

SWAFFHAM TOWN COUNCIL

Minutes of the Finance and General Purposes meeting on Wednesday 23rd February 2011 at 6.00p.m. in the Council Chamber, Town Hall, Swaffham.

Present: Mayor Cllr I. Sherwood (in the chair)

Councillors: -	Mr P. Darby, Mr D. Harman, Mrs S Matthews, Mrs J Skinner, Mr C Gunner (6.10 p.m.)
Town Clerk:-	Mr R. Bishop.
Assistant Town Clerk:-	Mrs R Noble
SCALGA Rep:-	Mrs C Wright

1. APOLOGIES FOR ABSENCE.

- 1.1. Cllr. T Jennison – Family Commitments.
- 1.2. Cllr. D Wickerson – Work Commitments.

2. DECLARATIONS OF INTEREST – for items included on the Agenda.

- 2.1. There were no Declarations of Interest.

3. MINUTES.

- 3.1. The Minutes of 1st December 2010 were agreed and signed as a true record by the Chairman.

4. Reports from Committees, representatives or outside bodies:-

4.1a. SCALGA report given by Mrs Christine Wright.

It was reported the 'Seed Scheme' went well with 18 orders being taken and a profit of £42 was made. Pallets from a company called 'Perdys' on the Ecotech site have been providing pallets for allotment holders to use free of charge. Greenhouses have been offered free of charge to SCALGA for use by allotment holders. It appears there is an imbalance of SCALGA members from Shouldham Lane and Tumbler Hill, Tumbler Hill does not have as many.

A copy of the list of tenants who agreed for the Town Council to let SCALGA have their contact details has been requested.

It was agreed to forward a list of tenants who agreed for SCALGA to have their details to be forwarded to Mrs Christine Wright.

The SCALGA A.G.M. is on 26th May. Mr Ian Robinson will be stepping down as Chairman but remaining on the committee.

A request was made to add SCALGA to the list of outside bodies for a Councillor to be a representative.

It was agreed to add SCALGA to the outside bodies list for a Councillor to be a representative.

It was reported the Best Kept Allotment will be taking place, a request was made for the Town Council to produce the Certificates.

It was agreed for the Town Council to produce the Certificates for the Best Kept Allotment.

SCALGA are looking into the possibility of promoting children's allotments.

4.1b. The Council has been dealing with a sensitive issue related to three allotments currently occupied by Mr. Davies at Four Acres Field. This has resulted in one allotment being retained. The remainder of this issue is confidential for legal reasons.

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4.1c. A report was given on the number of vacant allotments.

Allotments available:

Shouldham Lane – 78 Plots + 17 which Mrs. Nash has for horses

Magazine Field – 11½ Plots

Four Acres Field – 17 Plots

Tumbler Hill – 46 Plots

Vacant Allotment Plots

Shouldham Lane – 1½

Magazine Field – 1 + 2 (Mr. Davies)

Four Acres Field – ½

Tumbler Hill – 1

Reminder letters for not returning agreements and paying the annual rent have been sent to tenants relating to:

3 allotments on Four Acres

5 allotments on Tumbler Hill

They have been given until 7th March to pay and return agreements.

The draft allotment Tenancy Terms and Conditions (Appendix 1) which were circulated to full Council in January with some amendments being made have been circulated to the Committee members for consideration. The amendments have been highlighted in red. It was suggested to make further amendments to include in number 6) the use of sprinklers and hose pipes is prohibited at all times. Also to add:

The tenant will be in breach of the Allotment Tenancy Terms and Conditions if they fail to respond to any correspondence from the Council.

Cllr. D Harman proposed and Cllr. S Matthews seconded that the tenant will be allowed to plant up to 8 trees on any one allotment, this number to be pro-rata to ½ allotments.

It was agreed to include in number 6) the use of sprinklers and hose pipes is prohibited at all times.

It was agreed to add the following rule to the Allotment Tenancy Terms and Conditions: The tenant will be in breach of the Allotment Tenancy Terms and Conditions if they fail to respond to any correspondence from the Council.

It was unanimously agreed to add the following rule to the Allotment Tenancy Terms and Conditions: The tenant will be allowed to plant up to 8 trees on any one allotment, this number to be pro-rata to ½ allotments.

4.1d. It was reported the fence on the corner of the allotments where the Community Orchard project is being carried out has made the allotments insecure now the fencing and trees have been removed. The Town Clerk stated he would speak to the Project Support Officer and Mark Keddie who is leading the project to arrange for the fence to be re-instated as a matter of urgency.

