

# **North Hinksey Parish Council minutes on decisions regarding the Scout Hut Lease, 2014-2020** (full minutes of all previous meetings available at: <https://northhinksey-pc.gov.uk/past-meetings/>)

## **Parish Council Meeting – 27<sup>th</sup> February 2014**

### **13/163 COUNCIL MATTERS**

#### **2). Scouts Hut, Arnolds Way – Lease of Land from NHPC**

Councillors CONSIDERED the circulated request for an extension of the current lease, due to expire in 2020 as it was reported that the Scouts Hut roof was in need of repair and one of the considerations was whether the current lease which was due to expire in 2020 would be renewed or whether it will be taken back as part of a move for a new pavilion.

The Chairman of the Parish Council and the Parish Clerk briefly explained the position regarding the Scouts Hut lease and the fact that the building was owned by the Scouts Association and the land by the Parish Council. Councillors were aware that the councils longer term aim was to secure funding to build a larger multi-purpose pavilion

Councillor S. Sellars believed that in the circumstance the council would be unwise to agree any further extension at this stage and that as it was their own building it was their decision whether to repair with the amount of the unexpired lease rested clearly with the Scouts Association. Councillor Mrs. J. Hammett supported this view in the knowledge that the Scouts were aware of the councils longer term plans for a new enlarged pavilion. Councillor E. Batts believed that as the lease was with the Scouts Association, any request for an extension should come from the lease holder. The Chairman, Councillor A. Pritchard felt that it would be inappropriate at this moment in time to offer an extension of the lease beyond 2020, due to the present intentions to try and raise funds for a new enlarged pavilion which could be suitable for use by the current Louie Memorial Pavilion Management Trust and the Scouts Association.

**Councillor A. Prichard proposed and Councillor D. Kay seconded the resolution that ‘the Parish Council did not agree to an extension of the lease due to current uncertainties and the potential opportunities for the Parish Councils to seek funding for replacing one or both buildings and as such it would be premature to grant any extension of the lease at this time. The Parish Clerk to convey this decision to the local Scouts Association’.**

Councillors voted to SUPPORT the resolution by 8 votes to 0 Votes (Councillor Ms. A. MacKeith abstained from voting).

## **Parish Council meeting – 27<sup>th</sup> July 2017**

### **17/48 COUNCIL MATTERS**

#### **4). Louie Memorial Pavilion**

Councillor C. Potter (Chairman of the Recreation and Amenities Committee) briefed councillors on a recent meeting with representatives of the Louie Memorial Pavilion, the local Scouts and the Youth Club regarding the condition of the Louie Memorial Pavilion their views on the potential for developing a master plan for future improvements or re-development and the possibility of commissioning a feasibility study of the pavilion and playing fields.

The VWHDC had budgeted money for a part-time Leisure Officer to help NHPC with development proposals with special reference to replacing the pavilion. A meeting was held on 5<sup>th</sup> July with other interested local parties and Dylan Evans (VWHDC) to try and determine the role of that person. It was discovered that the post was unlikely to be filled in the foreseeable future and Dylan Evans was helping to draft a job description of the requirements with a view to employing an external consultant.

Councillor C. Potter explained the criteria which included the core environments for a new pavilion that should be included in the remit and that Dylan Evans had only just e-mailed her with an updated draft, which she had not had an opportunity of reading.

Councillor A. Pritchard asked that the correspondence was circulated to all members of the R & A Committee.

## **Recreation & Amenities Committee meeting – 14<sup>th</sup> September 2017**

### 3. ITEMS FOR CONSIDERATION

#### a). Leisure Consultation

The Chairman of the committee, Councillor C. Potter recapped on the report she gave to councillors at the July 2017 meeting of the council about discussions with district council officers, Scouts and Pavilion representatives in relation to establishing joined up views for a single building embracing the Louie Memorial Pavilion and the Scouts hut. She explained that as a result of that meeting an officer from the VWHDC had produced a draft specification for the employment of a consultant to manage the project. In the current financial year the VWHDC would fund the project which will be aimed at identifying options on how the playing fields and the pavilion could be re-developed.

Councillor A. Pritchard asked a number of questions to clarify what was being proposed and the choice of some of the wording/content of the draft specification. Councillor C. Potter had also picked up similar concerns and following discussion as to more appropriate wording she confirmed she would be taking up the choice of terminology and proposed changes including available funding sources and the time restriction on the Section 106 money from the Elms Road development. Councillor Pritchard also asked that any new pavilion building should include higher ecology systems. Councillor Potter asked members to e-mail with any further comments by the weekend as she intended contacting the Vale's officer producing the draft specification, hopefully early next week.

### Annual Parish Meeting – 22<sup>nd</sup> March 2018

#### **4. Presentation by Nortoft Consultants Regarding Work on the Rejuvenation of the Louie Memorial Playing Fields and Pavilion.**

The Chairman of the Recreation and Amenities Committee, Councillor C. Potter briefed the meeting about progress that had been made since the APM in 2017, including the appointment of Nortoft Consultants to prepare a master plan and investigate financing options for agreed rejuvenation works. David O'Neil (Nortoft) and Steve Wolstenholme (SWA Architects) then did a presentation of the proposed master plan, timescales and a number of options for both new play equipment, the possible increased use of the upper playing field for more football pitches and the possibility of renovating or rebuilding of a new pavilion which would incorporate the local 4th Oxford Scouts (and possibly the 15th Oxford Scouts). Options and costs were discussed for the existing pavilion and scouts hut, including a new pavilion and refurbishment of the scout hut, a new (traditional design) pavilion replacing the existing pavilion and scouts hut and a new angled design pavilion replacing the existing pavilion and scouts hut. After explaining what was involved in each option including possible costs, the audience was asked whether they supported the refurbishment or new build options. **The new build option was heavily supported by those present and no one in attendance supported the refurbishment option.**

Steve Wolstenholme (SWA Architects) then explained the interior options and possible additional external storage that was being proposed for each scheme and he and David O'Neil (Nortoft) then answered a series of questions from the audience regarding their proposals, adequacy of storage and advantages/disadvantages of the two new build options. They also explained that this was the start of a consultation process and that the main consultation event would take place in the LM Pavilion on Saturday 28th April 2018 between 10.30am and 4.00pm. They both welcomed comments and suggestions in relation to the proposals. Councillor C. Potter thanked them for their informative presentation.

