

**MARLBOROUGH TOWN COUNCIL
FULL TOWN COUNCIL**

Minutes of an **Extraordinary Meeting** of the **Full Town Council** which was held by videoconference on
Monday, 27 July 2020 at 8.53 pm

PRESENT: Councillor M. Cooper
Councillor B. Castle
Councillor A. Ross
Councillor G. Loosmore
Councillor N. Barrett-Morton
Councillor L. Farrell
Councillor M. Hall
Councillor P. Cairns
Councillor S. Price
Councillor D. Heath
Councillor V. Hillier

Town Mayor

ALSO PRESENT: Mrs S. Parker
Mrs D. Whitehall
Mr N. Goodwin
Plus 5 members of the public

Town Clerk
Administrator
Marlborough.News

PUBLIC QUESTION TIME

Mrs Baker asked how the Town Council would be able to take on the transfer of land and amenities at Rabley Wood View (something most local residents agreed was a good move) with little or no funding (referring also to S106 funding). She asked the Town Council to take it on only if it would have no detrimental impact to the Town Council's budget and/or with no need for an increase in council tax for residents. The **Mayor** thanked her – budgeting for the transfer would be discussed at agenda item 5.

103/20

APOLOGIES

Apologies for absence were received from Cllrs. Dow, Fogg, Kirk Wilson and Wilson.

104/20

DECLARATIONS

There were no declarations of interest.

105/20

MAYOR'S ANNOUNCEMENTS

The **Mayor** expressed the Town Council's condolences to the family of the lady who sadly lost her life at the weekend after being involved in a car collision at the Town Hall. Thanks also went to the emergency services and Sue Fry and Alan Brown, members of staff who had attended the incident.

Another Extraordinary Full Council meeting would take place soon to consider the Marlborough Area Neighbourhood Plan and the re-designation of the neighbourhood area.

106/20

MINUTES

RESOLVED: that the minutes of the Full Town Council held 20 July 2020 were approved as a true record and signed by the **Town Mayor**

RABLEY WOOD VIEW

Councillors noted a report by the Town Clerk and considered the transfer of public open space, a play area and multi-use games area (MUGA) at Rabley Wood View from GreenSquare Homes to Marlborough Town Council.

The **Town Clerk** provided a verbal update and outlined the background:

- On 2 March 2020, the Town Council had agreed to the transfer, in principle, subject to satisfactory negotiations about a commuted sum (Min.499/19)
- In addition to **Mrs Baker's** question, the Town Council had also received a letter from a member of the public (circulated to all Councillors) about the lack of S106 funding. As Wiltshire Council had been involved in the sale of the land, it was not legally possible for it to put a S106 Agreement in place
- Without a S106 Agreement, GreenSquare was not obliged to give a commuted sum and had not budgeted for it (in normal circumstances, the land would be handed over to a management company). However, following recent meetings and a resolution at Full Council on 20 July (Min.92/20), a sum of £32,000 had been offered to the Town Council as a commuted sum
- Councillors should now consider whether to accept this figure and sign the Heads of Terms document
- A management plan would need to be put in place 10 days after signing the Heads of Terms document
- If the Town Council decided not to take on the transfer, GreenSquare would appoint a management company to manage the public open space and play facilities the costs of which would be met by future residents of the development
- The Town Council's solicitors had found no issues with the transfer and had advised requirements for a Deed of Easement and Deed of Covenant, allowing the land to be protected for recreational use in perpetuity
- Questions were still outstanding about when and how the pond/SUDS would be transferred and managed
- The land, play area and MUGA (to the east of the development) could be transferred from the first occupation of the housing development
- The landscaped area to the west of the development would be transferred when the build was complete
- All equipment and materials for the build would be stored on site
- The Grounds Manager and Cllr Heath would be attending a site meeting to make sure access is wide enough to accommodate Town Council maintenance vehicles

Councillors noted that the original commuted sum offered had been much lower and that following negotiation, GreenSquare had increased it to £32,000. It was felt this was a reasonable amount and should cover costs for 4-5 years – warranties would also be in place for play equipment.

Taking on the freehold would give the additional benefit of allowing the Town Council to protect the compensatory recreational land via a covenant, ensuring its use for recreation in perpetuity. In addition, the Town Clerk was investigating whether it could be registered as common land to provide additional protection.

Management of the pond, which would be basic in terms of maintenance, would be taken on by the Town Council and Thames Water would remain liable for any pollution affecting the River Og.

RESOLVED: that Marlborough Town Council agrees to the transfer of public open space, a play area and multi-use games area at Rabley Wood View from GreenSquare Homes for the

sum of one pound (£1) subject to a commuted sum of £32,000 and that the Heads of Terms document be signed.

108/20

COMMON SEAL

Proposed by **Cllr. Castle** and seconded by **Cllr. Ross** and

RESOLVED: that the Common Seal of Marlborough Town Council be affixed to all documents necessary to give effect to the decisions of the meeting

The meeting closed at 9.13pm

Signed: Date:

Town Mayor

DRAFT