



# Dulverton Town Council

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## The Clerk

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## Minutes of the Extraordinary Meeting of Dulverton Town Council

Held on Tuesday 24th January 2017 at 1.30pm, in the Town Hall,  
Dulverton.

**Present:** Mr Nick Thwaites (Chairman); Councillors: Mrs Judy Ernest; Mrs Christine Dubery; Mr I. Fleming; Mr Steve Ford; Mr Malcolm Neale and Mrs Louise Parish. Mrs Mandy Chilcott (Deputy Leader, W.S.C.) and Mr Chris Hall (Assistant Director Operational Delivery, W.S.C.).

### **Apologies:**

Mrs Margaret Rawle, Mr Gerry Lewis and Mr Mike Willison.

**Deferment of Business for Comment by the Public:** None

### **Declarations of Interest:**

Cllr. Nick Thwaites with regards his position as District Councillor.

### **6143 Lion Car Park Public Toilets** – Heads of Terms

Cllr Chilcott thanked DTC members for their willingness to engage with regards this issue. She went on to state that both parties are required to agree a Heads of Terms which are not legally binding. They represent an agreement of broad principles which need to be considered prior to the instruction of solicitors. Otherwise the resulting legal fees can increase considerably.

Cllr. Chilcott proceeded to discuss with members the issues raised by DTC as follows:

**Item 1:** Members requested that the area behind the public facilities is included in the transfer to be used to site a shed to store flood defence equipment. Cllr. Chilcott responded by saying that she had discussed the request with the Leader of W.S.C. who had agreed in principle. W.S.C. will therefore look into including the additional area; however, it has to be ratified by the Legal Department.

Members also raised queries concerning the right of way indicated in blue. It was confirmed that the right of way will be transferred with the freehold. However, members consider that vehicular access will be required in event of necessary maintenance being undertaken regarding the public facilities as well as vehicular access to the shed. DTC were requested to make the request formally via email after which W.S.C. will seek to clarify the situation.

**Item 3:** Cllr. Chilcott stated that the original Heads of Terms as proposed by officers had been extremely complex and was considered by W.S.C. members to require simplifying with no restrictions providing that at least one toilet remains available for public use. It was subsequently agreed that 'serviceable' is used as an alternative to 'reasonable' as 'serviceable' suggests that the facilities are useable. 'Reasonable' was not considered to be specific enough – it can be interpreted in different ways.

Item 5: Cllr. Ford pointed out that the facilities are owned by the residents of West Somerset and the issue was simply a matter of management. W.S.C. representatives agreed in principle to his comment but stated that due to Audit Regulations 'uplifts' on properties were common, as a public authority must be seen to protect its' investment. As the toilet facilities, according to the asset register, have a value, but are being sold for £1.00 only, an 'uplift has to be imposed whereby if the property is sold within 20 years of purchase, and public toilets are no longer available, W.S.C. are entitled to receive 50% of any proceeds. This covenant only refers to a situation where a freehold is being sold. This item is not negotiable.

Members were advised that if they considered it probable/possible that DTC might in the future want to relinquish their maintenance responsibilities, or close the facilities completely; they should consider a leasehold agreement.

Item 6: W.S.C. agreed to clarify the point that any costs accrued by W.S.C. will not be met by the purchaser.

Item 7: Members requested details of 'call outs' concerning the public toilets over the past year in order that some idea of unanticipated costs can be obtained.

Item 11: To be omitted.  
DTC requested details of the book value of the asset.

RESOLVED: That Cllr. Judy Ernest is authorised to sign the Heads of Terms on behalf of this Council, providing that she is satisfied that the amendments as agreed above by both parties as above are implemented. Proposed by Mr Fleming, seconded by Mrs Dubery and carried.

**6144 Matters to Report:**

None.

**6145 Date of next Meeting:**

Monday 13<sup>th</sup> February 2017

**Chairman** .....