

# Killamarsh Parish Council

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**Draft Minutes Are Subject To Approval At The Next Council Meeting.**

## **Minutes of A Remote Meeting of Killamarsh Parish Council Held on Wednesday 05 May 2021 Via Zoom Video Conference**

**Commenced: 7.02pm – Concluded: 8.07pm**

**Councillors Present:** Steve Clough [Chairman], Nick Challenger, Chris Curzon, Barry Jones, Stuart Mullins, Carol Lacey, Mo Potts, Bill Rice, Lillian Robinson, Eva Thompson, John Windle, Nick Whitehead

**Absent Councillors:** None

**Officers:** Safia Kauser [Locum Parish Clerk, minute taker]; Jo Williamson to 8.03pm [Interim Deputy Clerk]

**Members of the Public:** Nine members of the public [to 7.17pm] Two members [from 8.04pm]

**(1) Item 1: Chairman's Opening Remarks**

To receive the Chairman's opening remarks. The Chairman will notify those present about the holding of virtual meetings.

The Chairman informed all members present via video to mute themselves and use the raise your hand facility when wanting to speak. Those who had joined by telephone were asked to state their name to be permitted to speak.

The following statement was read out to members on the request of the Locum Clerk:  
Professional advice to all members for consideration at this meeting is to carefully consider the current KPC financial and management position and assess if this deal is working in the best interests of the council long term, ie next 50 years. Does this deal benefit KPC financially whilst also ensuring the community continues to receive a service? Is the deal on the table as it stands, better than the current position or is more time needed to negotiate a better deal? All these factors need to be considered by members. Worst case scenario, if there is no appetite from council to vote on these plans, then the council need to be aware of the contingency plans that will follow ie closure of the sports centre, loss of jobs and plans would need to be in place to manage the building short and long term. The council would also be exposed to financial and reputational damage as the community would be losing a valuable service.

**(2) Item 2: Apologies for Absence**

To receive and approve apologies for absence and reasons given to the Clerk prior to the meeting.

All members were present.

**(3) Item 3: Declarations of Disclosable Pecuniary and Other Interests**

**Item 3.1 –** To receive declarations of disclosable pecuniary interests (DPI) and personal and prejudicial interests from members on matters to be considered at the meeting in accordance with the Localism Act 2011 (section 30 to 33). Officers are required to make a formal declaration about council contracts where the employee has a financial interest in accordance with the LGA 1972, s117.

