

**MEETING OF THE WITNEY TOWN COUNCIL**

**Held on Wednesday 3 August 2016**

**At 7pm in the Council Chamber, Town Hall**

**Present:**

Councillor C Holliday (Chairman)

Councillors: S E Bartington                      H B Eaglestone  
A K Beames                                      A D Harvey  
C Brown                                              C E Reynolds  
H W Chirgwin                                      D Temple  
C K Woodward

Officers: Town Clerk                                      Works and Contracts Supervisor  
Democratic Services Officer                      Facilities Manager

Also present: 3 Members of Thames Valley Police

434 **APOLOGIES FOR ABSENCE**

Apologies for their absence were received from Cllrs Dorward, Doughty, Churchill, Enright and King.

435 **DECLARATIONS OF INTEREST**

Cllr Woodward declared a non-pecuniary interest as he was a Trustee of the Witney Corn Exchange Trust.

436 **MINUTES**

**a) RESOLVED:** to confirm as a correct record the minutes of the meeting held on 22 June 2016 and the Extraordinary minutes of the meeting held on 6 July 2016 for signature by the Chairman with the following amendments:-

22<sup>nd</sup> June 2016 - Page 1 – Cllrs Dorward and Morris were present at the meeting.

**b) MATTERS ARISING**

22<sup>nd</sup> June 2016 – page 6 – A Member said he did not believe that District and County Councillors could be excluded from the consultation.

437 **PUBLIC PARTICPATION**

There were no Members of the public present for this item.

438 **WITNEY COMMUNITY POLICING ISSUES**

Pc Chris Cochraine introduced himself as the new NSO for Witney. Also in attendance were PSCOs Fiona Holt and Sophie Hepden. PC Cochraine was new to Witney and he had come to introduce himself and to get the police talking to and with the Council on a regular basis.

He reported that Witney was a safe town and crime levels were not flagging any concerns. There had been a spate of shoplifting with the offenders coming from Gloucestershire – two had been arrested last month.

Things were changing in policing but neighbourhood policing was to stay in place. The remit was problem solving and to speak to other agencies for long term issues.

In response to a Members question, PC Cochraine advised that he had not heard of any closure relating to the Witney Police Station. She also asked PSCO Holt if things had resolved in terms of drug taking in a particular area and she informed that it was nowhere near as bad and the area would still be targeted.

Another Member explained that she represented Witney East and had concerns about anti-social behaviour in the Cogges Museum Car Park. She was also concerned about abandoned shopping trollies in the river and asked what the police could do about this. PC Holt replied that if she saw an abandoned shopping trolley (including when she was off duty) she would contact the relevant supermarket who would come and collect them. The Member added that she and other councillors had spoken about a community clean-up for the river by local people and also important local partners. PC Cochraine said the police would like to be involved in this initiative and could perhaps get some of those doing community payback to be involved. The Member proposed that the clean-up should go ahead. All Members agreed.

**RESOLVED:** that a community clean-up of the river is organised and the police invited to take part as well as other agencies.

439 **MINUTES OF COMMITTEES AND SUB COMMITTEES**

a) **PLANNING AND DEVELOPMENT COMMITTEE 21 JUNE & 12 JULY 2016**

The Chairman of the Committee presented the above minutes to Council and moved their acceptance. In response to a Members question the Town Clerk confirmed that there was no requirement for the Committee to have been made aware that one of the planning applications was pertaining to a Member of the Council's maintenance staff.

The Chairman of the Planning & Development Committee referred to the SHALAA and asked for a meeting to discuss the Town Plan. The Town Clerk replied that current staff resources were being taken up by the Public Transportation Working Party and it would need to wait until the autumn. He asked when the Corporate Plan would be finished and she replied that the meeting would be to discuss the Corporate Plan.

A Member commented on the land identified in the SHALAA and reported that he had discovered that the Boycroft land belonged to the Cogges Welfare Trust and he thought it should come out of the plan. Another Member agreed and thought that the North Witney development should be reduced. The Town Clerk pointed out that the response to the SHALAA had already gone back to WODC.

The Chairman also informed the Council that he would be attending a hearing on a licence application that the Committee had objected to on 9 August and would report back to the Committee.

**RESOLVED:** that the minutes of the Planning and Development Committee of 21 June and 12 July 2016 as detailed be received and any recommendations therein approved.

b) PUBLIC HALLS SUB 19 JULY 2016

The Chairman of the Committee presented the above minutes to Council and moved their acceptance.