### Parish Council meeting – 26<sup>th</sup> April 2018

#### **17/165 QUESTIONS RAISED BY COUNCILLORS**

### **Councillor A. Pritchard**

1. 'What written agreement has been reached with the Scouts over their future use of a replacement building for the present Pavilion and the Scout's Hut?'

### **Response from Councillor C. Potter**

The position is the same as that reported to the recent R & A Committee two weeks ago so there is no written agreement at this moment in time. A working group has been set up to negotiate an agreement with the scouts including any possible payments. It should be noted that the discussions are well in advance of their lease expiring in 2020.

## **Parish Council meeting – 28<sup>th</sup> June 2018**

### **18/31 COUNCIL MATTERS**

#### **1). Rejuvenation of the Louie Memorial Pavilion and Playing Fields**

The Chairman of the Recreation and Amenities Committee, Councillor C. Potter gave background details to the preparation of the draft business plan which Nortoft had been commissioned to do with the council. It was a draft business plan and the figures would be reviewed as required and if further information came to light. The figures used for the estimate of the income streams were by design on the conservative side.

Councillor A. Pritchard queried,

- a). The income and expenditure figures used as he had added up the figures which meant that he believed that the council would be paying an additional £5,000+, more than it did at present and there would also be a shortfall of income in the early years. E. Casley, (Chairman of the Louie Memorial Pavilion management Trust) confirmed that he was confident that the new building would be able to provide the suggested income streams, but wondered what evidence Councillor Pritchard was making his comments on. The Parish Clerk confirmed he had looked at the figures and believed on the basis of the information available they were realistic. He felt that the only person at the meeting who had any experience of the current income for the pavilion and in the best position to calculate likely income levels was Emmett Casley, not councillors or himself. Regarding Councillor Pritchard's statement of additional costs to the council, it was pointed out that the costs he claimed were new e.g.: insurance and NNDR etc were already being paid for by the council as the current pavilion is council owned. Councillor C. Potter reminded the meeting that the council had been putting at least £5,000 pa into the Playing Fields and Pavilion Development Fund, for the last 16 years and this would not be required once the new pavilion was built.
- b). Why the footprint of the proposed building was larger than the original buildings.

Councillor C. Potter explained that it was an ongoing project and in relation to the increase in footprint/space this was because new/additional regulations in relation to build, toilet area etc. were in force, rather than those in 1964, and the elements of the proposed building (main hall, meeting room, changing facilities) were average sized.
- c). Whether the local scouts were happy to support the proposals.

██████████ (4<sup>th</sup> Oxford Scout Group) confirmed that they were in support of the project and were engaged in discussions about the new pavilion complex.

The Chairman, Councillor D. Kay then read a letter of support from Layla Moran, the local MP. Councillor C. Church stated that he had experience in preparing business plans and believed the Business Plan was sound, but wondered if there should be more on risk analysis. The project would not be competitive if it did not have the required facilities and special needs.

Councillor Mrs. V. Carr asked who the stakeholders were and Councillor C. Potter confirmed they included the council, VWHDC, LM Pavilion, football clubs, scouts and the youth club. Councillor Mrs. Carr was also concerned that events at the new pavilion might conflict with those of the Seacourt Hall. Councillor L. Berrett (Chairman of the Seacourt Hall Committee) confirmed that both building would not be competing against each other as they were providing

different types of provision. Councillor C. Potter reminded the meeting that the LM Pavilion would provide scouts, youth and sport and recreation facilities.

**Councillor C. Church proposed that the questions be now put and this was seconded by Councillor D. Kay. No councillors opposed the motion. Councillor D. Kay asked for a named vote.**

**a). Councillor C. Potter proposed and Councillor D. Kay seconded the following motion: 'Council ACCEPTS the Business Plan and Consultation reports produced by Nortoft'.**

**Councillors voted by 10 votes (Councillors L. Berrett, J. Bolder, C. Church, Mrs. A. Dykes, A. Hardiman, D. Kay L. Kunzemann, R. Mayne, C. Potter, A. Rankin) to 2 votes (Councillors Mrs. V. Carr, A. Pritchard) to SUPPORT the motion.**

**b). Councillor C. Potter proposed and Councillor R. Mayne seconded the following motion: 'Council CONFIRMS its intent to complete the project for the Rejuvenation of Louie Memorial Pavilion and Playing Fields. To that end Council COMMITS to undertake the second phase of the masterplanning process, to include:**

- i). detailed design work involving community stakeholder representatives towards a new multi-use pavilion building,**
- ii). professional assessment of potential environmental and other impacts of development,**
- iii). selection and purchase by October 2018 of outdoor youth adventure / fitness equipment using available Section 106 funds, and**
- iv). preparation and submission by December 2018 of an outline planning application for a replacement Louie Memorial Pavilion and adjacent outdoor facilities in the Upper Louie Memorial Playing Field.'**

**Councillors voted by 10 votes (Councillors L. Berrett, J. Bolder, C. Church, Mrs. A. Dykes, A. Hardiman, D. Kay L. Kunzemann, R. Mayne, C. Potter, A. Rankin) to 2 votes (Councillors Mrs. V. Carr, A. Pritchard) to SUPPORT the motion.**

### **Parish Council meeting – 20<sup>th</sup> December 2018**

#### **18/125 COUNCIL MOTIONS**

**Councillor C. Potter proposes and Councillor D. Kay seconds the following motion to Council. "Taking account of:**

- 1). Draft planning proposals for a new shared-use Louie Memorial Pavilion building as they currently stand,**
- 2). Recent statements from representatives of the 4th Oxford Scout Group and NHPC R&A Working Group members regarding the current state of negotiations between the Scout Group and NHPC, and**
- 3). Results of the public consultation on facilities at Louie Memorial Playing Fields held from March to May 2018.**

**Council CONFIRMS its intention to secure planning permission and funding for a new shared-use community building at the Louie Memorial Playing Fields, to replace the current Louie Memorial Pavilion and 4th Oxford Scout Hut."**

Councillor Kay clarified that the motion was asking for a reaffirmation of support for NHPC'S current policy to develop a new shared building, and was not attempting to introduce a change in policy direction. He asked Councillors who were considering voting against the motion to have in mind an alternative plan that they think would be more beneficial to the community, rather than just having concerns about some aspects of the current plans. He said that details of the actual planning application

to be submitted to the Vale would be discussed in the January 2019 NHPC Council meeting. He then asked Councillor Potter to speak to the motion.

