



Devizes Town Council

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RECREATION AND PROPERTIES COMMITTEE

You are summonsed to attend a meeting of the Recreation & Properties Committee at the following, place and date.

Date: 24th May 2022

Time: Immediately following Community & Civic Resources Committee

Place: Assembly Room, The Town Hall, St John's Street

Enquiries: 01380 723333

The Town Mayor: Councillor Corbett

Councillors:	Britten	Brown	East
	Gay	Giraud-Saunders	Greenwood
	Ormerod	Pennington	Stevens
	Wallis	Wooldridge	

AGENDA

1. ELECTION OF CHAIRMAN

To elect a Chairman of the Committee for the municipal year 2022/23.

2. ELECTION OF VICE CHAIRMAN

To elect a Vice Chairman of the Committee for the municipal year 2022/23.

3. MINUTES

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting held on 12th April 2022 and which have been circulated alongside the agenda.

4. APOLOGIES FOR ABSENCE

5. DISCLOSURES OF INTEREST

To receive any disclosure(s) of interest by a Councillor or an officer in matters to be considered at this meeting, in accordance with provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

6. PUBLIC PARTICIPATION

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions, make a statement or address the Council upon a matter of concern to that person which is relevant to the Council. A time limit of 5 minutes per person will be permitted, but this may be extended at the Chairman's discretion and a maximum period of 20 minutes has been allocated by the Council for this item of business

7. REPORT FOR INFORMATION – PARK CAFÉ PERFORMANCE AND MARKETING UPDATE

Officers continue to provide members with progress reports relating to the performance of the Café at Hillworth Park. The Park Café operated from the hatch at the side of the café in the initial six months of the financial year and only offered card payments.

Income for the 2021/22 financial year was £42,557 with a Net loss after costs, including direct payroll costs, of £6,647. This is compared to income of £31,122 with a Net loss of £5,902 for the 2020/21 financial year. Members are reminded that the café was closed during the 6-week period from 1 April 2020 with the resultant impact on sales and payroll costs.

<u>PARK CAFÉ 2021/22</u>	APR	MAY	JUNE	JULY	AUGUST	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	TOTAL
ACTUAL INCOME	6177	3004	3950	4268	8752	4659	3130	2081	1646	2142	2748	4016	42557
CINEMA INCOME	0	0	0	0	0	4412	0	0	0	0	0	0	4412
BUDGETED INCOME	3402	3591	3591	5141	6124	3667	2986	1436	1134	1550	2797	2382	37800
SPECIFIC PURCHASES	2400	1178	1270	1843	2529	2057	788	739	732	911	365	1622	16434
CINEMA EXPENDITURE	0	0	0	0	0	3728	0	0	0	0	0	0	3728
CONSUMABLES	407	228	0	239	130	177	192	362	0	235	269	0	2240
STOCKTAKE +/-	68	31	-74	-380	-94	-142	432	-94	10	-210	396	153	98
GROSS PROFIT	3302 53.5%	1567 52.2%	2754 69.7%	2566 60.1%	6187 70.7%	3250 69.8%	1718 54.9%	1074 51.6%	905 54.9%	1205 56.3%	1717 62.5%	2240 55.8%	28485
UTILITIES	0	0	0	0	0	0	0	0	0	0	0	0	0
CHIP & PIN	100	54	68	74	150	53	96	96	38	33	51	51	863
BT	42	42	42	42	42	42	42	42	42	42	42	42	504
MISC	764	0	74	40	64	0	0	0	0	0	0	0	942
PAYROLL *	2815	2822	3164	2694	2379	3281	2717	2460	2497	2642	2337	3013	32822
	-419	-1351	-595	-284	3552	-125	-1137	-1524	-1672	-1512	-713	-866	-6647

The Venues working party continues to work with officers to consider if the current business plan is still relevant for the park centre, and a report will be submitted to this committee in due course.

8. REPORT FOR INFORMATION – VENUES WORKING PARTY

Set out below is a summary of the Venues working party meeting held on the 11 May 2022.

