

Laverstoke and Freefolk PC Extraordinary Meeting 12 Sep 2023 Minutes

Public Time

- a) A resident noted that shrubs overhanging from Manor Cottages had been cleared but that stinging nettles remained. The pavement from the pumping station to Priory Lane needs sweeping and the gutter has dropped on the B3400 in a couple of places leaving a big hole.

Borough & County Councillor Updates - Apologies received from both Borough and County Cllrs

1. **Apologies for Absence:** Diccon Harvey & Jim Marsh

In attendance: David Ellis, Jo Probut, Jayne Hudson, Andrew White, Julia Chedgey

2. **Declarations of interest** - David: PCC, Millennium Green;

3. **Signature & approval of Minutes 8 Aug Extraordinary PC Meeting** - approved and signed

4. Community Site

4.1. Pavilion - David updated on Pavilion since last meetings in July & August. Building was closed in July due to collapsed drains and potential asbestos exposure in roof. Asbestos survey conducted with no fibres found in roof space (no risk). Test Valley Men's Shed (TVMS) closed for a week & re-opened with portaloos, whilst drains issue reviewed. TVMS closure for longer term would reduce options for PC. Whitchurch Tennis Club (WTC) have access to shared LRH basement toilet as per courts agreement. South side drains beyond economic repair, north side drains have potential to be cleared/repared at c. £2700. TVMS would install toilets at own cost. Building near end of life, originally mothballed by PC and then kept in use for few years at low cost. A condition survey estimated future repair costs at £80k, excluding drains. These high costs, along with building surplus to requirements (the parish effectively has 3 other halls - LRH, Kingfisher and LRH undercroft) need consideration. The building is a liability for the parish and demolition will become a cheaper option in the future. However, in the shorter term if the building is unused there is then time and cost dealing with rates and approvals for demolition etc. 5 years of use gives the PC time to consider future options.

4.1.1. David outlined the following resolutions; details have been circulated to councillors:

- **Decision on whether to keep building in use for 5 years** recognising the PC will incur drains repairs and legal costs. PC will only go forward with repairs if legal contracts with users (defining cost responsibilities, uses, covenants, terminations) are in place. Pavilion would need to be fully, not partly, occupied.
- **Decision on users & Heads of Terms (HoTs) for Agreements** (subject to contract and Portals Property Limited agreement)
 - **Proposal to offer HoTs to TVMS** for 5 years, with both parties needing to agree any extension. Conditions were highlighted, for example, TVMS to pay 100% (or their user share) of costs except drains which will be PC responsibility and repairs/maintenance to be done to regulation/standards and building kept safe/fit for purpose.
 - **Proposal to offer HoTs to WTC** for Courts, Practice Courts, Pavilion (for 5 years) and Car Park. Background given: The PC is taking legal advice on ongoing dispute and legal actions. Licence for courts was updated in 2018 for which subsidised courts provided. Separate licence for use of pavilion room was granted in 2013 at no cost, with express termination details. (No electricity use granted.) Court lights installed are double number and brightness than those the PC approved and WTC intend 7 days a week usage - not the understood 2 club

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nights and occasional matches. Lights not approved by PC as licensor to WTC. Planning appeal result is disappointing but is not 'approval' under the licences. PC terminated WTC pavilion licence a year ago and WTC have refused to comply. PC has spent much time since dealing with a range of unfounded WTC claims. WTC have been offered a temporary licence but demanded instead to be granted a long term rights at no cost in a building coming to the end of its life. The PC has reiterated its termination and WTC have still refused to comply with the documentation. It is a difficult situation and going to court could cost up to £20k which is a big decision. This is, therefore, a final attempt to offer subject to contract. WTC would share the costs on the pavilion, lights would be usable 2 days a week till 9pm, provided the angle of cowls is resolved to remove glare. The PC will have right to terminate if TVMS contract terminates.

- **Decision on enforcement for continuing breach of licence terms** – Situation: if there is no agreement with WTC it's in the parish interest to pursue enforcement action since the PC is exposed to significant long-term costs of managing the building, with no option to manage its costs. It is prevented from ensuring the building is used safely, given its legal duties. The use of lights is to detriment of residents and other users of the community site.
- **Decision on switching off power for use by WTC**

4.1.2. David opened the meeting to the public to comment. There had been 3 requests for letters to be read out:

WTC chairman – clarifying that WTC are, as have always been, ready and willing to sit down and discuss the light usage and room licence with PC. Had proposed to PC a reduced timetable of use on 5 March and are still awaiting a response. As a result, have now started using the lights in line with Planning Permission granted in June. Lights will only be switched on when used for tennis, won't be every day even if weather favourable. Hope to sit down and reach agreement with PC in near future to work together to maintain the facilities for whole community.