	<p>Declarations of interests were received in respect of agenda item 6 from parish councillors Clough, Potts and Whitehead whom also serve as district councillors at NEDDC.</p> <p><b>Item 3.2</b> – To receive, consider and record councillors requests for DPI dispensation (section 31 Localism Act 2011) in connection with items on this agenda. Applications for this must be made in writing to the Clerk prior to the meeting.</p> <p>No requests for dispensations were received.</p>
(4)	<p><b>Item 4: Adjournment for Public Participation</b></p> <p>To adjourn the meeting for 15 minutes to allow members of the public to make representation on the business of the agenda for the meeting. No resolutions can be made under public participation.</p> <p>No members of the public took part in the public participation session.</p>
(5)	<p><b>Item 5: Exclusion of Press and Public - Public Bodies (Admission to Meetings Act) 1960</b></p> <p>To consider and resolve any agenda items that require the exclusion of the Press and Public in accordance with the Public Bodies (Admissions to Meetings) Act 1960 for matters appertaining to confidential or exempt information.</p> <p>Locum Clerk advised council that agenda item 6 should be considered in the confidential session due to the negotiations in contracts relating to the transfer of the Sports Centre and the new offices that would prejudice the ongoing discussions with North East Derbyshire District Council that are subject to contract.</p> <p><b>RESOLVED:</b></p> <p>1) <b>That the press and public be excluded from agenda item 6 due to negotiations in contracts that would prejudice the ongoing discussions with NEDDC.</b> <i>(All in favour)</i></p>
(6)	<p><b>Item 6: Subsidy Reduction Plan</b></p> <p>To consider the draft leases for the transfer of the Leisure Centre to NEDDC and the leaseback (sub-lease) to Killamarsh Parish Council for the parish suite in accordance with the Subsidy Reduction plan that was agreed in principle at the extraordinary full council meeting held on the 13 January 2021 and to consider the draft lease for the former housing office. Members will need to resolve any outstanding business for all three leases under consideration and give formal consent to completion subject to any further changes in progress or to be processed by the solicitors following any resolutions arising from this meeting. Confidential meeting notes from the working group meetings held on the 19<sup>th</sup> April; 23<sup>rd</sup> April; 27<sup>th</sup> April and 28<sup>th</sup> April 2021 are enclosed. Council should carefully consider the risks associated with the financial impact and reputational damage which is highly likely to arise should the completion fall through and the council reverting to budget option 3 (as previously agreed) which would result in the closure of the Sports Centre. Confidential Documents Enclosed (Cover Email with attachments dated 28/04/2021):</p> <ol style="list-style-type: none"> <li>1) Attachment 1 - Transfer of undertaking</li> <li>2) Attachment 2 - Lease of Leisure centre from KPC to NEDDC and plan</li> <li>3) Attachment 3 - Sublease of Leisure centre from NEDDC to KPC and plans</li> <li>4) Attachment 4 - Lease of former Housing Offices from NEDDC to KPC and plan (landlord and tenant act notice and declaration to be declared if no security of tenure)</li> <li>5) Attachment 5 - Licence to use the areas of the attached plan</li> </ol> <p>This agenda item was considered in the confidential session. Confidential notes from the working group meetings held on the 30<sup>th</sup> April and 04<sup>th</sup> May had been circulated to all members. The Clerk informed members that the latest solicitor documents for all three leases and supporting</p>

documentation circulated earlier this afternoon had included the updated actions agreed by the working group as per notes circulated. The solicitor was still awaiting for a response from NEDDC solicitors in some areas and TUPE was outstanding.

Attachment One – Transfer of Undertaking

There were no further changes that had been made to this document. A member raised the question why the sports centre equipment was being transferred. The Chair confirmed that most of the equipment had come to the end of its life cycle and it had been agreed that any outstanding lease payments on the equipment would be picked up by NEDDC. It was noted that all the equipment in the centre was a negative value.

The chair updated members on TUPE. Six staff members were confirmed and had agreed to TUPE and four were under review by KPC. HR specialist advice had been obtained and shared to council members. It was agreed to consider the implications for the remaining four members at a later date.

Proposed by Cllr Potts and Seconded by Cllr Windle, and

**RESOLVED:**

- 1) **That the six members of Sports Centre staff be confirmed for TUPE to NEDDC as agreed by the employees and that the remaining four members of staff remain with KPC and that consideration is given to the employment implications at a later date. The names of employees and posts held are contained within the working group notes dated 04 May 2021.**  
*(All in favour, 1 against)*

A recorded vote was requested by a member in accordance with Standing Order 3s.

For		Against
Cllr Steve Clough	Cllr Bill Rice	Cllr Stuart Mullins
Cllr Nick Challenger	Cllr Lilian Robinson	
Cllr Chris Curzon	Cllr Eva Thompson	
Cllr Barry Jones	Cllr Nick Whitehead	
Cllr Carol Lacey	Cllr John Windle	
Cllr Mo Potts		

Attachment Two - Lease of Leisure centre from KPC to NEDDC and plan

The main change relating to this document was the field at the back. The solicitors note stated ‘The field has been taken out of the lease. The lease to NEDDC includes a covenant whereby KPC must maintain the field as an area of open space and it also grants rights to use the field to NEDDC. Please confirm if you are happy for NEDDC to use the field and if you are happy with the covenant whereby the field will remain as an area of open space and will be managed and maintained by KPC. NEDDC solicitor has also informed me that the contract with NEDDC for grass cutting has been cancelled and therefore KPC will need to make their own arrangements for this’.

A councillor commented that the rent review date had been previously indicated in the agreements and now this had been taken out. It was confirmed that there would be no rent review as no rent will be paid. It was further questioned why rent was payable on the parish suite and former housing office and why rent would not be charged for the sports centre.

