpwood re Grit Bins – **to be dealt with by Operations**

164/10 Representation on other bodies

No reports had been received.

165/10 Other Matters for Discussion at the discretion of Chair

To note any other matters raised by Members of the Council

Calender of Meetings 2011 – This will be sent out to all Councillors.

End of Term Dinner – This was mooted and a decision will need to be made whether we do this and if so when.

Christmas Reception – It was noted that this was very successful.

THERE BEING NO OTHER BUSINESS THE MEETING CLOSED AT 9.28PM

Confidential Items

EXCLUSION OF THE PUBLIC

RESOLVED: THAT under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for items of business of the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 7,8 and 9 of Part I of Schedule 12A to the Act.