4.1e. The Town Clerk stated he would forward the contact details of the ESCAPE project to Mrs Christine Wright.

4.2. Market Committee - The Market Committee met on Monday 21st earlier this week. The Town Clerk reported that in general there were signs of a slight recovery, as the casual traders are slightly up on the same stage as last year. The Auction will be weekly from 16th April, this follows on from a successful monthly launch and reverting to fortnightly during possibly the worst months of the year weather wise. The number of people visiting the Market increases with the regularity of the Auction, so hopefully this will now help to increase the variety of stalls in the coming months. There are plans for a re-launch of the Farmers Market on 30th April and other events planned as part of the Market Traditions Project which for which the funding will run out later this year.

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4.3. Recreation Ground Committee - The next meeting of the Recreation Ground Committee is on Monday 7th March. The Town Clerk and Deputy Town Clerk met with representatives of Wicksteed Leisure on 15th February to discuss the siting of the teenage equipment. The installation dates will be confirmed as soon as the manufacturers can confirm the delivery date of the new equipment. The section 106 funding has been received from Breckland Council.

4.4. Town Partnership Committee - The Town Partnership Committee held their last meeting on 15th February. This will no longer be a Town Council Committee as the lead body will in future be Icen Partnership. In future it will be known as Advance Swaffham Action Group.

4.5. Youth Council - The Youth Council has arranged to meet with ACOSY on 15th March at the Community Centre to discuss the possibility of merging the two organisations and looking at areas of common ground. The Town Clerk is working with them at present as part of a review of Youth Services with the aim of reporting to the full Council in May 2011. As part of the process the Youth Council would like to come and discuss matters with the Finance Committee at their next meeting on 6th April by this time it is hoped they will be in a position to project their funding for the year ahead and how this might sit with the Council's budget for 2011/12 and beyond.

4.6. Internal Auditors' report from Tony Lawlor - The internal auditor has been looking in depth at the finances of the Market and Allotments; his report is circulated to the meeting this evening. See Appendix 2.

All actions arising from the report are recommended to be implemented prior to year end or at the earliest possible date.

5. QUARTERLY FINANCIAL REPORT from the Responsible Finance Officer

5.1. Accounts to date for Income & expenditure 2010/11.

The accounts summary is for Income & Expenditure up to 31st December 2011. There was a delay in getting the month of January onto the system due to the change in Deputy Town Clerk. There was a difference to reconcile on the main bank account that has now been resolved. The Town Clerk will start to train the new Deputy Town Clerk with regards to the RBS accounting system next week as the Year End is fast approaching.

5.2. For approximately the past six months we have been working with Terry Drake and his staff to try and resolve our fire alarm for both sides of the building. An estimate for the replacement of the fire alarm in each side of the building has been circulated to all Committee Members; the new system would be much more user friendly with the ability to turn off the alarm from either side of the building. At present the system needs to be operated on three occasions from one end and two from the other end each time there is a test, and in the event of the alarm being set off. The cost is £907.12 + Vat. It was suggested to have this work done as a matter of urgency. It was suggested to contact the museum with regards to a contribution towards the cost.

It was agreed to accept the quote for £907.12 + VAT for the replacement of the fire alarm panels.

It was agreed for the Town Clerk to contact the Museum with regards to a contribution towards the cost of the replacement of the Fire Alarm Panels.

5.3. The Town Clerk reported on the Bad Debts to 31st December 2011, it was suggested to write off the bad debts of £2,642.24 and make further adjustments to the accounts of £1,393.76 = £4,036.00 in total to clear the Debit Suspense A/c to £0.00 It was also suggested not to allow the circus and French Market to return to the Market due to the unpaid invoices.

It was agreed to write off the bad debts of £2,642.24 and make further adjustments to the accounts of £1,393.76 = £4,036.00 in total to clear the Debit Suspense A/c to £0.00

It was agreed not to allow the circus and French Market to return to the Market due to the unpaid invoices.

5.4. Northwell Pool – Nothing to report.

5.5. Youth Council – Nothing to report.

5.6. Allotments- Nothing to report.

5.7. Recreation Ground – Nothing to report.

5.8. Toilets & TIC- Nothing to report.

5.9. Cemetery & Churchyard – Nothing to report.

5.10. Open Spaces – including report re- Play Areas/open Spaces.

The Town Clerk met with Breckland Land Management Officer Zoe Footer on 10th February in order to try and resolve the outstanding issues:

- 1. What happens to the play areas and surrounding open spaces should the Town Council not take them on?**

ZF. My understanding is that Breckland would continue to maintain equipment until items become unviable or uneconomic to repair at which point they will be removed and not replaced.