Working Party Chairman

Councillor Mrs Brown was elected as chairman

Catering

Following various discussions to look at the way the Council generates income for catering from within its venues it was agreed that until spring, it would run a policy where customers would have a choice of either using one of the remaining in-house caterers or bring in their own.

That policy has been run now for some time and there have been a number of concerns raised during that period:

- From Customers, there is a resistance to paying a cover charge directly as this comes from the client who we have a contractual arrangement with and not the caterer. This charge is seen as a penalty for not using an in-house caterer and they have resisted it.
- From our nominated caterers who have worked for the Council for many years, they feel that they are put at an unfair disadvantage as they have to pay 10% of the sales income to the Council whereas ad hoc caterers pay nothing.

After much discussion, on balance it was agreed that the policy of having in-house caterers has provoked fewer issues over the 20 years it been running than those we have had to respond to over the last few months, therefore having an armament of in-house caterers again was favoured, but with some amendments listed below:

- Invoicing for food at an event to be sent directly to the client from the caterer.
- The caterer is invoiced for commission based in what they charged the customer.
- The caterer becomes the main contact for the hirer's food requirement.

It was further agreed that we needed a good selection of caterers on the Council list so that customers have choice.

Next steps:

- The tender specification request to be redrafted as a matter of urgency and shared with members for comment.
- Local caterers to be made aware that we are looking for Venues caterers.

Venues Charges

Having reviewed the comments by the Finance working party that the suggested price increase for the Venues should be implemented, this was endorsed by the Venues Working Party.

Café and Park Centre

After a quick update it was agreed that to move the business plan on, we needed to better understand how customers value the park and what were the barriers to other people using it, which would be done through consultation.

9. REPORT FOR DECISION – ROUNDWAY HOSPITAL BURIAL GROUND PROJECT

Recommendation

That the project reverts to its original name of Roundway Hospital Burial Ground.

Purpose of the Report

To enable the Committee to reconsider the appropriateness of referring to the Roundway Hospital Burial Ground project as a Churchyard.

Background

At a meeting of this Committee on 12 April 2022 an agenda item asked for a decision to be made remove the title “Churchyard” from the Roundway Hospital Burial Ground project as the reference was incorrect.

At that meeting the Committee were informed by a local historian, Mr Mascall, that officers were incorrect in their assessment and that it had a legal obligation to treat the burial ground as a churchyard, which was in his opinion the correct definition, and follow all the legal restrictions that placed on the area.

Following Mr Mascall’s intervention, the Committee decided to defer a decision and officers were instructed to speak to the Diocesan office in the first instance, to establish its understanding of the status of the area in question.

Officers have now undertaken that instruction and corresponded with the Diocesan office who have confirmed that officers' advice was completely correct and the burial ground is not a church yard. Set out below is a copy of that advice for the Committee's information.

" We are afraid we do not have any records of consecration of any part of the grounds of the Roundway Mental Hospital at any time, but you have managed to find more information at the county records office.

The land is not owned by the Church of England and never has been, and we unfortunately do not have any records here. In particular we do not have a copy of any applications for consecration of an area in the grounds, nor any letter written supporting planting of trees by the then Bishop of Salisbury in 1993. The land on which the Mental Hospital was built is and always has been owned privately and the owners presumably kept records of the areas which were consecrated at each stage. Official consecrations should have been recorded in the Bishop's Act book, stored at the records office and covering a period up to the 1980s, but unfortunately this is by no means a certainty, particularly for extensions, and absence of a record does not guarantee that land is unconsecrated.

*However I do wish to say very clearly-the land on the Roundway mental hospital site is **absolutely NOT a churchyard**, regardless of the fact that the hospital had a chapel. It is a private burial ground.*

The consecrated areas of the burial ground are under the jurisdiction of the Bishop but not owned by him. Consecrated land is set aside for sacred use in perpetuity or until the effects of consecration are lifted by legal process. The only practical effect of consecration for the owners of the land is that exhumations would be possible from consecrated areas only by permission after an application for a faculty from the chancellor (on behalf of the Bishop), rather than by Home Office permission, as other exhumations require. Otherwise, the landowner may use the land as it thinks fit and is permitted by secular planning permissions, bearing in mind its consecrated state. As have explained to a person enquiring about potential retrospective consecration of the entire site, such an extension would not be possible as many people would have been buried there who may not have wished to be buried in Church of England consecrated ground, by personal preference, or as members of other Christian denominations, faiths or as atheists, and the relatives of every person buried there in unconsecrated ground would need to be consulted for consent before additional land could be consecrated there now. It is entirely possible that burials took place in unconsecrated areas during which the individual grave

was blessed by the vicar taking that burial service, and there would be no record of such blessings at all.

