

LISKEARD TOWN COUNCIL

AT A MEETING of the **PLOTHOLDERS** and **PROPERTY COMMITTEE** held in the Council Chamber on Tuesday 14 April 2015 at 7.00 pm there were present:

The Mayor - Councillor Phil Seeva Ex-officio

Councillor Ian Goldsworthy - in the Chair

Councillors: Sally Hawken, Adam Hodgkins, Sue Pike, and Christina Whitty

Town Clerk - Mr Steve Vinson

Minute Clerk - Mr Stuart Houghton

Facilities Manager - Mr Tony Misson

Plotolders - R. Wakeford, N. Spencer, D. H. Griffiths, S. Pullen, R. Cummings, D. A. Turner, T. Robinson, Lynne Toms, Brian Toms, Adrian Vine, Hilary Vine, Janet Lockwood, David Cory and Chris Butt

The Chairman advised those present of Housekeeping matters

746/14 APOLOGIES

Apologies were received from The Deputy Mayor - Councillor Jane Pascoe and Councillor Hella Tovar.

747/14 DECLARATIONS OF INTEREST

No declarations of interest, Declarable or Non-Declarable were made.

748/14 MINUTES OF MEETING HELD ON 10 MARCH 2015

Minute 679/14 Public Speaker

The date of the Allotments act should be 1908 not 1928 and the date that the land was sold to the Borough Council was 1929 not 1928.

Minute 684/14 Budget report

The Chair wished to clarify the first paragraph.

The wages line showed an overspend due to the way the superannuation and wages were allocated for toilet cleaning. The Westbourne toilets line showed a surplus.

The Mayor proposed, Councillor Pike seconded and the Committee **RESOLVED** that the Minutes of the meeting held on the 10 March 2015 were **APPROVED** with the forgoing clarifications.

749/14 PUBLIC PARTICIPATION

1. Public

No members of the public, other than the Plotolders were present

2. Plotolders

Several plotolders addressed the Committee to express their concern about the reported intention of the Council to dispose of part of the Pengover Allotments.

The Chair responded that the Council had not made any resolution to dispose of any of the Pengover Allotments.

The Plotolders repeated their concern as they had put much time, effort and expense in developing the Allotments. They were in such a good condition that they were an amenity for the Town and provided community and social involvements. Comment was also made that the current management of the Allotments was the best it had been for several years.

They also mentioned that a previous attempt to build on the allotments had been made in the 1970's, but had failed.

Concerns were also expressed about the condition of the land at Maudlin Farm where the allotments had been suggested to be moved to.

They asked for an unqualified response to their concerns.

The Chair reiterated that no decision about the Allotments had been proposed or made, the Council could not stop Members from expressing their ideas. If there was any intention to move the Allotments, due process would have to be followed; given the current situation the Allotments were well used, in good condition and a waiting list existed for them, therefore the requirements of the current Law for disposal of Allotments could not be met.

He also thanked the plotolders for the support for the current management of the Allotments and hoped that it showed the Councils commitment to them.

Councillor Hawken thanked the plotolders for their representation. The Council did not own the land at Maudlin Farm and it might not be suitable for use as Allotments.

The emerging Objectives for the Council include preserving the heritage of the Town, she considered that the Allotments were a part of the heritage.

The Town Clerk read out the four key requirements of the Law for the disposal of allotments. These requirements could not be complied with, therefore it was not possible for the Council to dispose of the Allotments.

The Chair asked if the ploholders had any other items to discuss, they were welcome to stay for the meeting to hear the Councillors discuss the points they had raised.

Other items mentioned included;

- the waiting list for allotments was about six
- the Council had stopped offering half size plots
- the standpipes had been altered

The Chair thanked the ploholders for attending and moved onto the next item of the Agenda.

750/14 TO RECEIVE AN UPDATE ON ITEMS FROM THE LAST MEETING OF THE COMMITTEE

The Town Clerk's report had been circulated and was noted.