RB. Insisted on Zoe Footer getting written assurances from Deputy Chief Executive Mark Stokes. It was confirmed by ZF that in committee meetings where the Play Areas have been discussed that a separate charge to each Town was discussed and the intention was not to enforce an additional charge. However, this remains an option for Breckland if this is referred back to the elected members. A similar decision was made in respect of street lighting approximately 11 years ago. We await the written confirmation on this important point. ZF was able to confirm that Breckland Council if they retained these areas would eventually remove the play areas and only manage the open space. It was generally thought by Breckland Council officers that these areas sit better with the towns as they can have the control over their future, whether with or without play areas. They are better placed to respond to the wishes of the local people and can raise their precept if necessary to pay for the expense.

- 2. Are there any restrictive covenant(s) applying to the said property?**

ZF. Any existing restrictive covenants in the title documentation will be disclosed by the legal representative(s) acting for both parties.

Restrictive covenant(s) will be imposed in the proposed transfer to ensure the land remains as amenity/open space. The proposed restrictive covenants will not prevent the Town Council from adding any extra play equipment nor will they prevent the Town Council from removing the play equipment.

RB. It was confirmed verbally by ZF that the restrictive covenants will be a clawback percentage to Breckland if the land is developed at some point in the future for a profit. This is known as a development uplift clause and would be dealt with by the Town Council's solicitors at the point of transfer. If the land remains as open space or as a play area; then there would this clause would not come into force.

- 3. Would all boundaries be the responsibility of the Town Council?**

ZF. Breckland Council is unable to make any representations/warranties as to the ownership of boundaries.

RB. It was confirmed verbally by ZF that where at all possible boundaries would be confirmed within the deed of transfer; but within the two pieces of land in question it is not possible to confirm every boundary. There are some boundaries that are double edged i.e. with a defined area in between adjoining land or property. There are some boundary hedges that are maintained. There is some fencing that has been installed and therefore maintained. There are some undefined boundaries where land searches could resolve the boundary issues; this is done at the point of transfer by the solicitor.

4. Are there any footpaths passing through the said property on the definitive map or private rights of way?

ZF. Swaffham Town Council to rely on own searches and enquiries.

RB. Explained to ZF the issue of wasteland at the entrance to the Oaklands play area, with a stretch of 15 to 20 metres where a right of way is required to gain access for grass cutting etc. What are the financial obligations in respect of this land and is there a vehicular right of way? ZF firmly believes that all issues in respect of the right of way would be clarified by the solicitors at the point of transfer. The fact that access is currently available and had been for a number of years may need to be covered by a statutory declaration by Breckland Council. Land searches would determine who owns the land in question, ZF confirmed that Breckland did not own this land.

5. Request sight of Serco contract detailing what work will continue until the contract expires in 2015 and that the contract is at no additional cost to the Town Council.

ZF. The current Serco contract expires on 31 March 2015. Maintenance included within the Serco contract is as follows:

- **Grass cutting – cutting takes place every 2 to 3 weeks between April and October.**
- **Hedge cutting – cut annually between November and March. Additional cutting carried out where obstruction occurs or growth exceeds 300mm.**
- **Shrub bed trimming – trimmed annually between November and March.**
- **Ditch clearing/strimming – cleared and banks strimmed annually between November and March. Additional clearing carried out if an obstruction occurs.**
- **Play equipment inspections – inspection of all equipment weekly.**
- **Litter picking – area around play equipment weekly. Remaining area every 2 to 3 weeks though frequency adjusted as required.**
- **Fly tipping removal – removed as required.**
- **Litter/dog bin emptying – emptied as required, normally every 1 to 2 weeks.**

RB. Asked if was possible to put a value on this section of Breckland's contract with Serco? ZF confirmed that this was not possible as the Serco contract was for the whole district and even the areas just within Swaffham were quite extensive. The contract was until 31st March 2015 (four years from now) the Town Council could request this information from Serco direct or they could request a guide price from their own contractor TTSR to give them an indication of cost. It was seen by Breckland as an added benefit to the Town Council in the early years following the proposed transfer.

6. Can the right of access to the said property be confirmed within the deed of transfer?
ZF. It is not possible for the right of access to be confirmed within the Transfer.

RB. The right of access is an issue to be confirmed and clarified by the solicitors. The draft transfer documents are unable to confirm the right of access.

