

MINUTES of an Extraordinary Full Council Meeting of Melksham Without Parish Council held on Monday 4 July 2022 at Melksham Rugby Club, Oakfields, Eastern Way, SN12 7GU at 7.00pm

Present: Councillors John Glover (Chair of Council), David Pafford (Vice Chair of Council), Alan Baines, Terry Chivers, John Doel, Mark Harris, Shona Holt, Mary Pile, Andy Russell and Robert Shea-Simonds.

In attendance: Teresa Strange, Clerk; Marianne Rossi, Finance & Amenities Officer.

91/22 Welcome, Announcements & Housekeeping

Councillor Glover welcomed all to the meeting.

92/22 To receive apologies and consider approval of reasons given

Apologies were received from Councillor Wood who was on holiday and Councillor Patacchiola JP who had a prior engagement. These reasons for absence were accepted.

Councillor Hoyle was not present.

93/22 a) To receive Declarations of Interests

There were no declarations of interest.

b) To consider for approval any Dispensation Requests received by the Clerk and not previously considered

None received.

94/22 To consider holding items in Closed Session due to confidential nature *Under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following items of business (Item 7) as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*

Members felt that items 6a, 6b and 7 should be in closed session due to the nature of what was being discussed under these items for the following reasons:

6a- 3d (c)- Legal

6b- 3d (c) Legal

7- 3d (c)- Campus lease negotiations

Resolved: That items 6a, 6b and 7 be put into closed session.

95/22 Public Participation

There were no members of the public present.

96/22 Berryfield Village Hall

a) To approve increased costs for drainage connection

It was explained that unfortunately no provision had been made by Bellway Homes, the developer of the Bowood View housing development for storm and foul drainage connections or capacity on the Berryfield Village Hall site. This was despite land being allocated in the submitted outline planning application for the development for a village hall and initial plans being drawn up by Bellway Homes to build the hall themselves. The Clerk explained for background information that Bellway Homes subsequently decided that they did not wish to build the new hall themselves, therefore, opted to pay the parish council £500,000 indexed linked as set out in the S106 agreement to build it instead.

Due to no provision being made by the developer for any type of drainage, alternative schemes for both the foul and surface water connections have been sought to overcome this problem. The proposals put together to resolve this issue are as follows:

Works for the foul drainage will involve constructing a new manhole and connecting to an existing chamber adjacent to the Wessex Water pumping station which will involve deep excavation. For the storm drainage connection, it is anticipated that an approximate 4m trench will need to be dug into the highway to connect with an existing manhole.

The Clerk explained that Rigg Construction had obtained some quotations from suitable contractors to undertake the required works. She advised that these quotes were coming in at around £28,000.

The changes required for using the car park as a sub-base for attenuation for surface water was around £18,000.

The Clerk explained that a cost breakdown report had been produced by Jon Price at Rigg Construction detailing adjustments made to provisional sums. It was noted that some items that were originally included in the contract had been taken out on the request of the parish council, one of these items was the boundary fence. She advised that taking into account all of this the total overspend on this project was estimated at around £40,000. This was of course over the delegated spend for the Berryfield Village Hall Working Party and any spend of over £5,000 must come to a Full Council meeting for consideration and approval.

Members did not feel that the council could delay the required works as this may increase costs further. It was also acknowledged that it was the parish council's promise to the residents of Berryfield to provide them with a new village hall so it was felt that delaying the works was not an option.

Members felt that the council should investigate compensation for these additional costs but in the meantime considered suitable funding streams to pay for these additions. The Clerk explained that the council potentially had £38,000 spare in the budget, this was due to a few things. She explained that firstly she over anticipated the interest repayments for the public works loan that the council had taken out for this project. This was due to the fact that when the public works loan was initially worked out, it was based on repayments being made over 10 years, however the parish council decided to take it out over 5 years, making the interest payments much less.

She also explained that although the council had already received 25% of the S106 money there was still 75% of this to come in. As this amount was index linked there was no way of knowing how much the council would receive, therefore, this was estimated at £400,000. Following conversations with Wiltshire Council has now been confirmed that the amount due was actually £425,000, so this was £25,000 more than was taken into consideration in the budget.

The Clerk advised that with all of these taken into account there was a surplus of £38,000 in the budget, however she wished to caution members as this was only potentially. This was due to the fact that also included in the budgeted income to be received was the anticipated CIL payment for the 144 houses on Semington Road, which has to start on site by 10th September 2022. Currently budgeted was £90,000, however the council don't have any certainty that this money will come until the development starts on site.

