

BROOMFIELD PARISH COUNCIL**Minutes of the Meeting of Broomfield Parish Council
Held on Wednesday 27th May at 2.30 p.m. via Zoom**

20/30.	Members attending Chairman Cllr Barnes Cllrs Blake, Daden, Faulds, Hubble McKie, McGuinness, Mercer, Perry, Steed, Thomson. Resolved. Apologies accepted from Cllr Howell. Proposed Cllr Barnes and carried unanimously. Also present City Councillors Steel, Knight County Councillor Aldridge Four members of the public
20/31.	To receive any Declarations of Interest from Councillors. There were no declarations of interest.
20/32.	To note the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. It was acknowledged that; <ul style="list-style-type: none">• The Parish Council can now hold virtual meetings.• The requirement for appointment of Chair, Vice Chair, Committees and representatives can be carried forward to May 2021.• The requirement for an annual assembly can be carried forward to April 2021.• The submission date for the annual return has been put back to September.
20/33.	To consider adoption of a web meeting policy Resolved. The Council adopts the web meeting policy as published. Proposed Cllr Barnes seconded Cllr McKie and carried unanimously.
20/34.	To agree standing orders for the year 2020 – 2021 Resolved. The Council approves the standing orders as published. Proposed Cllr Barnes seconded Cllr Faulds and carried unanimously.
20/35.	To agree financial regulations for the year 2020 – 2021 Resolved. The Council approves financial regulations as published. Proposed Cllr Barnes seconded Cllr Faulds and carried unanimously.
20/36.	Appointment of Clerk to administer dispensations in 2020 - 2021 An amendment to delete the word 'Locum' before Clerk in the published motion was proposed by Cllr Thomson seconded by Cllr Barnes and carried unanimously. Resolved. The Clerk as Proper Officer to the Council will be authorised, where in his view it is appropriate, to administer dispensations for members with disclosable pecuniary interests

	that would otherwise leave the council inquorate. Proposed Cllr Thomson seconded Cllr Barnes and carried unanimously.
20/37.	<p>To agree the terms of reference for Council and Committees.</p> <p>Resolved. The council approves the terms of reference as published. Proposed Cllr Barnes seconded Cllr Hubble and carried unanimously.</p>
20/38.	<p>To approve the minutes of Broomfield Parish Council's Meeting 18th March 2020.</p> <p>Resolved: The minutes of Full Council Meeting are accepted as a true record. Proposed Cllr Barnes seconded Cllr Blake and carried with abstentions from those who did not attend the meeting.</p>
20/39.	<p>Public Question Time.</p> <p>A resident attended to learn what was happening about the pavilion. She supported the opportunity to have the café which would offer something for the young people to do.</p> <p>A resident noted the damage to trees and furniture in David Smith Field and asked what was being done to prevent recurrences.</p> <p>As part of the public session City Cllr Steel confirmed that he was asked to attend the Village Hall site when the owner of the Pavilion had gained unauthorised access to the site to receive a bulk delivery of concrete. He confirmed that the City Council had given permission for the site to change use from D2 (Social Club) to A3 (Food and Drink, on and off premises). He offered his services to assist the Parish Council in negotiating a lease and recommended that the City Council Legal Department be engaged to help write the lease. He reminded the Parish Council that access to the plot has a value which can be calculated and factored into the negotiations.</p> <p>Cllr Aldridge reminded the council that any agreement should be arranged through a legal document as the council should not lose control of public assets.</p>
20/40.	<p>Exclusion of press and public</p> <p>Following a suggestion that the meeting should be held in public, the Parish Council confirmed that this would be a commercial negotiation that should not be discussed. It was also noted that it would be unfair to hold public meeting without both parties present.</p> <p>Resolved. In accordance with Paragraph 1 (2) of The Public Bodies (Admission to Meetings) Act 1960, the Parish Council can RESOLVE that the press and public be excluded from the meeting to discuss business of a commercially sensitive nature. City Councillors Steel and Knight, County Councillor Aldridge were invited to remain. Proposed Cllr Barnes seconded Cllr Mercer and carried with one against.</p>
20/41.	<p>To consider terms for access to Angel Pavilion.</p> <p>The Chairman summarised the situation by reminding Councillors that the site has a commercial value which must be considered in any negotiation. This may be seen as a financial value, or it might be community advantage. The Council must take care to ensure that one business does not get an advantage at the expense of the public. He confirmed that the a local surveyor's practice, Elwell Taylor are willing to negotiate on behalf of the council for a fee. The could explore the implications of offering a lease, licence or sale of land. To do</p>

this, the Council must first agree a monetary value, then decide if this should be required as money, or as community benefit.

The owner needs access for the short term when developing the plot, but must have long-term access to ensure the success of the project. With access, the land will be worth significantly more.

Cllr Blake - Previous consultation showed that a café was the most popular request and this would be an opportunity to provide one. Should it be agreed that a fee would be charged for the licence to enhance the access, the proceeds could be ringfenced and used for improvements to the Village Hall, or it could be used to improve facilities for other businesses in the Parish. He agreed that it was a good idea to have café but the Council must remember their responsibility toward the stewardship of land and should not be given away.