7. Can you clarify the position in terms of insurance of the equipment and public liability?
ZF. Breckland Council do not insure play equipment. Serco has public liability insurance. Should the Town Council feel it is necessary, they will need to arrange their own insurance for the play equipment at their own expense.

RB. Breckland Council have a policy not to insure play equipment taken over from developers. The management of the play equipment has changed over the years, as each issue arises a decision is taken on whether to repair or replace the equipment concerned. This largely depends on the level of the maintenance budget available. In recent years the age of the equipment has increased the necessity for maintenance and decisions have been taken not to replace certain equipment.

8. Can you supply daily/weekly inspections carried out, so the Town Council can assess the recent history of this equipment, say the past 12 months?

ZF. Serco inspect all equipment on a weekly basis. My understanding is that this is a basic safety check.

We have looked at the costs incurred by Breckland Council to maintain the play equipment over the last four years and these are as follows:

- **Merryweather Road - £2,940.00; and**
- **The Oaklands - £137.00.**

RB. The costs are not excessive, but the general condition of the play equipment whilst safe is not particularly good. The equipment is dated and well worn, but still well used. In respect of the safety checks these are visual checks unrecorded, but this does form part of the Serco contract.

9. Require details relating to a proposed land transfer to Mr Palmer of Merryweather Road.

ZF. The request received from Mr Palmer was refused by Breckland Council therefore the value of the land was not obtained.

RB. It was confirmed by ZF that there was no real objections to the small section of land being transferred to Mr. Palmer. It was decided not to proceed due to the pending transfer to the Town Council. It would be standard practice for Mr. Palmer to pay for legal costs on both sides and any subsequent valuations by the District Valuer should the town Council wish to pursue this.

10. There is a further play area and open space at Orford Road which is managed within a Charitable Trust. Can you confirm whether this play area will be transferred to the Town Council and if so under what terms?

ZF. Where Breckland Council manage play areas on behalf of the owners, the management responsibility is not proposed to be transferred as part of this project as the primary goal of this particular project is to transfer legal title of the play areas to the Town Council's. The number of sites falling into this category is diminutive; however the intention is to transfer the management responsibility that Breckland Council has, to a third party, wherever possible and in due course.

RB. It was confirmed by ZF that Breckland Council would want these areas to be managed by the Towns concerned. They would be dealt with separately and any assistance the Town Council can give in this regard would be appreciated. The close proximity of the Community Orchard Project could give an alternative organisation that could be considered for local management. This would be dependent on the status of the group and the wish of the Town Council. There is scope for further discussion.

11. Require confirmation from Breckland that the approach regarding anti-social behaviour issues on the Merryweather Road play area would be multi-agency to tackle such issues.

ZF. To the best of my knowledge this would be the case.

RB. It was generally agreed with ZF that this was not really an issue to be dealt with at the point of transfer. Breckland Council, the Police and the Town Council all have obligations under the Crime and Disorder Act. This fact confirmed a multi-agency approach to any problems would be evident.

The commuted sum has been increased from the original offer letter of £30,400 to £60,275 the reason for this is that the Merryweather estate commuted sum has been added to the original sum. ZF was unsure how the original calculation was made.

In summary there is a much stronger case for taking on the play areas:-

- **The increased commuted sum of £60,275 is much more realistic**
- **The main concerns of the Town Council have either been addressed or will be dealt with as part of the legal transfer by exchanges between the solicitors**

- **The standard solicitors land searches with determine rights of way, boundary and ownership issues**
- **The play areas and open spaces are clearly a ‘Town’ issue, currently being paid for by all Breckland residents. This only happens in the five market towns**
- **The issue of double taxation will clearly be a consideration if the Town Council does not take on the play areas. An additional charge on the Council Tax is a possibility that Breckland Council could impose leaving each town with a charge but with no management control of the areas concerned**

It was suggested to take on the play areas as this would give the Town Council both management and budgetary control over any future demands placed upon Swaffham Council Tax payers in relation to their play areas and open spaces.

It was agreed to recommend to the Full Town Council to take on the play areas as this would give the Town Council both management and budgetary control over any future demands placed upon Swaffham Council Tax payers in relation to their play areas and open spaces.

5.1.1. Amenity & Agency – Nothing to report.

5.1.2. Precept – Nothing to report.

6. DATE OF NEXT MEETING.

6.1. Date of next meeting – Wednesday 6th April 2011 at 7.00 p.m.

Meeting closed at 7.00 p.m.

Chairman