For clarity the Clerk advised members that if this development for whatever reason did not start on site, they would be short as this money had been anticipated as coming in. The Clerk wished to highlight to members that there was still the public works loan money in the bank which would need to be paid back over the next circa 4 years. It was noted that the council did have 4 years to find the £90,000 either through the precept or CIL from any other potential housing developments.

The Clerk wished to make clear to members that the council did have the money in the bank for these additional costs there was also money in the general contingency reserve that could be used.

Resolved: The council unanimously agree to accept the additional £40,000 overspend on the Berryfield Village Hall project to resolve the drainage issues.

b) To consider legal advice re lack of drainage provision provided by landowners and agree way forward.

The Clerk explained that she had been in contact with the parish council's solicitors with regards to seeking redress for the additional costs. She advised that the solicitor was happy to put in a claim to Bellway Homes,

however, there was no guarantee that the council would receive any compensation from them.

The Clerk advised that due to this being a timely matter, she had already contacted the Regional Managing Director of Bellway on Wednesday 29th June and was yet to hear anything back.

The Clerk explained that she had put together a timeline of events and feels that other stakeholders may also be at fault.

The Clerk explained that as the local planning authority Wiltshire Council have to sign off the drainage scheme for new developments before they start on site. It was explained that Bellway started on site in September 2018, but it wasn't until February 2019 that they informed the parish council that they were not going to build the village hall themselves. It was acknowledged that between September and February the council were having meetings with Bellway to discuss what the council wished for the village hall as well as asking the council to undertake a public consultation. So, it was fully known that a village hall was going to be built on this development and would need some kind of drainage provision. Wiltshire Councillor Seed had asked for this matter to be put on the agenda for the cabinet meeting to be discussed at Wiltshire Council.

The Clerk advised that while undertaking the timeline she had found in January 2020 emails sent by herself on behalf of the council to the solicitors asking various questions about the drainage, so the parish council asked all the right questions. The Clerk explained that she has asked the solicitors for the answers that they received from Bellway with regards to the questions that were asked.

Resolved: The council are happy to take forward the legal advice given by the solicitors and continue investigating the avenues discussed above to seek redress for the additional costs.

97/22 Melksham Campus lease. To approve draft lease for office accommodation for signature and to affix seal.

The Clerk explained that the lease had not yet been sent back to the parish council for approval, therefore this was unable to be signed and sealed this evening. She explained that the comments made at the Full Council meeting on 20th June along with some queries she had herself was sent back to the parish council's solicitors. This was subsequently sent back to the solicitors acting on Wiltshire Council's behalf for their comments/approval, but had not yet been sent back to the parish council to be approved tonight.

It was queried whether everything was moving forward well with the Campus. The Clerk explained she had not received any objections with regards to the parish council's comments submitted on the lease yet. She advised that there was a clause in the lease which stated that if the council

wished to install any electrical items for example, written approval from Wiltshire Council would need to be obtained first. The Clerk advised that she had formally written to Wiltshire Council to request that items such as TV screens are able to be installed. She advised that in this respect things were moving forward well, but it was the lease that needed to be signed. It was noted that the next Full Council meeting was Monday 25th July and the council were due to move in on Thursday 28th July.

It was queried whether the Chairman could have delegated powers to sign the lease if it arrived in the meantime and there were no other amendments made. The Clerk advised that it needed to be a resolution of the Full council to seal a lease, but the lease could be approved on the basis of the comments sent back to the solicitors as long as there were no changes made. The Chairman could then have delegated powers to sign with the Clerk sealing the lease. It was acknowledged that if there were changes made to the lease this would need to go back to the Full Council for approval.

The Clerk advised members that there was one clause with regards to exclusion of sections 24-28 of the LTA 1954 which the council asked for clarification on. She explained that this clause offers tenant protection in that on the lease expiration date it will automatically continue; and therefore, this would not be the case with this lease. She explained that the council have used this clause before with regards to when the council office was at Crown Chambers, this meant that both parties didn't have to bear legal fees for another lease to be drawn up.

This lease, however excludes these sections of the act which means that on expiration of the lease the council would need to leave and does not have any right to remain in the building, unless another lease has been entered into. The Clerk advised that she will probably have to sign an exception form/declaration to acknowledge that the council are aware that this clause is excluded.

Resolved: Subject to there being no significant amendments made to the lease based on the comments sent back to the solicitor, delegated powers to be given to the Chairman, Clerk and/or the Vice- Chair, should either be indisposed to sign and seal the lease on behalf of the parish council.

Meeting closed at 7.21pm

Signed
by the Chair, Full Council, 25th July 2022