The Council had inherited a problem in the original land swap that created the landlocked site, and it must not add to it, or create a problem for the future.

If this business is to succeed, then the Council should support the bid and should not pursue plans to open a competing café at Broomfield Place.

Cllr Faulds – there is no value in the site as it is, so a solution is needed to make it useful. A café would be beneficial to the field. Does not see a problem with car parking. Would not worry about change of use.

Cllr McKie. The owner has a window of opportunity to do the work. Would like to agree access for building while the field is quiet, then look at the long term access.

Cllr Daden –it would be unfair to levy a charge on a business that is trying to get established. The proposed café will be of significant benefit to the residents and the council and will be available at no cost to the council. Her advice to the Council remains unchanged; do not spend money on lawyers as the money would be better spent on improve the access. Any attempt to get money from the café would alienate the residents

Cllr Hubble – agreed with the need to take advice and negotiate.

Cllr Thomson – notes that timescale published in the Happy Café prospectus only runs to October. The Council would need to clarify other working times. Not convinced that the café is viable given poor attendance at coffee morning. Concluded by agreeing that the Council needs legal guidance on two things; ongoing agreement for business and a temporary agreement for building work.

Cllr McGuinness – The Council should not give concessions that are not available to others. Need legal guidance on establishing the access rights. Would need to take legal guidance before negotiating a fee.

Cllr Steed – agreed that the café is beneficial but need to consider access. He did not want to leave this problem to a future council in the same way that this Council inherited a problem caused by poor planning in 1988.

Cllr Perry – there is an opportunity to agree short term access to do building work.

Cllr Mercer – The Council will require separate agreements for building work and long term business use. The café should be treated as commercial enterprise. Parking is at a premium and cannot be shared as it is part of the Village Hall planning agreement. There may be a community benefit from the business and if so, that should be agreed separately. The Council must have legal agreements to prevent incursions and transgressions. The building work needs proper security and hoardings.

Cllr Steel – The Council should employ a solicitor to make sure that it gets a strong document that ensures that all the conditions are included; duration of lease, exceptions or break clauses. The owner of the Pavilion should establish what access they think they have.

City Cllr Knight – the owner bought the land as a commercial transaction which does not include the enhanced access that is sought. The Council is holding the land in trust and cannot give it away. The Council is advised to move away from the emotion, and clarify what, specifically is needed.

County Councillor Aldridge – The parties should establish if the venture is not-for-profit or commercial. The Council needs to get a legal opinion. The Council is advised to take a licence rather than a lease. The licence would be renewable annually and can react to events like changes of ownership or change of use. Could be a good time to grant access for building.

General comments –

- Both parties could collaborate on common facilities.
- The Hall car park is used for the hall and cannot be shared.
- Agreeing permission for building access is appealing. The park is closed and ground is drying.
- The café can be used as a test for the future of Broomfield Place. If a café does not work at the pavilion, it will not work elsewhere. If it is successful, it would remove the need for a publicly-funded café on another site.
- The Football club considers that vans were allowed to drive down the rear, but access was always across the front of the play area.
- Access to the rear is limited and there is no obligation to improve it. A children's play park opens onto the path.
- The new document is interesting, but limited.
- The Council must have a short-term licence that will retain control should things change.
- Security is needed. The Council has been asking for proper hoarding to safeguard users of the park.
- As an alternative to licencing, the Council could agree an overage on the sale of the property as part of access agreement.
- Invite a party wall surveyor to negotiate the boundary.

The Council could suggest that the owner produces a proposal to get building access. The Councillors may wish to give some guidance on what is wanted so access can be granted quickly. If this were to happen, the Council could appoint an external expert to conduct their side of the negotiations. The specifics of access must be spelled out in any agreement. The alternative would be to simply note that access to the pavilion will be as specified in the deeds.

	<p>It was unanimously agreed that the council supports the principle of a community café.</p> <p>To consider appropriate measures to modify the terms of access to the pavilion</p> <p>The initial motion. The Council will invite a formal proposal to establish a legally sound schedule of access across Parish and Charity land.</p> <p>Resolved. The motion will be amended to read The council will instruct a chartered surveyor to act on behalf of the council and make a recommendations on terms and conditions and security of land rights with regard to access for building. The amendment was proposed by Cllr Barnes seconded by Cllr Mercer and carried unanimously.</p> <p>Before the next motion was considered, a recorded vote requested.</p> <p>Resolved. The council will instruct a chartered surveyor to act on behalf of the council and make a recommendations on terms and conditions and security of land rights with regard to access for building. Proposed by Cllr Barnes seconded by Cllr Mercer and carried by Cllrs Barnes, Blake, Daden, Faulds, Hubble McKie, McGuinness, Mercer, Perry, Steed, Thomson.</p>
20/42.	<p>Exclusion of press and public</p> <p>Resolved. In accordance with Paragraph 1 (2) of The Public Bodies (Admission to Meetings) Act 1960, the Parish Council can RESOLVE that the press and public may return to the meeting. Proposed Cllr Barnes seconded Cllr Mercer and carried unanimously.</p>
20/43.	Items for next agenda