The 4th Oxford Scout Group (the Scouts) had circulated a paper to all Councillors concerning their perspective of negotiations. Cllr Potter summarised how the NHPC had arrived at the current position. Cllr Potter corrected a statement made in papers circulated to all Councillors by the Scouts: that the Scouts had entered into discussions about a shared use building on the understanding that NHPC would not renew the lease for the current Scout Hut. Cllr Potter said this was not the case and, referred to an e mail pre-dating her appointment as Councillor from the then chair of the Scouts dated 10th July 2013. This confirmed *“that The Scout Association had no issue with knocking down our building and rebuilding as part of a new joint venture and the only thing that they wished to be involved with was the creation of a new lease which would probably not apply. The e mail went on to thank the “the Louie Memorial Trustees for taking the lead on the design and agreeing a suitable layout and the Scouts would be very happy to work with you on this”. The e mail continues” we certainly do not have the funds to build “and “we need to come up with a constructive way of collaborating with the design from September (2013) onwards. Let me know your ideas for a working group which will involve our section leaders much more than me as they are the ones who understand exactly how we use our building”*

Correspondence from the Chair of Scouts on 27th January 2014 said that they had not heard any more about the new building, expressed concern that their Scout Hut was falling further into disrepair and asked if the lease renewal in 2020 would be a formality with NHPC or whether it would be refused for any reason. This was discussed by the then Parish Council at its February 2014 meeting at which its then Chair; Cllr A Pritchard said that *“it would be inappropriate at this moment to offer an extension of the lease beyond 2020 due to the present intentions to try to raise funds for a new enlarged Pavilion which would be suitable for the current Louie Memorial Pavilion Management Trust and the Scout Association.”*

There was then a gap of 3 years before an e mail from ██████ in 2017 as the newly appointed chair of the 4th Oxford Scout Group, seeking to renew discussions on the lease. Informal discussions commenced with the Scouts, Councillor Potter and the LM Management Trust to see if the originally planned shared use building which had been clearly supported in 2013 was still being supported by the Scouts. The answer was affirmative and during discussions between May 2017 and April 2018 the Scouts appeared to be on board with a shared use building and had representatives on the stakeholder group throughout the design stage; were on board with a shared use building, so NHPC proceeded on that basis.

A design agreed by all stakeholders went out for public consultation with NHPC having acted very much in good faith that all parties were working to the same goal to make real everything that was on the Scouts and other stakeholders wish lists; including both design and use. The first mention that the Scouts would like to keep their current Scout Hut came a few days after the 2018 public consultation had commenced. As retention of the Scout Hut was not what had been agreed to be put for public consultation; it was felt appropriate to first review the outcome of the Public consultation. 2 days after the consultation ended all the feedback was forwarded to the Scouts. The working group met with the Scouts, reviewed the feedback, a range of different lease agreements for the new build were discussed. The possibility of keeping the existing Scout Hut was raised again but the NHPC members of the working Group took the position that the joint use building was what had been put out for consultation; that was what the community appeared to support’ so the NHPC representatives wanted to keep working with stakeholders to see if that option was deliverable.

Over the summer of 2018 the Scouts raised concerns about safeguarding issues, affordability, specialist needs for activities such as tent drying and a guarantee of the terms of access; all of which the working group had been discussing with the Scouts.

Correspondence from the Scouts took a sharper turn in October 2018; focussing on affordability which was addressed at the November working group. NHPC working group members took the view that the

Scouts business plan / affordability statements regarding retention of the Scout hut v use of the new building; did not stand scrutiny.

Cllr Potter then drew the meetings attention to the plans for the new shared use building; described as reflecting ongoing negotiations with stakeholders. It included everything the Scouts asked for, providing more useable space than the Scout hut with ample provision for safeguarding. Addressing the issue of Scout usage dominating the building; Cllr Potter said that the building design was incredibly flexible; able to accommodate up to 4 different users at a time without physically overlapping with each other. This meant that if the Scouts used the area designed for them every day; half of the facility would still be available for the rest of the community.

Cllr Potter concluded by saying that the motion was being put forward because the NHPC working group members felt the current new build plans were: the right design, meeting all of the requirements for the Scouts, the Youth Club; other user groups and the wider community while also delivering an improved wildlife corridor. The Scouts were wanted as a user group in the long term so the working group did not envisage any future charge arrangement that would be unaffordable, force the Scouts to leave, curtail or cease operation. To not deliver anything would be unacceptable and Cllr Potter urged fellow Councillors to provide an alternative if they voted against the current plan because Cllr Potter felt the Council had failed the community long enough.

Cllr Kay then asked for Cllr Smith's perspective on alternative proposals put forward by the Scouts for a replacement Pavilion (that still met the needs of the community) combined with allowing the Scout Hut to stay. Cllr Smith said that the green belt policy allowed for a new build to be a little bigger than the existing footprint but if the new plans were submitted alongside a retained Scout Hut then the total build footprint was likely to be called into question under Green Belt planning rules. Sport England funding required certain minimum size / facilities for changing rooms so reducing the overall size of the building would by default reduce the area available for non-sport activities.

Scout representatives reiterated concerns detailed in their report to Council, primarily regarding finances, sharing the building, and the restrictions it would place on other users if the Scouts were able to use the new facilities for the length of time, they felt would be necessary if they expanded their various groups. They did confirm that they were supportive of developing a new pavilion building, but felt that other options allowing them to retain the current Scout Hut were preferable.

Cllr Kay reconfirmed that the hire rates quoted in the Business Plan were based on prices for occasional users, and that he was confident that lower rates for major, long term users such as the Scouts and the Youth Group could be agreed with the Trustees as occurs with Seacourt Hall users. He did not feel that the financial issues were in any way insurmountable, but would need further detailed discussion with the Scouts.

Cllr Carr felt that NHPC was rushing the process without discussing it properly in full Council and favoured retaining the current Scout Hut, plus a smaller pavilion than in the current plans rather than increasing the built footprint on the Green Belt to a significant degree.

E. Casley said he had been involved in these discussions since the very beginning, and considers that the one thing the Parish Council can't be accused of is acting too quickly. He felt it imperative that we don't get to the end of a second Council term without having achieved some concrete results. He said that the planning application would be seeking outline approval, and further amendments would still be possible whilst funding was being sought.

Cllr L. Berrett felt that there was a high degree of agreement about many aspects of the proposed redevelopment between all of the stakeholders and the wider public, and that we should be able to build on that to overcome the concerns that remained about some of the details.