751/14 ALLOTMENTS. DISCUSSION OF ITEMS RAISED BY PLOTHOLDERS

The Chair outlined the earlier discussion, the Committee previously had not made any resolution to do anything about disposing of the Allotments and this point had been made earlier to the Ploholders.

Councillor Hawken said that a clear statement should be made to the ploholders and proposed that;

1. they should be informed that this administration would not do anything to dispose of the Allotments.
2. the ploholders be asked to work with the Council to assess the needs in the different parts of the Town for allotments and to encourage more people to apply for them.

Councillor Hodgkins seconded the proposal and the Committee unanimously **RESOLVED** to **RECOMMEND** that the Council adopt this statement.

Councillor Whitty reported that she had met with Mr Vine and had inspected the Allotments. There were two plots that had not been worked and required attention, they were A2A and A2B. Two other plots required to be improved.

She had arrange to make a further inspection with Mr Vine next month.

752/14 BUDGET REPORT TO 31 MARCH 2015

The budget report, as circulated, was discussed.

In response to a question about the Public Hall, the Town Clerk stated that the occupation and use figures would be available.

753/14 RAPSONS FIELD. MUGA, NEIGHBOURS REQUEST

The papers and recommendations had been circulated.

Councillor Hawken proposed, Councillor Pike seconded and the Committee **RESOLVED** to **RECOMMEND** that the Council adopt Option 2, to take ownership of the boundary between the MUGA and the adjoining property, Sheneda.

Councillor Hodgkins proposed, Councillor Pike seconded and the Committee **RESOLVED** to follow the Cornwall Council's Tree Officers recommendations for the improvements to the boundary hedge.

754/14 LISKEARD TOWN COUNCIL DRAFT AIMS

The Town Clerk's report contained papers for this item.

Councillor Hawken proposed, The Mayor seconded and the Committee **RESOLVED** to **RECOMMEND** that the Council adopt the revised Aims for the Property Committee as follows;

1. Improve Social and Leisure Facilities in Liskeard
 - Audit the current provision
 - Improve play equipment and spaces at Thorn Park, Rapsons and other green spaces
 - Support the increased use of Westbourne gardens
 - Develop an amenity area on the Maudlin Farm site
 - Improve the Public Hall to broaden its appeal, accessibility and potential uses
2. Boost prosperity and increase employment opportunity in Liskeard
 - Provide 6 business units in the Guildhall to help support the economy of the Town Centre with a view to supporting start-up businesses where possible
7. Protect and enhance the civic Heritage of the Town and promote and develop the Council's assets for the benefit of the community
 - Maintain and enhance the key civic heritage assets such as the Guildhall and Fountain etc.
 - Improve income generation of heritage assets
8. Work effectively with other organisations, building the community and increasing local resilience and sustainability
 - Bid to the government for Rural Community Energy Fund

755/14 CORRESPONDENCE

A letter had been received from the WI asking for permission to plant a memorial tree for their centenary, in Thorn Park.

The Mayor proposed, Councillor Whitty seconded and the Committee **RESOLVED** to **RECOMMEND** to the Council that the proposal was accepted.

756/14 **DATE OF NEXT MEETING**

It was agreed that the next meeting would be held on Tuesday 12 May 2015.