David responded by clarifying that context of reduced timetable was part of amendments WTC had drafted to a licence offered by the PC. Those amendments included long-term free right to pavilion. The PC reiterated its termination of licence in April 23 as these suggestions were unacceptable.

A Member of Public – reiterating objections to tennis lights, not mitigated by either appeal decision or note from club. PC should continue to seek and implement every measure to ensure WTC behave as reasonable & responsible licensee who show due consideration to this local community. If they continue to fail to do so they should be evicted. What benefit do we get from WTC?

Cllr Jim Marsh – expressing that PC has used all efforts to find resolution with WTC over Pavilion use and lights. Efforts unfortunately met by WTC's apparent disregard for local residents' concerns and unambiguous terms of Pavilion licence (and consequently use of electricity for lights). They appear unwilling to meaningfully compromise on terms relating to use of lights, notwithstanding reasonable concerns of PC and local residents. All co-existing relationships need compromise, and there is a compromise available which would secure the WTC's reasonable enjoyment of lights and potentially secure longer-term viability of the

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Pavilion (which WTC stated in planning app. is crucial to their ongoing viability), but which also take into account legitimate and reasonable concerns of local residents in the community where WTC enjoys tennis. To get there, it's vital WTC understands PC is a public body which cannot overlook interests of local residents and its responsibility for the safe use of its buildings. Nor can PC disregard terms of legal agreements historically in place. The resolutions and associated documents demonstrate the efforts being made by PC to find a resolution, and reflect viable and reasonable compromise to achieve required balance of interests.

A member of public expressed their considerable disquiet with WTC for a number of reasons e.g. squatting without permission to use pavilion and lights. They said the lights should be switched off. Another member of Public agreed.

4.1.3. Resolutions were then each discussed and voted on by the councillors:

4.1.3.1. *The PC will aim, subject to conditions specified, to keep open the old Pavilion building available for use for the next 5 years and will conduct the further north side drain investigation work which is estimated at a cost of £2,700. Conditions: Formal agreements are entered into by any users in form offered by the Council. Such agreements cover the whole of the Pavilion. The PC will reconsider its aim if initial costs are expected to exceed the amount stated estimate.*

PC discussed it will take time to organise demolition and sort out business rates. For the cost in short term probably worth keeping pavilion going. Costs will escalate after 5 years to point where not worth keeping the building. It is difficult to see how we can replace it as head lease is only 12 years. Need to sort long term future of whole community site and 5 years gives PC time to plan. David proposed resolution and Jo seconded. All were in favour

4.1.3.2. *The PC will offer to the Test Valley Men Shed, subject to contract and consent by Portals Property Limited, an agreement for use of the Pavilion Building and attached car park in accordance with the presented draft Heads of Terms. Each party will bear their own legal costs and the PC approves the appointment of solicitors for the preparation of contracts.*

PC discussed TVMS are a Charity. Both parties have benefits in them using Pavilion. Largely TVMS can absorb repairs costs by doing work themselves. However, they have to meet regulations. TVMS would need to do some fundraising. However, they could apply for small grants. David proposed the resolution and Jayne seconded. All in favour

4.1.3.3. *As a final attempt to resolve the breaches of licence by the WTC the PC will offer, subject to contract and consent by Portals Property Limited, an agreement for the use of a room in the Pavilion Building, the attached Car park, courts, and practice court in accordance with the presented draft Heads of Terms. Each party will bear their own legal costs and the PC approves the appointment of solicitors for the preparation of contracts. The Council authorises the Clerk on the instructions of the Chair and Deputy Chair to withdraw such offer if there is not reasonable expectation that an agreement will be reached. Continued breach of the existing licences is sufficient evidence to provide such an expectation.*

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PC discussed in detail the benefits and disadvantages of making offer. There are advantages to both parties with this 'last ditch' compromise offer that avoids going to court with associated costs (c. £20k legal fees) and lengthy legal dispute. WTC are trespassing. PC has done everything over past year to find solutions. Pavilion repair and maintenance costs would be shared with TVMS & this meets WTC request that all licences are considered. David proposed, Andrew seconded and all agreed.