Cllr Bolder represented the views of the youth group users saying that they did not see their activities impacting negatively on the Scouts in a shared use facility, especially as the Youth Group used a lot of the outdoor space

Cllr Church described the current proposals as a once in a generation opportunity to provide a really high-class facility in an expanding area and one that also provided the site with a net biodiversity gain. He felt the shared use issues had been addressed in the current plan which effectively gave users “lockable space” and would like to see the Scouts engage with the plan to make it work rather than propping up an existing building in serious need of care and attention. From his own fund-raising experience, he questioned the viability of raising capital funds to refurbish the existing Scout Hut and felt hire costs for the new facility were resolvable.

**Council then voted and AGREED the motion by 9 votes in favour and 1(Cllr Carr) against.**

### **Parish Council meeting – 17<sup>th</sup> January 2019**

#### **18/139 MATTERS RAISED BY MEMBERS OF THE PUBLIC**

**J Marriott**

“When exactly and where is the written evidence that Cllr Potter communicated to the full NHPC that the 4th Oxford Scouts wanted to keep their own scout hut as she mentioned at the December meeting, I quote from the Dec. 2018 meeting "so the first mention that they would like to keep their scout hut came a few days after the public consultation event, the consultation was still live... ”

#### **Answer from Cllr C Potter:**

“The first written evidence that the 4th Oxford Scouts wanted to keep their own scout hut was in the form of a letter dated 19th June 2018 from Scouts representatives to NHPC representatives of the Working Group. The first time that this intention was expressed verbally by the Scouts representatives was in a meeting with me on 2nd May 2018, four days into a two-week public consultation that began on 28th April. The Secretary of the 4th Oxford Scouts contacted me by email on 30th April to request this meeting, to which I suggested that we convene the first Working Group meeting, and to which he responded that they would like to ‘touch base’ with just me before any formal working group meeting. At their request, the meeting was an informal meeting in a public venue; no written notes were recorded. After the issue of retaining the scout hut was raised, I noted that we were in the middle of a public consultation and suggested that we convene the Working Group as soon as possible after the consultation closed. This was agreed, and the Working Group met on 21st May, as referred to in the Scouts’ letter of 19th June.”

#### **18/140 QUESTIONS RAISED BY COUNCILLORS**

**Councillor V Carr** (3 questions)

1. New Pavilion /retention of Scout hut “Can Councillor Potter please update us on any further discussions with the Scouts held since the last Parish Council meeting.”

#### **Answer from Cllr C Potter:**

“There have been no further face-to-face discussions with the Scouts since the last Parish Council meeting. The day after that meeting I emailed the four Scouts representatives to thank them for attending the December Council meeting and to assure them that it still very much NHPC's intention to continue the Working Group discussions in the new year, with the aim of coming to a satisfactory agreement about how to address their remaining concerns about the new joint-use building. I received a polite reply from the 4th Oxford Scout Group Secretary expressing the Scouts’ intention to meet in the new year. I followed up by email on 8th January to suggest a Working Group meeting this week, but this was not possible for the Scouts representatives. We are currently attempting to draft and agree a written report from all Working Group members for review at next week’s R&A Committee meeting.”

## **Recreation & Amenities Committee meeting – 24<sup>th</sup> January 2019**

### **3. ITEMS FOR CONSIDERATION**

#### **d). Update from Working Group on new Scouts Lease**

Councillors NOTED the draft update paper from Councillor Potter. This outlined discussions to date and issues under negotiation. The Scouts reaffirmed their own summary (as circulated on 12 December 2018); of their understanding of the issues and why they now wished to pursue extending the current Scout Hut lease. This rather than move to the new multiuser building; as designed to date.

**Councillor Bolder PROPOSED and councillor Kay SECONDED the motion that while open to continued discussions; the working group should be paused while R&A Committee requested supplementary funding from Council for legal advice ref the lease. The motion was agreed by 6 votes with Councillor Pritchard abstaining.**

## **Parish Council meeting – 21<sup>st</sup> February 2019**

### **18/163 COUNCIL MATTERS**

#### **3). Update on Louie Memorial Playing Fields Rejuvenation Project**

##### **c) Legal advice ref lease of Scout Hut**

Council AGREED unanimously to a motion proposed by Councillor Potter, seconded by Councillor Kay; that the Chairman, Vice-Chairman and Parish Clerk should approach NHPC's solicitors to obtain legal advice on the Scout Hut lease.

## **Parish Council meeting – 9<sup>th</sup> May 2019 (AGM and first meeting of current Council)**

### **19/15 COUNCIL MOTIONS**

Cllr C Potter proposed and Cllr L Berrett seconded the motion:

"In response to inaccurate information circulated within the community prior to the recent public consultation on planning application P19/V0696/FUL and the parish council elections, Council **RESOLVED** (by 9 votes for, 2 against) to clarify its current position regarding negotiations with the Scouts for their continued use of facilities at Louie Memorial Playing Fields beyond the expiration of the current lease in 2020. This clarification was to be via:

- 1) a written statement of NHPC's current position issued through NHPC's communication channels (parish noticeboards, NHPC website, NHPC Facebook page), and
- 2) a letter of invitation to the 4th Oxford Scout Group to a public meeting where concerns about the planning application can be discussed in a balanced and meaningful way."

Both the statement and the letter were to be amended:

- under **Assurance of Affordability** to read; *NHPC intends that the costs to the Scouts for priority access to the new shared-use facilities will be affordable and comparable to the costs otherwise incurable for running costs, maintenance and longer-term upkeep of the Scout Hut and;*
- under **Continuity of core Scouts programme and assurance of future management** *NHPC will not require the 4th Oxford Scouts to reduce your current programme (one of each section of Beavers, Cubs and Scouts and an associated District Explorers section). NHPC expects the 4th Oxford Scouts to have Trustee representation on the management committee for the new shared facilities, through which you would work collaboratively with other community stakeholders in planning future expansion.*
- The fourth bullet point first sentence to read; *the current Scout Hut land retained as a fenced area dedicated for woodcraft activities.*



## **Parish Council meeting – 18<sup>th</sup> July 2019**

### **19/51 COUNCIL MATTERS.**

#### **1) Pavilion planning application and status of the Scout Hut Lease.**

Cllr Potter updated Council on the current position and drew Council's attention to the fact that the Scout lease ended in July 2020 and suggested establishing a Council working group that would report directly to council on lease renewal.

Council AGREED to establishing a working group with Councillor Bastin as Chair and Councillors Kay, Potter, Blase, plus the Clerk. Council also AGREED to suggest to the Scouts that they should put forward a joint chair from their organisation so that the chair could alternate.