5. To receive an update on items from the last meeting of the Committee – For Information – 14th April 2015

Meeting & Action	Update	When
P Mar 2015	New Lease – Studio Winter Office Unit, Guildhall - Tenant contacted and informed of Committee decision. Councils’ solicitor contacted and asked to expedite contract. Town Council invoicing staff member informed of rent revue.	TC Apr 2015
P Mar 2015	Former Tenant – Unit 4 rent request. Tenant contacted and informed of Committee decision, Town Council invoicing staff member informed of Committee decision.	TC Apr 2015
P Mar 2015	Public Speaker and Correspondence from Allotment Association – Secretary of the Allotments association met with the Chairman of Property and Town Clerk. Agreed beneficial to inform the plot holders in general of the situation. Invite all ploholders to next Property and Plotolders for a discussion.	TC April 2015
P Mar 2015	Inclusion of item of Seagulls and precautionary measures in the next issue of the Town Crier – May/June. Revise Truro City Council seagull deterrence and control advice and put on website when available.	TC May/ June 2015
P Mar 2015	Hot Desk Hire – Public Hall - Potential hirer ‘s South East Cornwall Local Area Action Group (grant awarding body) informed of the potential availability.	TC Mar 2015

7. Clerk's Report – For Information – 14th April 2015

Meeting & Action	Update	When
P Sept 2014 Allotments – improve untidy plots by inspection and follow up.	<p>5th January additional plot given up by previous plothead. This is a large plot.</p> <p>There are 6 individuals and couples on the allotments waiting list. One expression of interest dating back to 2010, 3 from 2013, 1 in 2014 and 1 in 2015. Plot has been let.</p>	TC Mar 2015
P Dec	<p>Maudlin Farm Amenity Land – Cornwall Council have been notified of the Town Councils views. These have been passed onto the Bank dealing with case. Cornwall Council has been contacted again on 9th April. No further developments.</p>	TC Apr 2015
P Feb 2015	<p>Following approval at Feb Council an application has been made to the Government under its Rural Community Energy Fund for £19,750 to support a Liskeard Town based renewable energy assessment and business plan programme.</p> <p>Letters of support were submitted by the Town Forum, Liskeard School and Community and the Liskerret Centre.</p> <p>The project appraisers received the application. Further information was requested from the Town Council and out partners. This was supplied. We were informed that the application would go to the Assessment Panel at the end of April.</p>	TC Mar 2015

10. Rapsons Field, Multi Use Games Area (M.U.G.A.) – Neighbour

Requests At the 10th February 2015 meeting of the Committee a Public Speaker presentation slot was used by the Council's neighbour of the Rapsons Field Multi Use Games Area. The neighbour requested that the Council undertake works which he believed would be of benefit to his property.

To help assess the reasonableness and responsibilities of both parties the following steps have been taken and progress made:

10.1 Undergrowth the undergrowth between the wooden panel fence at the back of the Multi Use Games Area and the field boundary with the neighbours property has been cleared. In discussions with the neighbour it was confirmed that whilst clearance of the drainage channels was advisable, however, it would not be necessary to have a soak away surface water drainage scheme provided. The maintenance contract for the external areas has been amended to include continued cuts of the recently cleared area.

10.2 Drainage Channel running along the field boundary on our side of the hedge has been cleared of leaves and debris.

10.4 Outstanding Issue – Ownership and Responsibility of the hedge

The ownership of the hedge and the responsibility for the trees and bushes growing upon it has been a point of discussion between ourselves and our neighbour. The Town Council had already checked its own lease and then subsequently the Cornwall Council freehold title to the site. Neither indicated ownership nor responsibility for the boundary hedge. Since the last meeting further checks have been made with the Land Registry for the Multi Use Games Area M.U.G.A. and the neighbour's residential property. Neither check indicated ownership of the hedge. The neighbour has been informed of the lack of any indication at the Land Registry or on freehold or lease documents as to ownership of the boundary hedge. He says that he believes that it is ours.

10.5 Land Registry Boundary Ownership Guidance The Land Registry has guidance on attempting to determine ownership. This and other information has been considered and is included as a note with options for consideration.

10.6 Discussions with neighbour Recent discussions with the neighbour have confirmed his request that we cut down the bushes and trees on the hedge. He has been reminded that the Tree Surgeon advice has been to retain the existing native trees but to prune them heavily to promote growth and to plant additional native trees in the gaps in the existing tree screen. If the Town Council follows the advice of the tree surgeon the neighbour confirms he will not contribute to the costs of the works even if it were a party hedge (owned by both parties).