**RESOLVED:** that the minutes of the Public Halls Sub Committee of 19 July 2016 as detailed be received and any recommendations therein be approved.

c) AMENITIES COMMITTEE 11 JULY 2016

The Chairman of the Committee presented the above minutes to Council and moved their acceptance.

A Member referred to minute A350 and asked if the matrix could be sent to all councillors and taken to all committees. The Chairman of the Committee replied that she had a meeting on Friday with the Facilities Manager and the Works Contracts Supervisor to work on matrix priorities.

**RESOLVED:** that the minutes of the Amenities Committee of 11 July 2016 as detailed be received and any recommendations therein be approved.

d) COMMUNITY SERVICES COMMITTEE 8 JULY 2016

The Chairman of the Committee presented the above minutes to Council and moved their acceptance.

A Member referred to minute C375 – the public work of art – as she wondered if the art could be connected to the skate park. The Town Clerk replied that a design brief had already been finalised and the theme was World War 1 Commemoration.

**RESOLVED:** that the minutes of the Community Services Committee of 8 July 2016 as detailed be received and any recommendations therein be approved.

e) POLICY AND RESOURCES COMMITTEE 25 JULY 2016

The Chairman of the Committee presented the above minutes to Council and moved their acceptance.

A Member updated the Council on Minute no F398 – The Peak bus service was confirmed to cost £1,200 for 12 weeks and the Saturday service would cost £85 per week and would also run for 12 weeks. This was a total of £2,220 and would be met from the £10,000 set aside for bus services. The Council was happy with the plan.

The Town Clerk explained to Members that a recommendation had gone to Amenities from the BMX/Skate Park Working Party to not block in the half pipe in the skate park and to use the money for a graffiti wall instead. In fact the request for the blocking in had come from the police and in light of this the Policy and Resources Committee had overturned the decision of Amenities and had recommended that the work was done in place of the graffiti wall.

**RESOLVED:** that the minutes of the Policy and Resources Committee of 25 July 2016 as detailed be received and any recommendations therein be approved.

440 **CIVIC ANNOUNCEMENTS**

The Council received and considered a report of events attended by the Mayor and his Deputy.

**RESOLVED:** that the report be noted.

441 **COMMUNICATION FROM THE LEADER**

There were no communications from the Leader.

442 **TO CONSIDER THE FOLLOWING MOTION:**

❖ **CORN EXCHANGE – TERMS OF LEASE TO CORN EXCHANGE WITNEY TRUST**

*Pursuant to minute no 195(3) from the Extra Ordinary Council Meeting on 18 April 2016 whereby the following resolution was agreed:*

***with regard to the lease, the terms proposed by the CEWT as amended by the letter from the Shadow Chair dated 8 April 2016 are agreed with the inclusion of a break clause to protect both the Trust and the Council from any issues that may arise in future years.***

*In line with Standing Order 23 we the undersigned wish this previous resolution to be rescinded, and propose the following:*

*That the Town Council enters into a lease with CEWT on the following terms – tenure of 15 years, with WTC responsible for the external fabric and the structural integrity of the building, and the CEWT be responsible for the internal repairs and maintenance, with all other terms as previously agreed.*

**PRESENTED AND SUPPORTED BY CLLRS T MORRIS, P DORWARD, H CHIRGWIN & DR S BARTINGTON**

Before the debate started, a Member proposed that it should be held in closed session. The Chairman asked Members to vote on this. 3 Members voted for a closed session, 6 Members voted against and one Member abstained. Therefore the Council remained in open session.

Cllr Morris presented the motion as detailed on the agenda, and a copy of his speech is appended to these minutes for information.

Cllr Harvey

Cllr Harvey said that he had wanted to go into the financial aspects of the lease but the Council was in open session. He felt the motion was wrong for many reasons. The unresolved covenant was an issue – the Corn Exchange was for the use as a public hall and not as a luxury coffee shop or exclusive arts centre.

The legal advice received had said that the Council should not be going down this road. The solicitor had said that the Council should not be giving the building rent free with a loan on a non repairing lease and that break clauses were necessary.

If the Trust was not responsible for external repairs, these would be paid for by the taxpayer. Cllr Harvey thought the position of the Trust was unrealistic. The lease was effectively a gift. When it was valued, it was established that the correct process was to go to the Secretary of State for approval. Instead the Council had tried to evade this.

Every time the Council had tried to accommodate the Trust, it had come back with further demands, which Cllr Harvey considered a form of bullying. NALC had advised that Councillors must give due regard to legal advice. It was not wrong to say no to something if it was not right for the town.