## **Parish Council meeting – 12<sup>th</sup> September 2019**

### **19/70 COUNCIL MATTERS**

#### **4) Scout Hut Lease:**

Cllr Bastin updated Council on the current position as per a pre circulated response from and the 4<sup>th</sup> Oxford Scout Group.

Councillor Kay PROPOSED and Councillor Church SECONDED, and Council AGREED a motion that:

- a) the chair be authorised to contact Knights seeking legal advice about the lease and claims the Scouts alluded to re possible compensation.
- b) The Clerk be authorised to draft a response to the final 3 points in the Scouts letter, communication that the NHPC were not minded to renew the lease for a further 25 years, were prepared to allow continued temporary occupancy until the project was to break ground, and were not minded to change the current plan for the New LM Pavilion.
- c) The legal advice to be referred to the next Full Council for further consideration.

## **Parish Council meeting – 17<sup>th</sup> October 2019**

### **19/84 COUNCIL MOTIONS.**

Council is asked to CONSIDER the following motion PROPOSED by Councillor Potter and SECONDED by Councillor Kay:

Council RESOLVES to clarify its relationship with the 4<sup>th</sup> Oxford Scout Group beyond the current lease period, through the following actions:

- 1) To initiate formal proceedings for bringing the current lease to the Scout Association for land at Louie Memorial Playing Fields to an end on its determination date of July 1st, 2020, by issuing a Section 25 notice under the Landlord and Tenant Act 1954.
- 2) To instruct the Council's solicitors at Knights plc to prepare the Section 25 notice.
- 3) To seek out further dialogue with the 4th Oxford Scout Group as to their intentions on the location of their headquarters beyond the end of the lease in July 2020. Such dialogue will be pursued through the Council's Working Group established for this purpose, and will include the possibility of reaching further agreement with the Scout Group for their continued use of land at Louie Memorial Playing Fields during the development of the new Louie Memorial Pavilion building, until the Group relocates its headquarters into the new building (as offered by the Council) or into another location of the Scout Group's choosing.

Councillors AGREED motions 1 & 2 by 8 votes to 1 (Councillor Dowie voting against) and AGREED motion 3 unanimously. In addition, Councillors AGREED that in principle, ongoing discussions with the Scouts should reflect the aim of Council to initially establish a 1-year extension with the possibility of a further extension, such that the Scouts could continue to use the Scout Hut until NHPC required the land to enable delivery of the new NHPC Pavilion. Any outline agreement with the Scouts would need to come before full Council to agree before it was formally offered to the Scouts.

## **Parish Council meeting – 28<sup>th</sup> November 2019**

### **19/98 COUNCIL MATTERS.**

#### **5) Scout Hut Lease:**

Councillors Kay informed the meeting that solicitors acting on behalf of NHPC had been instructed to serve a section 25 notice to the Scout Association, and he undertook to seek confirmation that it had been served.

Councillor Bastin informed Council that he had attempted to engage the Scouts but they had been reluctant to do so. Further attempts were to be made.

## **Parish Council meeting – 19<sup>th</sup> December 2020**

### **19/113 COUNCIL MATTERS**

#### **3) Scout Hut Lease:**

Councillors Kay and Bastin updated Council on the latest position confirming that the section 25 notification had been served on the 4<sup>th</sup> Oxford Scout Group (the Scouts). Councillor Bastin read out a response from the Scouts stating that:

- they did not wish to move to the new pavilion
- were not open to further discussion on that topic, and asked:
- if the Parish Council were prepared to offer the 4<sup>th</sup> Oxford Scouts a long-term lease on the Scout Hut
- if it was NHPC's intention to allow the Scout Group to continue using the Scout Hut until the new pavilion was complete.
- What were the terms of a new lease allowing the Scouts to remain using the Scout Hut beyond the end of the current lease.

After a lengthy discussion, Councillors considered a PROPOSAL from Councillor Bastin, **SECONDED** by Councillor Kay and **AGREED** by 10 votes for and 1 against; that Councillor Bastin be asked to draft and circulate a response to the Scouts confirming that:

- NHPC were not minded to offer a long-term lease
- the Scouts were to be allowed to continue using the Scout Hut until the land was required for construction of the new pavilion and that
- there would need to be discussions with the Scouts about an alternative lease/term beyond the end of the current lease before a draft document could be drawn up by NHPC's solicitors. As agreed in the Council meeting of 28<sup>th</sup> November 2019 the intention would be for this further lease to run initially for a period of 1 year.

## **Parish Council meeting – 20<sup>th</sup> February 2020**

### **19/143 COUNCIL MATTERS**

#### **1. Scout hut lease and progress on the new Pavilion:**

Councillors Kay and Bastin updated Council on the current situation stating that there had been no formal response to either the Section 25 notice or to NHPC's last correspondence to the 4<sup>th</sup> Oxford Scouts offering a 1-year lease with a 3-month notice clause. Councillors understood that this was a difficult issue for the Scouts and reiterated that they did not want to lose them from the site at an unnecessarily early date, but nevertheless NHPC would not be able to allow them to remain in the current Scout Hut if no replacement lease had been negotiated by July.

**Councillor Fairclough PROPOSED, Councillor Blase SECONDED and it was AGREED by 11 votes for and 1 against: (Councillor Dowie); that NHPC write to the national Scout Association requesting that they mediate and encourage the 4<sup>th</sup> Oxford Scouts to participate in discussions about the lease. Councillor Bastin undertook to circulate a draft for comment.**

There was to be a meeting at the Vale of White Horse DC on 2nd March to discuss various issues including funding for the New Pavilion.

## **Parish Council meeting – 2<sup>nd</sup> April 2020**

### **19/159 COUNCIL MATTERS:**

#### **4. Scout hut lease:**

Councillors Kay and Bastin updated Council on recent communications received from the 4th Oxford Scouts in the form of an informal e-mail. See PAPER 4 as circulated to Councillors in advance of the meeting which contains advice from NHPC solicitors regarding this informal message. NHPC was still awaiting a formal response from the Scouts regarding the granting of a short-term lease and their response to the NHPC solicitors in relation to the Section 25 Notice. Until such time as these formal communications are received it was noted that it would be very difficult for Council to make any progress in the negotiations.