4.1.3.4. *That if no formal agreement is reached with the WTC on the licence PC authorises the Clerk on the instruction of the Chair and Deputy Chair to instruct solicitors to proceed with enforcement action in accordance with legal advice. This can include any of court proceedings, changing locks or termination of services.* PC discussed in detail. With future potential costs of the Pavilion, impact on ability of the Council to deal with safety of the building, and impact on Parish residents and users of the community site from use of lights it would be in the public interest to exercise our rights under existing pavilion licence. This would be used if no formal response to HoTs by WTC. Enforcement may require Court actions and is potentially costly with uncertainty on cost recovery. David proposed, Andrew seconded and all in favour

4.1.3.5. *That in view of the Breach of the termination of the Pavilion Licence and the installation of unapproved lights the Council authorises that the electricity supply to the Lights and room used by the Tennis club can be disconnected to protect the interests of the Council.* PC discussed in detail. Difficult but need to find balance between short and long term position. Residents are frustrated but PC considered on balance it may be premature action. It was proposed that the decision be deferred until Oct. An amended resolution was therefore proposed by David: ***That the decision on the implementation of such action is deferred until the October meeting to allow a response to the final offer to the WTC and implementation of legal process.*** This was seconded by Julia. All agreed.

4.2. Tennis & archery area – consideration of proposal for shelters in Archery area. The Overton Black Arrows (OBA) are revisiting their proposals but no longer want to cover the shooting line or include lights. Archery GB are pushing for youngsters to take up archery and the club run beginners' courses. Parents have to remain on site and the area is exposed. They have installed 3 benches recently and would like some shelter over their length, preferably wooden (gazebo-like) semi-permanent, 3-sided with open entrance, possibly stable door height sides with top height to hedge height of c. 2m (pitch roof would take this a bit higher.) The aim is to protect their visitors and their archery kit. OBA will continue to run Try Archery events but the range is not big enough to run full scale competitions. The OBA's competition range is in Kingsclere. This means there won't be any increase in traffic, numbers won't change, just those attending will get less wet! Councillors discussed that in the Conservation Area attractive looks, shallow pitch roof of appropriate materials and the hedge height were important to protect residents' views and as village backdrop. Planning approval would be needed. The hedge nearest the road should be left to grow higher. Concern was expressed that a shelter could be attractive to youngsters for gathering. The PC would need a more considered plan. However, in principal, the PC is happy to explore shelter further with OBA with criteria - looks

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appropriate for a conservation area, hedge height, subject to fuller public consultations, has planning and landlord approvals, includes usage and maintenance ts and cs etc.

- 4.3. Lady Rose Hall incl. redecorating over Christmas, lobby leak & Kingfisher damp.** Re-decorating should be on a longer cycle and hall currently looks ok with the touch ups it's getting. **Action:** review for Xmas 2024 shutdown. A lobby leak was investigated with no obvious cause so will put 'on watch'. Kingfisher has experienced some prolonged and increasing damp in one of its rooms which has put it out of use. The insurers have said it has to be an insured peril to be covered and we need to research to understand source and check it's not just a wear and tear/maintenance issue. This will involve some invasive works. It was raised that we should split costs of any roof items with Kingfisher as per our agreement. **Action:** get quotes for builders to investigate damp cause.

5. Maintenance items including:

- 5.1. Nettles along B3400 from Canterbury Cottage towards pumping station are encroaching on pavement. **Action:** request HCC cut back.
- 5.2. Residents of Marsden Court on Laverstoke Lane have been sent letter requesting cut back of hedges following last meeting.
- 5.3. Laverstoke signpost is missing – **Action:** chase HCC
- 5.4. It was brought up that PC should investigate whether there is Raac in LRH **Action:** start research

6. Finance

- 6.1. **Finance report Aug 2023** – see table at end of minutes
- 6.2. Items over £100:

Laverstoke & Freefolk Parish Council

Items over £100

Reporting Year: Year to 31 March 2024 (5 of 12)
Month: August 2023

Sum of Net Supplier	Description	Months	Total
British Gas	Electricity	Aug	£(263.24)
Watership Down Nursery	Nursery rent	Aug	£ 758.63
	Nursery utilities contributi	Aug	£ 468.88
HMRC E VAT	HMRC VAT	Aug	£ 467.64
Whitchurch Tennis Club	Tennis Facilities hire	Aug	£ 833.33
Arthur J Gallagher	Insurance	Aug	£(124.16)

- 6.3. **Approve insurance renewal.** Insurance, excluding recently added Pavilion building, has increased 10.3% whilst 10% was budgeted. This means cost is £20 over original budget plus Pavilion annual charge. Total £3592.93 (incl. IPT & admin). Jayne proposed to approve and Jo seconded. All agreed.

6.4. Approval of Payments over £300 given for:

Walker Fire bill - clerk is currently disputing £620 bill for extinguisher servicing. A reduced bill is being negotiated for £445.91. David proposed if significant savings to be made a 3-year deal could be entered. Jo seconded.

7. Correspondence

- 7.1. **Landowner re sluice chains cut in July at Freefolk** – following the vandalism some residents managed to lift the gates but flooding meanwhile occurred upstream. PC has noted the concern.