The day to day maintenance of the grounds is entirely the right and responsibility of the land owner, and you state this to be Devizes Town Council. I have copied this email to the Archdeacon of Wilts so she is aware of your enquiry and response, and we will keep a note here in the registry for future reference if needed. I hope this assists and you are able to find further records with plans showing the extent of the consecrated burial areas in the grounds of the hospital.”

Options Considered

The Committee needs to decide if the name of this project should revert to the Roundway Hospital Burial Ground, avoiding all reference to a churchyard, or some other name.

Implications and Risks

Financial and Resource Implications

Officers are unaware of any financial or resource implication for the Council associated with this decision

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

10. REPORT FOR DECISION – APPEAL BY PLOT 35 AGAINST AN OFFICER DECISION NOT TO OFFER A THIRD ALLOTMENT AT WINDSOR DRIVE

Recommendation

That the Committee considers an appeal against an officer decision not to issue a third allotment plot to Plot 35, and guides officers on how the committee wishes to respond.

Purpose of the Report

To consider a request by Plot 35 for a third community allotment.

Background

Traditionally, Devizes Town Council has had a long waiting list for its allotments and currently it takes in the region of a year from putting one's name down to being issued with an allotment.

In an attempt to ensure that the Council can offer as many Devizes residents as possible an allotment, individuals and organisations have been restricted to one full size tractional allotment, which equates to two laid out beds on most Council allotment sites.

In April of this year, Plot 35, who already have two plots at Windsor Drive, applied for a third plot as they wish to increase their capacity; however, following rules that restrict the number of plots to two, and having a number of people who are on the allotment waiting list who are keen to take over a plot, officers turned down the application.

The Trustees wish to appeal that officer decision and are asking the Committee to decide if they can be given a third plot. In requesting a third plot, Plot 35 have asked for specific allotments; however, it has never been part of Council letting procedure to hold plots back for individuals or groups and instead offers are made for the next vacant plot.

Since its inception, the Council has been fully supportive of the work Plot 35 as it provides valuable support for individuals who are isolated or lack confidence, and therefore it does not charge for the current two plots.

However, most people who have an allotment believe that whilst they may not need the support of an organisation such as Plot 35 or Wiltshire Wildlife Trust, who run a similar community plot on the Green Lane site, having access to an area of land where they can grow vegetables and enjoy the company of like-minded people is immensely important for their wellbeing. As such the committee needs to decide if the policy of limiting plots to two for individuals and organisations has been properly applied in this case.

Options Considered

The Committee needs to decide if the policy of limiting two allotment plots has been properly applied in this case, and if it has, does the officer decision stand or does the committee want to go outside the policy on this occasion.

If the committee decides to go outside the policy, then what are the extenuating circumstances and will they apply to all qualifying individuals and organisations wishing to have a third plot.

Implications and Risks

Financial and Resource Implications

Currently the Council does not charge Plot 35 for its two allotments, which are normally charged at £30.00pa each and therefore if a third free plot was to be offered, the cost would be £90.00pa.

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

11. EXEMPT REPORT FOR INFORMATION – RELATING TO COMMERCIAL PROPERTIES

12. QUESTION TIME

A short time is allowed at the discretion of the Chairman for councillors to ask questions on matters which are not on the current agenda but which are related to matters which have been previously discussed on an agenda relevant to the committee.

At least 24 hours' notice must be given to officers of the intended question. All other matters should be raised on an agenda and the request should be submitted through the Town Clerk

TOWN CLERK