## **Parish Council meeting – 23<sup>rd</sup> April 2020**

### **19/178: COUNCIL MATTERS**

#### **6) Scout Hut lease:**

#### **Papers 2, 3, 4, & 5**

Council considered the three letters (Papers 2, 3, and 4) sent by the 4th Oxford Scouts to NHPC, individual NHPC Councillors, and Knights Solicitors respectively,

Councillors discussed at length the issues raised by the 4th Oxford Scout Group, and the majority of the Councillors approved corrections to several statements including the following:

#### **ACCESS**

The 4th Oxford Scout Group had never been restricted to 2 nights a week. A letter from NHPC working group members to 4th Oxford Scout Group in November 2018 had suggested a maximum of 4 nights a week, in line with previous discussions and the Scout Group's current usage pattern.

#### **LEAVING THE SCOUT HUT IN PLACE**

It was not a minor change to leave the scout hut where it was, because the planning application had been approved on green belt land on the understanding that the total footprint would be marginally larger than the combined footprint of the 2 buildings currently on the site. A planning application to leave the scout hut in place would increase the footprint significantly, would be a significant planning change requiring further public consultation, would cost additional time and money, and might not be successful on the basis of green belt considerations. The Vale of White Horse Planning Committee unanimously approved the planning application on the basis that they considered the new Pavilion to be suitable alternative accommodation for the 4th Oxford Scout Group.

#### **COST OF USING NEW FACILITY**

NHPC had engaged positively with the 4th Oxford Scout Group stressing during consultations with a working group that they were priority users who could expect a discount. NHPC planning consultants had costed a sum of less than £2k per year for 4 nights per week use (£1937) in the 2018 draft business plan assessing financial feasibility of the new building. Councillors further understood that:

- the 4th Oxford Scout group had never produced detailed costs of running the group after request from NHPC working group members and
- had broken off engagement with NHPC working group members without agreeing the issues of access and costs.

## **PART TWO – CONFIDENTIAL MEETING**

### **19/185 SCOUT HUT LEASE:**

- 1) Councillors considered the need to authorise Knights plc to act on behalf of NHPC in this matter, and to respond in that capacity to the letter dated 16th April 2020 sent to Knights plc by the 4th Oxford Scout Group.

Councillor Kay PROPOSED and Councillor Dowie SECONDED that the Clerk should write to Knights plc asking them to respond to the letter sent to them by the 4th Oxford Scout Group, to do the following:

- Acknowledge receipt of the letter.
- State that the additional documents that are referred to in the letter have not been received because the link supplied in the letter did not work and only resulted in an error message.
- Confirm that Knights plc have been authorised to act on behalf of NHPC in this matter.
- Query the Scout Group's assertion that they would be the body who had the right to initiate legal proceedings against NHPC if they wished to. The Scout Association signed the lease, and are described there as the lessees, and it is the Scout Association to whom the Section 25 Notice was sent. NHPC's understanding is that the Scout Association would be in a position to potentially initiate legal proceedings, but not the 4th Oxford Scout Group.

Councillors AGREED to this proposal unanimously.

- 2) Councillors then considered in detail the letter sent by the Scout Group to Knights plc, and the advice provided by Knights.  
Councillors noted issues relating to the failure of the 4th Oxford Scout Group to adhere fully to the terms of the current lease, which would need to be resolved should the Group remain in the current Scout Hut after the expiration of the current lease.

A series of options for solutions to the dispute then arose from discussions, and these were narrowed down by a series of indicative votes, the majority indicating they would not support: • doing nothing, and offering no alternative solutions, so that the lease simply ran out on 1 st July 2020, and

- the 2 options put forward by the 4th Oxford Scout Group; the Scouts having ruled out their own proposal 1 by indicating that it was highly unlikely they could action it within the required timescale.

This left 2 options to consider being put forward by NHPC to the 4th Oxford Scout Group as alternative proposals to achieve resolution of the issue and avoid the need for litigation. Further indicative votes narrowed the preferred length of a lease to 12 months from 1st July 2020, and a wish to offer both options rather than a single one.

Councillor Kay PROPOSED and Councillor Fairclough SECONDED that both the remaining options be put to the Scouts Group via NHPC's solicitor (with a copy also to be sent by them to the National Scout Association and the Scout Association District Commissioner), and Councillors AGREED by 10 votes in favour (Councillors Dowie and Allen against) to request NHPC Solicitors to offer as alternative proposals either:

- A 12-month new, contracted out lease with a 3-month period of notice at the end; or
- An extension of the current lease for a period of 12 months subject to a separate legal agreement including restrictions advised by NHPC's solicitors. Either of these options could include provision for a further extension beyond the 12-month period depending on the timescale of development works for the new building.

- 3) Councillors then considered a proposal from Councillor Kay, seconded by Councillor Fairclough and AGREED by 9 votes for (Councillors Potter, Dowie and Allen voting against) that should the 4th Oxford Scout Group accept either of the NHPC proposals then NHPC would pay the £450 cost of the lease renewal fee (this being a charge that the 4th Oxford Scout Group would have to pay to the Scout Association), as a gesture of goodwill.

## **Parish Council meeting (AGM) – 21<sup>st</sup> May 2020**

### **20/14 CLERK'S REPORT:**

- Communications from [REDACTED] / 4th Oxford Scout Group. The Clerk reported on a number of emails which he had acknowledged and were now subject to responses from NHPC's solicitors, other than FOI requests submitted personally by [REDACTED] which would continue to be dealt with by the Clerk. It was agreed that the Clerk would circulate to Councillors the FOI requests received from [REDACTED]

██████████ in 2020. It was noted that contact had finally been made by NHPC solicitors with solicitors acting on behalf of the Scout Association.

## **PART TWO – CONFIDENTIAL MEETING**

### **20/22: SCOUT HUT LEASE**

The Chairman reminded councillors that all papers and discussions in this section of the meeting were CONFIDENTIAL and that unauthorised sharing any of this information would constitute a breach of the NHPC Code of Conduct.

The Chairman stated that an audio recording of this meeting, and of the previous Council meeting in April, would be retained, as raised in communications from the 4th Oxford Scout Group, however recordings from previous meetings had already been deleted in line with standard Council procedures, and as such they would not be available during any potential legal proceedings.

Councillor Kay and the Clerk updated Council on the current situation regarding further communications from the 4th Oxford Scout Group and the Scout Association, plus further advice from Knights Solicitors as circulated as Papers 4, 5 and 6 in response to the 4th Scout Groups letter of 16th April. ██████████ had provided contact details for an individual at the solicitors representing the Scout Association but this contact had not yet responded with the formal views of the Scout Association regarding the Section 25 Notice and their intended actions in the run up to the Scout Hut lease terminating at the end of June.