A member questioned the youth club and the future plans if the building would be demolished. The Chair confirmed that these matters were not a part of the lease and that the youth centre and library buildings were owned and managed by Derbyshire County Council. NEDDC had an appetite and willingness to include youth activities within the sports centre and had publically made pledges to do so. It was agreed at the last full council meeting that all interested parties and NEDDC would be holding discussions collectively about the youth service.

Proposed by Cllr Whitehead and Seconded by Cllr Potts, and

**RESOLVED:**

- 1) That the 50 year lease of the Leisure Centre from Killamarsh Parish Council to North East Derbyshire District Council is approved subject to the field at the back to be removed and to remain with the parish council and that the details of covenant relating to the field be agreed as per solicitors notes (see above).**

A recorded vote was requested by a member in accordance with Standing Order 3s.

For		Against
Cllr Steve Clough	Cllr Bill Rice	Cllr Stuart Mullins
Cllr Nick Challenger	Cllr Lilian Robinson	Cllr Eva Thompson
Cllr Chris Curzon	Cllr Nick Whitehead	
Cllr Barry Jones	Cllr John Windle	
Cllr Carol Lacey		
Cllr Mo Potts		

Members were congratulated for voting this lease through as it would help the council make significant savings over this period whilst ensuring residents continued to receive a valuable service that would be managed by NEDDC and a centre that will receive significant funding towards refurbishment.

Attachment 3 - Sublease of Leisure centre from NEDDC to KPC and plans

There were no further changes that had been made to this document. Members of the working group were happy with all the professional legal advice that had been received from KPC solicitor that was in KPC's interests. Cllr Robinson had sent in some questions which had been answered in advance of the meeting.

Proposed by Cllr Rice and Seconded by Cllr Whitehead, and

**RESOLVED:**

- 1) That the 50-year sub-lease of the Leisure centre from North East Derbyshire District Council to Killamarsh Parish Council for the parish suite is agreed.**

A recorded vote was requested by a member in accordance with Standing Order 3s.

For		Against	Abstention
Cllr Steve Clough	Cllr Bill Rice	Cllr Stuart Mullins	Cllr Eva Thompson
Cllr Nick Challenger	Cllr Lilian Robinson		
Cllr Chris Curzon	Cllr Nick Whitehead		
Cllr Barry Jones	Cllr John Windle		
Cllr Carol Lacey			
Cllr Mo Potts			

Attachment 4 – Lease of Former Housing Offices from NEDDC to KPC and plan (landlord and tenant act notice and declaration to be declared if no security of tenure)

The Clerk confirmed that the land is owned by NEDDC and not KPC. The solicitor had send through a copy of the land registry documents to confirm this. The lease would give the parish council a minimum three year term on a peppercorn rent and a 12 month notice period clause. The solicitor was negotiating a security of tenure on our behalf and a response was awaited from NEDDC. Members confirmed that they were happy with the current term but if KPC solicitor could negotiate better terms then that would be beneficial in KPC's interests.

Proposed by Cllr Potts and Seconded by Cllr Whitehead, and

**RESOLVED:**

- 1) That the lease of the Former Housing Office from NEDDC to KPC for a 25 year term on a peppercorn rent is agreed and approved for a minimum term period of three years with a 12 month notice period and that KPC declares acceptance to no security of tenure if KPC solicitor is unable to negotiate a security of tenure on the parish councils behalf.**

A recorded vote was requested by a member in accordance with Standing Order 3s.

For		Against
Cllr Steve Clough	Cllr Mo Potts	Cllr Eva Thompson
Cllr Nick Challenger	Cllr Bill Rice	
Cllr Chris Curzon	Cllr Lilian Robinson	
Cllr Barry Jones	Cllr Nick Whitehead	
Cllr Carol Lacey	Cllr John Windle	
Cllr Stuart Mullins		

Attachment 5 - Licence to use the areas of the attached plan

Temporary license was drafted for the moving in period to the new council offices. No questions were raised or further actions to be resolved by the solicitors.

