



Dulverton Town Council

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The Clerk

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Minutes of the Grounds Committee meeting held on Wednesday 20th January 2021 at 2.30pm, using remote video conferencing.

Present: Chairman: Mrs Christine Dubery. Cllrs: Mr Gerry Lewis; Mr Alan Ottey; Mrs Louise Parrish and Mr John Preston.

Deferment of Business for comment by the public. None

Apologies: None

Declarations of Interests:

Cllr. Mrs Dubery regarding the Sports Field.

Chairman's Comments & Meeting Management: None

Matters Arising:

Kings Corner – Tree maintenance:

The Clerk was requested to determine from the contractor when it is anticipated that work will commence. Members are anxious that it is carried out before the birds start nesting.

All Saints Church Wall.

Cllr. Mr Gerry Lewis provided members with a synopsis of the history of the Old School House and the relationship with regards the boundary retaining wall, having taken general legal advice not specific to this instance.

The school building was sold after the transfer to All Saints C of E in 2000 as is shown in the Registry entry dated 27 Sep 2000 and then sold again to the current owners in 2006. The plan is not definitive regarding the wall.

There appears to be no clear evidence that the wall is part of the churchyard rather than being part of the school. Until 27/09/2000 the question was academic on the assumption that the church owned all the land. The sale then is key and if there is no mention of the wall in the deeds then from the following DTC may not have a responsibility.

With any question about boundary responsibility the first place to look is the Land Register/deeds. This may set out whether a specific party has responsibility for that structure including retaining walls. The general rule is that if the Land Register/deeds are silent about boundary responsibility i.e. they make no reference whatsoever to who is responsible for the boundary, then the boundary can be considered as a party boundary and as such it is to be repaired and maintained at the joint and equal expense of both parties.

This position is different however when there exists a retaining wall. It is generally accepted that the person whose land is retained by the wall is responsible for its repair and maintenance. If a property is based on a hill and the neighbour's garden is supported by a retaining wall above the property, that would mean it is the neighbour's responsibility to maintain that wall.

Members agreed that they have a responsibility to ensure that DTC have a liability before any significant funds are spent on the wall repair and that a suitable solicitor is appointed to determine the situation.

RESOLVED: To recommend to Full Council that £2,500.00 is ring fenced to cover the cost of legal fees. Proposed by Mrs Dubery, seconded by Mrs Parrish and carried.

However, although not accepting liability for the necessary repairs, members acknowledged that action should be taken as an interim/temporary measure to support the wall as recommended to ensure public protection and any further damage to the church yard.

RESOLVED: To recommend that the quote of £1,000 + VAT for the urgent erection of scaffolding, plus a £60.00 monthly inspection fee is approved. Proposed by Mr Lewis, seconded by Mr Ottey and carried.

Barnsclose – Replacement Play Equipment:

Members were informed that the condition of the low log roll had deteriorated to the extent that it needed to be removed before it posed a safety hazard to users. Members agreed that it should be replaced and consequently:

RESOLVED: To approve funding up to a maximum of £500 for the replacement of the low log roll. Proposed by Mr Preston, seconded by Mrs Parrish and carried.

Grounds Contractor Work Agreements & Specifications 2021/22:

The Clerk presented members with renewal Work Agreements and Specifications 2021/22 to be offered to Mr Takel and Mr Nicholas with regards grounds maintenance requirements.

It was subsequently:

RESOLVED: To adopt the Grounds Manager Service Agreement & Work Specification 2021/22 and the Cemetery Service Agreement & Work Specification 2021/22. Proposed by Mrs Dubery, seconded by Mr Lewis and carried.

Reports with regards all areas and responsibilities as follows:

Cemetery: Cllr. Mr Gerry Lewis:

The compound has been cleared of rubbish and the fence repaired. Members reported that it looked neat and tidy.

Church Yard: Cllr. Mrs Louise Parrish / Parish Lengthsman: Mr John Preston:

The bench situated near Bank Square is to be removed and replaced by two new ones by the Parish Church Council.

Work has been undertaken on the Yew trees. Members were requested, if passing, in the event of any heavy snowfalls, shake and dislodge the snow as the weight will damage the branches.

Work is currently being undertaken on the Memorial Garden by the Parish Church Council. Members were reminded that the upkeep and maintenance of this area, including any newly built walls will be the responsibility of the Church Authorities.

Sports Field: Cllr. Mrs Christine Dubery:

Due to Covid19 restrictions the facilities are currently closed for public use. Various grants have been successfully obtained to support the Clubs during this period when they have no income. The shed has been repaired.

Barnsclose: Cllr. Mr Alan Ottey:

No problems were reported except for the continuous flow of water from a gully overflowing and draining into the play area.

Kings Corner: Cllr. Mr John Preston:

Moles are active on the site. Mr Takel to pursue the issue. The repairs to the roundabout have been completed and as soon as the weather conditions are suitable it will be reinstated.

Exmoor Lawns: Cllr. Mrs Louise Parrish:

Moles are active on the site, however unlike other sites, as the area cannot be closed for public use, traps cannot be used to remedy the problem.

Lorna Doone Roundabout & Grass Cutting: Cllr. Mrs Louise Parrish:

The anticipated problems concerning the bind weed was discussed and it was subsequently suggested that a weed suppressor/fleece is used and covered with bark from the tree work due to be undertaken on the Exmoor Lawns. Mr Nicholas to be asked to pursue the proposal.

Abbots Way: Cllr. Alan Ottey:

The pathway remains clean and tidy. Several lights are still not working, all of which have been reported numerous times to S.C.C.

Pound Walk: Cllr. Mr John Preston:

Due to mud and water coming down from Andrews Hill the path becomes very slippery and treacherous in icy weather. S.C.C. Highways have carried out some maintenance but not enough to resolve the issue. The Clerk was requested to write to S.C.C. requesting details of the current schedule of work expected to be carried out along the path.

Urgent maintenance issues with regards all other grounds with permission of the Chairman:

Date of future meetings: To be determined.

Chairman.....