Councillor Kay proposed, and Councillor Fairclough seconded, and Councillors AGREED by 12 votes in favour (Councillor Allen abstained) the following resolution:

Council authorises the Chair and Clerk to ask Knights to draw up a draft short-term lease should the Scout Association and 4th Oxford Scout Group decide to accept one of NHPC's alternative proposals. This draft lease is to be brought to full Council for approval before being passed on to the Scout Association for their approval.

## **Parish Council meeting – 25<sup>th</sup> June 2020**

### **20/28: Matters raised by Member of the Public:**

A question from Dr Andrew Pritchard had been received via email prior to the meeting. Dr Pritchard attended the meeting to put the question directly to Council:

“As one of many parishioners who are worried about the future of the 4th Oxford Scout Group when the lease from North Hinksey Parish Council on the Scout Hut runs out after 30th June 2020, I would like to ask why the Parish Council has left it until 3 working days before that date to "consider" (25 June 2020 meeting, item 20/41) actions related to the lease. Who are the members of the Committee who are dealing with this important issue, and why have they not come up with proposals that all Councillors can devote adequate time to consider before the meeting on 25th June, and make their decisions? In view of the financial implications of any decisions upon the Parish Council and Parish Councillors, why has this item been left to the end of what promises to be a very long meeting, when it is possible that Councillors' attention may be limited?”

The Chairman's had already responded via email but also read his response at the meeting as follows:

“Unfortunately it appears that you have misunderstood the current situation slightly, which is not surprising given that it is highly complex and you are viewing it from outside of the process, but I will attempt to provide some clarity here.

Firstly this matter has been considered in full Council meetings for well over a year now, rather than being handled by a particular Committee, therefore proposals are not being put forward to Council by a

Committee as you suggest. As you will be aware, all discussions in Council are recorded in the minutes which are available to view on the NHPC website, so you are able to review all relevant matters there.

It is unfortunate that we have reached the current position, however I should point out that since the Scout Group withdrew from discussions in November 2018 we have on numerous occasions tried to encourage them to meet to try to make progress on outstanding issues, but without success. We also suggested a public meeting in May 2019 as a way forward, but again that offer was not taken up.

I can put your mind at rest that issues relating to the lease have actually already been considered by NHPC in detail in several meetings, particularly in the full Council meeting of 23rd April under agenda item 19/185 (minutes attached). In that meeting NHPC agreed to formally offer the Scout Group two alternative options for an initial 1 year lease to follow on from the current lease. The possibility of further extensions was also mentioned. To date no reply to this offer has been received from either the Scout Group or the Scout Association.

As such the ball is currently in their court, and at this Council meeting we are not considering any additional actions to be taken by NHPC before the expiry of the current lease in a few days' time. What we will be doing is trying to establish the necessary actions for NHPC to take in response to any of the possible actions that the Scouts might take at this stage in the proceedings.”

The Chairman also confirmed that he would be happy to provide further clarification by email following the meeting if any was required.

## **PART TWO - Confidential Meeting**

### **20/41: Scout Hut Lease. Paper 10**

Update from Councillor Kay and the Clerk on further communications from the Scout Association and 4th Oxford Scout Group, plus any further legal advice from Knights.

Cllr Kay confirmed that all recent correspondence from the Scouts Association and the 4th Oxford Scout Group had been circulated to councillors, along with any responses sent. He confirmed that he would also circulate the latest advice received from Knights following the meeting - this advice was read to Councillors in the meeting. The Clerk had acknowledged receipt of all emails received from the Scout Group and it was agreed that no further responses should be sent to them by NHPC at this stage.

Legal advice had been received from Knights Solicitors on the three possible options going forward and this had also been circulated.

### **Councillors to consider and AGREE further appropriate actions based on the three possible situations occurring at the end of June, namely:**

- (a) **a legal challenge to the Section 25 Notice has been made by the Scout Association.** Cllr Kay outlined that NHPC would need to file a defence and consider making an application for security for costs. If this was not done and costs were assigned to NHPC which the Scouts could not pay then NHPC would not receive any money. This was a standard process which needed to be arranged at the outset. It was asked whether funds would be met by NHPC or by the insurers. Cllr Kay confirmed that insurers would be advised of the matter but that NHPC did have funds available which could be reallocated if required in the July Council meeting.

**Resolution: NHPC to ask Knights solicitors to make an application for security for costs should a legal challenge to the Section 25 Notice be made by the Scout Association.** This was proposed by Cllr Kay, seconded by Cllr Rankin, Cllrs Dowie and Allen voted against and the remaining councillors were in favour. The resolution was therefore APPROVED.

- (b) **no legal action has been mounted and a 1 year lease has been requested by the Scouts.** Cllr Kay advised that in this situation NHPC would simply arrange for a lease to be renegotiated very quickly and a time period could be agreed for this.

**Resolution: Should no legal action be mounted by the Scout Association, but a new 1 year lease (as offered previously by NHPC) be requested by them then NHPC would give the Scouts a deadline of the end of July to agree the new lease and sign it.**

This was proposed by Cllr Kay and seconded by Cllr Fairclough. Cllrs Dowie and Allen voted against and the remaining councillors were in favour. The resolution was therefore APPROVED.

(b) **no further action has been taken by the Scouts at all.** The Solicitor had advised that NHPC could take possession by asking the Scouts Association to deliver up possession.

**Resolution: That NHPC ask Knights Solicitors to contact the Scouts Association within seven days after 1st July to confirm whether proceedings have been issued.** This was proposed by Cllr Fairclough, seconded by Cllr Potter. Cllrs Dowie and Allen voted against and the remaining councillors were in favour. The resolution was therefore APPROVED.

It was considered that it might be appropriate for the Scouts Association to be informed of decisions made in the Confidential Session of this meeting prior to the end of the month when the current tenancy agreement would expire.

**Resolution: To ask Knights Solicitors to convey information and decisions from this Parish Council meeting to the Scout Association. This would be bullet points only showing the relevant resolutions agreed during Part 2 Confidential Section which would be circulated as a draft to Councillors and then sent to Knights to convey to the Scout Association:** Proposed by Cllr Kay, seconded by Cllr Fairclough and agreed unanimously. Cllr Kay to action this with the Locum Clerk.

In addition, it was recognised that the District Council should be kept informed if legal proceedings are initiated.

**Resolution: The Chair to write to Vale of White Horse District Council to advise them of the situation if legal proceedings are initiated by the Scouts:** Cllr Kay proposed, Cllr Fairclough seconded. All other councillors agreed apart from Cllrs Dowie voted against and Cllr Allen abstained. The resolution was therefore APPROVED.