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- 7.2. **Hampshire Forest Partnership – Shoots along the Routes** scheme provides trees along the main roads out of Basingstoke incl B3400, 1km either side. **Action:** ask Millennium Green to consider this for a row of trees, preferably evergreen, parallel to tennis courts
- 7.3. **Complaints re tennis lights**, including being on at 7pm in daylight on Tues 29 August (not 28 August)
- 7.4. **BDO** external auditor confirmed successful conclusion of 2022/23 audit
8. **Planning** - none.

Next PC meeting: 3 Oct at 7.30pm in Lady Rose Hall.

Laverstoke & Freefolk Parish Council

Reporting Year: Year to 31 March 2024 (5 of 12)

Income and Expenditure Statement (Cash basis)

Month: August 2023

All £	Parish Council				Community Site				Total		
	Month	YTD	Full year Budget	Budget Remaining	Month	YTD	Full year Budget	Budget Remaining	Month	YTD	Full year Budget
Precept	-	5,000	10,000	5,000	-	-	-	-	-	5,000	10,000
Grants	-	512	340	(172)	-	-	-	-	-	512	340
Donations	-	-	-	-	-	-	-	-	-	-	-
Hall Hire - Nursery	-	-	-	-	759	3,002	9,635	6,633	759	3,002	9,635
Hall Hire - Other	-	-	-	-	-	666	1,900	1,234	-	666	1,900
Hall Hire deposit	-	-	-	-	-	-	-	-	-	-	-
Cost Recoveries	-	-	-	-	469	2,154	4,356	2,202	469	2,154	4,356
Site Rent	-	-	-	-	833	1,943	1,943	(0)	833	1,943	1,943
Other Income	20	20	9	(11)	67	437	-	(437)	87	457	9
Interest Income	83	161	-	(161)	-	-	-	-	83	161	-
	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	-	-
Total Income	103	5,692	10,349	4,657	2,128	8,202	17,834	9,632	2,230	13,895	28,183
Contribution	-	-	850	850	-	-	(850)	(850)	-	-	-
PC/CC cost charges	-	-	-	-	-	-	-	-	-	-	-
Total Transfers	-	-	850	850	-	-	(850)	(850)	-	-	-
Salary/Newsletter	-	(1,638)	(5,056)	(3,418)	-	(179)	(550)	(371)	-	(1,816)	(5,606)
Training	-	-	-	-	-	-	-	-	-	-	-
Insurance	-	-	(299)	(299)	(124)	(124)	(2,807)	(2,683)	(124)	(124)	(3,106)
Professional fees	-	(488)	(757)	(269)	-	-	(14)	(14)	-	(488)	(771)
IT costs	(2)	(348)	(313)	35	-	(58)	(64)	(6)	(2)	(405)	(377)
Grounds Maint.	-	(513)	(1,477)	(964)	-	(670)	(872)	(202)	-	(1,183)	(2,349)
Street Lighting & Furniture	-	(294)	(598)	(304)	-	-	-	-	-	(294)	(598)
SID Management	-	-	(732)	(732)	-	-	-	-	-	-	(732)
Utilities	-	-	-	-	(263)	(3,709)	(4,815)	(1,106)	(263)	(3,709)	(4,815)
Bldgs Repair/Maint.	-	-	-	-	-	(1,024)	(7,850)	(6,826)	-	(1,024)	(7,850)
Bldgs Planned Maint.	-	-	-	-	(19)	(658)	(837)	(179)	(19)	(658)	(837)
Equipment	-	-	-	-	-	(21)	(600)	(579)	-	(21)	(600)
Cleaning	-	-	-	-	-	(14)	-	14	-	(14)	-
Other expenses	(8)	(370)	(374)	(4)	(5)	(25)	(566)	(541)	(13)	(395)	(940)
Total Expenses	(10)	(3,650)	(9,606)	(5,956)	(412)	(6,482)	(18,975)	(12,493)	(421)	(10,132)	(28,581)
Grants Made	-	-	(900)	(900)	-	-	-	-	-	-	(900)
Project costs	-	-	(600)	(600)	-	(3,654)	(5,000)	(1,346)	-	(3,654)	(5,600)
Net Vat	102	20	-	(20)	668	(216)	-	216	771	(195)	-
Net cash Movement	195	2,062	93	(1,969)	2,384	(2,149)	(6,991)	(4,842)	2,580	(87)	(6,898)
Reserves/cash b/f	6,652	4,785	5,147	362	62,212	66,745	63,459	(3,287)	68,864	71,530	68,606
Reserves/cash c/f	6,847	6,847	5,240	(1,607)	64,596	64,596	56,468	(8,129)	71,444	71,444	61,708

Sign.....Date.....