Much had been made of the Town Council not being able to run the Corn Exchange. £750,000 had been spent on the building which was now excellent and was being used. In his opinion the Council should keep the money designated for the Trust and use it to employ someone to run it properly. This would yield a rent and would be a basis to afford the maintenance of the building.

No work had been done on a “Plan B”.

The Town Council should stand up and say that it had gone too far away from what was intended.

Town Clerk

The Town Clerk informed Members that as the Proper Officer she was there to advise the Council. She had taken further advice and had informed the solicitor of the proposed change in terms of the lease. The wide ranging use clause meant that the Council had to be confident that the Corn Exchange would not become an elite venue. The Council’s property agents had referred to ‘proper estate management’. A 15 year lease would mean that the sanction of the Secretary of State was not needed, but to have a lease that required the tenants to be responsible only for internal repairs and that “shared” the M&E plant with the Council could cause conflict.

Cllr Eaglestone agreed with Cllr Harvey and felt that the Council must take note of the solicitors and agents’ advice.

Cllr Bartington

Cllr Bartington pointed out that the Trust was a charity which brought certain responsibilities with it. There were guidelines on how to run a public hall and the Charity Commission would ensure things were done properly. The Trust Members were not without a track record.

She challenged Cllr Harvey's view that this was not in the best interests of Witney. The Trust had lots of opportunities for funding and she strongly considered that the Trustees had the resources and vision beyond anything the Council could employ. The Town Council had had the chance to run the building.

At this point the Town Clerk pointed out that the Town Council had not had the chance to run the Corn Exchange as the negotiations with the Trust had not allowed this – for example no promotion of the building or accepting long term bookings.

Cllr Beames

Cllr Beames recalled the closing of the Corn Exchange and he was proud of where things were now. He felt that the Trust model could access funding not open to the Town Council. The lease wasn't a commercial lease and there would be a net saving for the Council by having it run by the Trust. He had taken on board all the information and did not think the Council had avoided going to the Secretary of State. What had happened was that a lease had been drafted to enable things to move forward. The situation had gone on too long and he was happy to support Cllr Morris' motion.

Cllr Temple

Cllr Temple said that if things worked with the Trust it would be fantastic. However, it was not the Council's hall or money – it was the Town's and the Council would have to face people if things went wrong. He felt the Trust had not been explicit in what they wanted to do although it had been firm on what it did not want. A plan B should have been in place from day one. In his opinion the Trust should meet the Council halfway.

Cllr Harvey

Cllr Harvey said that he was not against a Trust running the Corn Exchange and indeed could see the benefits but the current deal was so one sided that he could not support it. There was the possibility of another Trust coming forward.

Cllr Reynolds

Cllr Reynolds had been in favour of the Trust but had now changed her mind. The lease seemed to be very one sided and it seemed as though the Council was making a rash decision. She was concerned that the Council was not taking professional advice.

Cllr Morris

Referring to the covenant on the building, Cllr Morris said that this meant that the building had to be a public hall – a café for example, would not stop this. The idea was to provide a better public hall.

The Trust was bound by charitable objectives and the Council Members of the Trust would ensure it would represent people and hold the Trust to account. He was confident that the hall would not become an elite venue.

In response to Cllr Reynolds he replied that it had not been a snap decision but one that had taken 18 months to arrive at. The Council had not been trying to avoid going to the Secretary of State. He had told the Trust that the Council could not accept the original lease and had worked to get something acceptable to both sides.

*The meeting adjourned at 8.15pm in accordance with standing order 14 and reconvened at 8.20pm*

The Chairman moved to vote on the motion presented by Cllr Morris, and Cllr Woodward requested a recorded vote.

- Cllrs Bartington, Beames, Brown, Chirgwin, Holliday and Morris voted FOR the motion.
- Cllrs Eaglestone, Harvey, Reynolds and Temple voted AGAINST the motion.

The motion was therefore carried.

**RESOLVED:**

That the Town Council enters into a lease with CEWT on the following terms – tenure of 15 years, with WTC responsible for the external fabric and the structural integrity of the building, and the CEWT be responsible for the internal repairs and maintenance, with all other terms as previously agreed.

443 **VANDALISM REPORT**

The Council received and considered the report of the Facilities Manager as circulated with the agenda. A Member asked if the repairs to the fence at the Lake and Country Park had included the gate. The Facilities Manager said it did not. A Member commented that the level of vandalism was considerably down on last year. The Facilities Manager commented that this was likely to be due to the Public Space Order at The Leys which had helped a lot. People had been fined and this was widely known.

