

HONITON TOWN COUNCIL

Minutes of the Extra-ordinary Meeting of the Town Council held at the Town Council Offices, The Beehive, Dowell Street, Honiton on Monday 28th October 2019 at 7.00 pm

Present

St Michael's Ward

Cllr M Pollington
Cllr J Taylor
Cllr J Zarczynski (Chairman)
Cllr D Sheridan-Shaw
Cllr J Wyatt
Cllr N Macve
Cllr J McNally

St Paul's Ward

Cllr R Hanratty
Cllr V Howard
Cllr R Coombs
Cllr P Carrigan
Cllr C Hattle-Spence
Cllr C Kolek
Cllr C Gilson

In attendance

Cllr D Barrow EDDC
Mark Tredwin, Honiton Town Clerk
Heloise Marlow, Deputy Town Clerk
16 members of the public
1 member of the press

PART A

19/962 The Chairman welcomed Councillors and members of the public.

19/963 To receive apologies for absence

Cllr P Twiss (personal reasons)
Cllr T Darrant (personal reasons)
Cllr J Hannay (personal reasons)
Cllr N Hannay (personal reasons)

19/964 To receive declarations of interest and receipt of requests for new DPI dispensations on items on the agenda

There were no declarations of interest

19/965 To note the grant of dispensations made by the Town Clerk in relation to the business of this meeting.

None were made.

19/967 Public question time on items on the agenda

Mr Justin Nuttall was in attendance on behalf of Honiton Rugby Club and confirmed that he was there to try and answer any queries raised regarding item 6. The Chairman proposed that this take place during the debate of the item and confirmed that Cllrs would be able to ask Mr Nuttall direct questions.

19/968 Half year financial report 2019-2010

The Town Clerk presented the report and confirmed that at paragraph 9 the precept figure should read £277,637 rather than £227,637.

Cllr Taylor queried the proposal to close down the main Lloyds Account as stated in paragraph 14 as this could prevent the Council's funds from being protected by the Government backed £85,000 deposit scheme. It was agreed that this was a valid point which Cllr Taylor would discuss further with the Town Clerk.

Members noted the report.

19/969 Honiton Community Complex Report

The Town Clerk presented his report. The Council had previously passed two resolutions allowing the Town Clerk, the Council's solicitors and Cllr Sheridan-Shaw to meet with HCC in an effort to reach a compromise. At the recent meeting it had been agreed by those present that a payment of £20,000 would be made to HCC in settlement of the disputed sums up to 30th September 2019. The parties would then move forwards working together and with others to find ways to secure the future of the building under HCC and under the existing lease by agreeing an annual payment which would give both parties security for the year and allow HCC to apply for grant funding. Council staff and volunteers would work together to find additional sources of funding such as from EDDC and/or DCC.

Cllr Zarczynski stated that he had thought an agreement had been reached. However, correspondence from HCC received late on Friday appeared to contradict the deal reached by the parties as set out in the Town Clerk's report. The proposed deal does not end the lease although this will need to be looked at. The proposed deal resolves the long running dispute which has been ongoing since 2017 and would allow further discussions to take place regarding future funding. He proposed that Councillors should vote to accept the deal as set out in the Clerk's report in principle and that the £20,000 be released to HCC on receipt of confirmation in writing that payment is in settlement of the disputed claim up to 30th September 2019. In addition there is £6000 due from HCC in respect of insurance payments. Whilst this is a separate issue it had been agreed that HCC would not have to pay this until April 2020. HCC however have to agree to do so in writing.

Mr David Perkins spoke in response. The report prepared by the Town Clerk reflects his interpretation of the meeting on the 17th October. The Board members present did not agree to write off a £23,000 debt. The Charity requires substantial funds to meet its obligations to creditors now but if the Council wishes to run the Beehive, they should go ahead and do so. The Board agreed to a payment of £20,000 in the short term and to enter into negotiations with the Council in respect of the balance of monies due.

The Town Clerk responded by advising that he had recorded the meeting and it was clear from that recording that the agreement reached settled matters up to 30th September 2019. Both parties agreed to move forward – the Council disputes that it owes the Charity £43,000 and it was agreed that a payment of £20,000.00 now would settle the past dispute and enable all involved to move forwards. This was confirmed by Barry Simmons over the telephone before tonight's meeting.

Cllr Kolek asked to hear from the other persons present at the meeting, namely Mrs Serena Sexton and Cllr Sheridan-Shaw.

Cllr Hanratty asked if the Town Clerk could provide a transcript of his recording of the meeting which was refused by the Town Clerk and objected to by Mrs Sexton who stated that she objected to the meeting being recorded without the consent of the parties.

Mrs Serena Sexton confirmed that HCC wanted to move forwards and that the meeting was amicable and fruitful. However, there has now been spin on the agreement reached. HCC at the meeting had confirmed that it would look at a different structure going forwards and that they would work with HTC.

Cllr McNally proposed agreeing in principle to the payment of £20,000 to HCC in settlement of the outstanding lease payments up to 30th September 2019 but that the agreement should be done through both parties' solicitors who would prepare an agreement for signature. She reiterated that the outstanding insurance payment was not included in this agreement.

Further discussion then took place with the following points being made:

- The dispute has been ongoing since 2017
- Both parties interpret the lease differently
- Advice had been sought from the author of the lease and this advice was less favourable to HCC than the offer made
- HTC is not anti-Beehive and does pay its bills.
- Council should vote on the offer to pay HCC £20,000 subject to HCC agreeing the terms of the offer in writing.
- Offer of £20,000 is in excess what HTC has been advised that it owes to HCC.
- Risk if HCC do not agree that the payment settles all disputed amounts up to 30th September 2019 is that HCC could use the monies to continue the legal dispute.
- There is no need to incur further solicitors' costs in reaching an agreement.
- HCC could apply for grant funding from HTC.
- The dispute must end as it is distracting officers from other work and stopping the Council from moving forwards.

- Ongoing dispute leads to more mistrust between the parties who need to build trust going forward to be able to work together.

Members unanimously **RESOLVED** to approve the payment of £20,000 to HCC in full and final settlement of the disputed payments under the SLA up to 30th September 2019 upon receipt of written confirmation from HCC that the terms were agreeable and that HCC would pay the outstanding insurance payment by April 2020.

Proposed by Cllr McNally and seconded by Cllr Hattle-Spence.

19/970 Allhallows Field

The following points were discussed:

- Honiton has limited green space.
- Allhallows is used by members of the public
- New lease terms only relate to pitch 1.
- The Local Action Group (LAG) is looking at proposals to install CCTV cameras with night vision at Allhallows.
- Have the Playing Fields Association been consulted on the proposed lease?

Mr Justin Nuttall on behalf of Honiton Rugby club confirmed that they would like to stop dog access to pitch 1 but have no immediate plans to fence the pitch off and appreciate that this may be difficult to enforce. Allhallows will continue to be accessible to the public. The new lease is required to give the rugby club security of tenure and to access funding.

Cllr Dean Barrow was unable to confirm whether the Playing Fields Association had been consulted but would make enquiries regarding this.

Members unanimously **RESOLVED** to support the granting of the new lease to Honiton Rugby Club by EDDC and that officers obtain confirmation from EDDC that any required consent has been obtained from Fields in Trust.

Proposed by Cllr Zarczynski and seconded by Cllr Kolek.

19/971 To close the meeting

The meeting was closed at 8.55pm.