Proposed by Cllr Whitehead and Seconded by Cllr Challenger, and

**RESOLVED:**

- 1) That the license for use of the areas and the attached plan be approved.

A recorded vote was requested by a member in accordance with Standing Order 3s.

For		Against
Cllr Steve Clough	Cllr Mo Potts	0
Cllr Nick Challenger	Cllr Bill Rice	
Cllr Chris Curzon	Cllr Lilian Robinson	
Cllr Barry Jones	Cllr Eva Thompson	
Cllr Carol Lacey	Cllr Nick Whitehead	
Cllr Stuart Mullins	Cllr John Windle	

**(7) Item 7: Execution and Sealing of Legal Deeds**

To formally resolve the execution and sealing of the official deeds and supporting legal documentation for the Leisure Centre, Leaseback to the Parish Suite and the Former Housing Office following any further amendments required to the legal documents (attached) and as resolved at agenda item number 6 (above). In accordance with Standing Order 23, the council must appoint two councillors who may sign any deed required by law on behalf of the parish council and the Proper Officer (Clerk) shall witness their signatures.

Note: All leases and agreements will be entered into on the same day together with a licence. North East Derbyshire District Council will be able to complete with Killamarsh Parish Council week beginning of 10<sup>th</sup> May 2021 due to staff involvement in the elections of 6<sup>th</sup> and 7<sup>th</sup>.

Proposed by Councillor Potts and Seconded by Councillor Windle, and

**RESOLVED:**

- 1) That following any final changes to the legal documents (resolved at item 6) and in accordance with Standing Order 23; the Chair and Vice-Chair of the council be appointed as the two members to execute the legal deeds for the Leisure Centre, Leaseback to the Parish Suite and the Former Housing Office on behalf of Killamarsh Parish Council and that the Clerk witnesses their signatures. *(All in favour)*

**(8) Item 8: Sale of the Blue Storage Container in the Car Park**

To consider the disposal of the blue storage container in the car park in accordance with the Asset and Disposal Policy. The container must be moved within 30 days from the Leisure Centre lease being signed off. The contents of the container are now stored in the room at the back of the sports centre. Consideration has been given to relocating the blue container off site but due to security reasons this is no longer an option. The Locum Clerk will draft an advert for sale and contact interested parties with an aim of securing best value for the sale of the asset.

It was questioned why authorization had been given to the Handyperson to empty the contents of the

	<p>blue container. The Locum Clerk confirmed that this was a management decision that needed logistical planning due to the short timeframes from signing of the lease and removal of the container from the site within 30 days however it would be up to members to formally resolve the disposal at this meeting. In the event that this is not authorized, then the handyperson would be requested to move the contents back in.</p> <p>It was highlighted that the sale of the container was conditional on the lease being signed.</p> <p>Proposed by Councillor Whitehead and Seconded by Councillor Windle and,  <b>RESOLVED:</b></p> <p><b>1) That the Locum Clerk is delegated responsibility to sell the blue storage container (subject to the Sports Centre lease being signed off) draft an advert for sale and contact interested parties with an aim of securing the best value for money from the sale of the asset.</b>  <i>(All in favour, 2 against)</i></p>
(9)	<p><b><u>Item 9: Date of the Next Council Meeting</u></b></p> <p>To note the date of the next council meeting scheduled for Monday 24<sup>th</sup> May at 7.00pm.</p> <p>This was noted by members.</p> <p>There being no further business, the Chair closed the meeting at 8.07pm.</p>

**These draft minutes were approved as a true record at the Full Council meeting**

**Held on: ..... \*with the agreed additions/deletions: None / Yes (list amendments below)**

**Signed (Chair)..... Print: ..... Dated .....**

\*Loose leaf pages to be initialled

\* The copy signed by the Chair to contain the alterations, recorded in longhand, with the changes (agreed by the meeting) signed and dated. Signed Copy of the minutes to be filed in the minute book.

**\*Agreed Amendments (Additions/Deletions) to the Draft Minutes:**