A Member advised that there would be a Community Action Day at the Station Lane Underpass on 27 August and invited the police to get involved. PC Cochraine accepted the invitation. Another Member advised that there would be quarterly action days and the next one would focus on the Avenue 2 underpass at Station Lane and concentrate on removal of graffiti and litter.

444 **HEALTH AND SAFETY**

The Council received and considered the report of the Facilities Manager and the draft Health and Safety statement. The cost of a new door with a peephole would be £190.

There were two options presented for the fire risk assessment at Burwell Hall– the consultant could either carry this out in his remaining pre-contracted hours or at an additional cost of £325. Member preferred the first option.

A Member thanked the Facilities Manager for the Health and Safety Policy Statement.

A Member was concerned by the report that staff had been abused by Members of the public and asked the police if they could help. The police advised that people were often reluctant to make a statement as they just wanted the abusive person to leave and without a statement they could not get a conviction.

**RESOLVED:**

1. that the new Health and Safety statement be approved;
2. that the report on accidents and near misses be noted;
3. that the first option for the fire risk assessment at Burwell Hall be selected.

445 **CHRISTMAS LIGHTS SWITCH ON 2016**

There had been a request from the Service Groups to change the Switch On Date to coincide with the Advent Fayre on Sunday 27 November at 16.30 hours. Members were happy for the Switch On to remain on the Friday evening.

**RESOLVED:** that the date and time of the Christmas Lights Switch On should not be changed.

446 **OPERATIONAL REPORT ON THE SPLASH PARK FOLLOWING ELECTRICAL/PUMP ISSUES WEEK COMMENCING 18 JULY 2016**

The Council received and considered the report of the Works Contracts Manager concerning issues at the Splash Park week commencing 18 July 2016. He had since been informed that the pavilion might be drawing too much power and may need to look at an additional power supply.

A Member congratulated officers on a good job during the hottest week of the year and looked forward to a detailed report on the electrical situation coming back to the Amenities Committee.

A Member commented that the pressure dropped at the Splash Park when Poundstretcher was doing fire mains tests. The Works Contracts Manager replied that he had not had any other reports of this but would look into it.

**RECOMMENDED:**

1. that the Amenities Committee considers setting up an annual service and maintenance plan for the system;
2. that the temporary pump be kept in case of future issues or if the main pump should require future maintenance or repair;
3. that any repairs to pump and pipe work flanges, if recommended by C & C Pumping Ltd, be carried out;
4. that Tec-Lec's recommendations for area circuit trips be accepted and the work commissioned;
5. that Tec-Lecs recommendations for the electrical supplies in the Pavilion electrical cupboard be accepted and commissioned;
6. that Premier tennis are asked to contribute to recommendations 4/5 above.



447 **GROUNDS MAINTENANCE**

Members received and considered the report of the Town Clerk as circulated with the agenda.

**RESOLVED:**

1. that an Extra-Ordinary Council meeting be held on 18 August 2016 at 7pm in order to receive a report from the interview panel and award the contract collectively;
2. that the works negotiated by the Works Contracts Supervisor in lieu of grass cutting be accepted, and part of the deposit paid by LibFest is retained to cover the costs of the rectification to the Leys Ground due to their event in June.

448 **SUMMARY REPORT AND RECOMMENDATIONS FROM THE PUBLIC TRANSPORTATION WORKING PARTY MEETING HELD ON 29 JULY 2016**

The Chairman of the Working Party gave a verbal report of recent meetings. The bus service from Go Ride had received positive feedback although passenger numbers were low and needed to improve for viability. Key points were:

- There would be a peak service from September to include Woodgreen School.
- There would be a need for an alternate provider at some point.
- Deer Park residents needed to be included in future provision.
- A report on bus shelters would be taken to the next Community Services Committee meeting.
- The Chairman had asked for a breakdown of concessionary fares.

The Working Party had recommended producing and distributing flyers to Quarry Road and Farmers Close. The Town Clerk cautioned Members that this would have an impact on the stationary budget. The Chairman also proposed writing to businesses explaining the potential impact on loss of services.

**RESOLVED:** that the report be noted and the recommendations contained therein be agreed.

449 **CORRESPONDENCE**

Correspondence from OCC concerning Unitary Councils was received and considered.

**RESOLVED:** that the correspondence be noted.

450 **QUESTIONS TO THE LEADER OF THE COUNCIL**

There were no questions to the Leader of the Council.

451 **SEALING OF DOCUMENTS**

There were no documents to be sealed.

452 **CORN EXCHANGE**

The Town Clerk reported that a further meeting would be held with the Trust, and the Council would be updated in due course.

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The meeting closed at 8.53pm.

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Chairman.