10.7 Further Points Raised by the Neighbour The Neighbour has also asked that further fencing be erected on the Multi Use Games Area itself to increase the height of the netting and fencing. In our most recent discussion with the neighbour he has stopped asking for the planting of leylandii bushes but instead is asking for us to plant trees which “have a growth rate of 6 to 8 feet per annum”.

LISKEARD TOWN COUNCIL

BOUNDARY BETWEEN THE MUGA, GRASS FIELD AND MR COLLIASS

Following the complaints from Mr Colliass about the nuisance caused by the users of our equipment and the play area to him, and the opinion that the hedges and trees are being detrimental to his property, checks have been made with the Land Registry about the ownership of the boundary wall/hedge.

These checks have been inconclusive.

The Property Registers for Mr Colliass's bungalow, and the Rapsons Field/Play Area, do not indicate the ownership of the boundary. However a map attached to a 1977 conveyance indicates that the boundary of the fields, in which Mr Colliass's bungalow was built, was in the ownership of the landowner.

It is unlikely that a farmer would transfer the ownership of a party boundary and expect his stock to be protected by someone else maintaining the boundary

The Boundary is also shown on an OS map dated 1888 as a field boundary, but the area where Mr Colliass's bungalow has been built is not shown as a separate plot.

Legal Boundary Presumptions

Legal presumptions are common law rights that apply in the absence of a contrary agreement or where an act of Parliament supersedes that right. If a contrary agreement exists it would almost certainly be evidenced in the property's title documents. There are no contrary agreements attached to the title documents.

However this presumption does not apply if at the time the ditch was dug the land on either side was owned by the same person.

As mentioned above the 1888 OS map shows that the hedgbank was in existence then but it is not possible, with the information available, to determine if it was in the same ownership.

Options

1. In the absence of any record of ownership, we could try to work in partnership with Mr Colliass, as a shared responsibility and cost, but he has already stated that the boundary is owned by the Town Council and that he would not have any input into its maintenance
2. It might be prudent to accept ownership of the hedgebank. This would give the Town Council the right to maintain the boundary, as it thinks to be fit, although there would have to be some agreement with Mr Colliass as he has his own opinion of what is needed.

11. Liskeard Town Council – draft aims The 17th March Council meeting considered the feedback from the Service Committees on setting aims for the Council in the period up to 2017. The Service Committees were allocated aims and asked to consider whether their activities fitted within and what that future actions might be under them. Property was thought to contribute to Council's aims 1, 2, 7 and 8 below. **Task** Consider the key areas for comments and change in 1, 2, 7 and 8 below.

1 IMPROVE SOCIAL AND LEISURE FACILITIES IN LISKEARD

- Improve play equipment and spaces for example at Thorn Park and Rapsons.
- Support increase use of Westbourne Gardens
- Continue the work started for creating an amenity and play area on Maudlin site

2 BOOST PROSPERITY AND INCREASE EMPLOYMENT OPPORTUNITIES IN LISKEARD

- Provide the Towns Tourism Information Centre and support the wider tourism offer in South East Cornwall.
- Provide 6 business units in the Guildhall to help support the economy of the town centre.

7 PROTECT AND ENHANCE THE CIVIC HERITAGE OF THE TOWN AND PROMOTE AND DEVELOP THE COUNCIL'S ASSETS FOR THE BENEFIT OF THE COMMUNITY.

- Maintain and enhance key civic heritage assets such as the Guildhall, Fountain, etc.

**8 WORK EFFECTIVELY WITH OTHER ORGANISATIONS,
BUILDING THE COMMUNITY AND INCREASING LOCAL
RESILIENCE AND SUSTAINABILITY.**

- Bid to Government for Rural Community Energy Fund.

**12. Correspondence – Liskeard Women’s Institute request
permission for to allow a tree planting ceremony at Thorn Park to
mark the centenary of the W.I. (see attached)**