Cllr Kay suggested that Council should identify named Councillors to be authorised to liaise with Knights Solicitors in conjunction with the Clerk and to coordinate the process necessary for the response to any legal challenge, should it be forthcoming. Cllr Dowie was offered the opportunity to take part but declined and stated that he did not want to be part of group that was helping to terminate the Scouts' protected tenancy

**Resolution: That the Clerk, in combination with Cllrs Kay, Fairclough and Potter, is authorised to liaise with Knights Solicitors and to coordinate the process necessary for effective response to any legal challenge, should that be forthcoming.** Cllr Kay proposed, Cllr MacKeith seconded, all others voted in favour apart from Cllrs Dowie and Allen who voted against. The resolution was therefore APPROVED.

Cllr Kay advised all Councillors that it would be inappropriate for them to take any actions that would undermine the position of the Council in any legal proceedings that might occur. This would be both from a viewpoint of not publicly challenging a position agreed by Council on any issue, and also in terms of potentially risking a loss of Council funds, which Councillors are responsible for managing.

## **Parish Council Meeting – 16<sup>th</sup> July 2020**

### **20/53: COUNCIL MATTERS**

#### **3. Scout Hut Lease:**

Cllr Kay updated the Council on the current situation regarding the Scout Hut lease. He had circulated a paper with the new draft lease (including a new plan), and the old lease.

**Councillors were asked to CONSIDER the circulated new draft lease and AGREE the final wording for submitting to the Scout Association for their agreement and subsequent signing. It was suggested that at commencement of the new lease any documents relating to insurance be requested from the Scouts, including 3 years of safety inspections. This was part of the current lease agreement but had not been actioned in the past. Other than a typo under section 4b which should refer to 4a there were no other comments.**

**It was proposed by Cllr Kay that the draft lease be accepted and sent to the Scouts for their consideration prior to signing by the Scouts and the Council representatives, subject to the amendment to section 4b. This was seconded by Cllr Fairclough. Cllr Allen voted against, Cllr Dowie abstained and all others were in favour, so the motion was APPROVED.**

## **Parish Council meeting – 10<sup>th</sup> September 2020**

### **20/70: COUNCIL MATTERS**

#### **3. Scout Hut Lease:**

Cllr Kay updated Council on progress. A letter had been received by the Clerk and also the Council's solicitors. Previously circulated advice from the Council's solicitor included:

- The Section 25 Notice was served and not challenged in court by SATC so the previous lease was terminated.
- The Scouts are currently able to use the Scout Hut under a temporary Tenancy at Will.
- If the Scout Group have submitted a complaint to the Ombudsman (no official notification has been received), that would be a review of the planning decision, not impacting on the lease.
- Based on the above the Council can terminate the Tenancy at Will at any time.
- If Council decide to continue to progress the new 1 year lease it is recommended by the solicitor that they should now deal solely with SATC directly and not with the 4th Oxford Scout Group.

In the letter to the Clerk, the Scouts had invited NHPC to be open and honest but Cllr Kay confirmed that all NHPC meetings had been held in public, although it was not clear how decisions were being made by the Scouts as they had stated that no Trustees meetings had been held recently.

Cllr Kay asked the Clerk's thoughts about allegations of unlawful decisions in the letter. The Clerk confirmed that she was currently reviewing information and did not recognise any of the accusations as being accurate. She had not identified any potentially unlawful decisions made by NHPC in the instances suggested by the Scout Group.

Cllr Dowie stated that he did not believe he was receiving all information from the solicitors. Cllr Kay asked the Clerk to confirm that all information had been passed on to councillors and the Clerk did so. Cllr Dowie repeated that he did not think that was the case and stated that he would be taking this up with Knights. Cllr Kay asked if Cllr Dowie was accusing the Chairman and Clerk of lying to him. Cllr Dowie stated that there had been a problem with the previous clerk in this respect and he planned to contact Knights solicitors direct to request the information. Cllr Kay clarified that Cllr Dowie did not have Council authorisation to contact Knights directly, and, regarding FOI requests relating to documents held by Knights, that they are a private company and therefore not subject to FOI.

Councillors discussed the amount of time that the lease was taking at each Council meeting. In addition, it was taking up a lot of councillors and the clerk's time in between meetings and consequently



becoming very costly for the Council in addition to legal costs. It was thought that future correspondence should be referred to the solicitor for legal process and that a time limit should be set for agreement of the lease.

**Cllr Kay Proposed a motion that Council resolve to ask the Clerk to communicate to Knights solicitors that they write to the SATC informing them that they will only be dealing with them in the future and not the 4th Oxford Scout Group. The solicitors to ask SATC to properly negotiate the new lease and emphasise that Council expect the wording of the lease to be agreed by 15th October at latest, which was the date of the next Council meeting.**

**The Clerk to respond to the most recent letter from the 4th Oxford Scout Group to confirm that all correspondence on this matter should henceforth go through Knights solicitors and not directly between NHPC and the 4th Oxford Scout Group as we consider this to be a matter between Knights and the SATC.**

**This motion was Seconded by Cllr Fairclough and all councillors voted all in favour, except Cllrs Dowie and Allen who voted against and Cllr Jones who abstained. The motion was passed.**

### **Parish Council Meeting – 15<sup>th</sup> October 2020**

#### **20/83: COUNCIL MATTERS**

**7. Scout Hut lease:** Council to consider the recent communications between Knights and the Scouts, and decide on appropriate next steps in the process.

Cllr Kay briefly updated on the current situation and advised that the Scouts had not met the latest deadline to sign the new lease, despite multiple communications via the solicitors. In Cllrs Kay's opinion the main options now were (a) to withdraw the offer of new lease immediately and ask the Scouts to vacate, or (b) to allow the process to continue without enforcing any new deadline, or (c) to set a firm deadline for agreeing and signing a new lease which if the Scouts did not meet would result at that time in a withdrawal of the offer and notice being given for them to vacate the premises.

During a detailed discussion on this topic a wide range of factors were considered including the following:

- The main terms of the new lease were passed on to the Scout Group months before the draft lease itself (ie it would be a 1 year lease, with 3 months' notice, and not including any rights under the 1954 Landlord and Tenants Act). Also the Scout Group had already lost any rights under the 1954 Act, so signing a new lease would not lose them anything further, but would give them security of tenure until the end of that new lease.
- The Scout Group agreed, when requesting the new lease, to attempt to agree the terms of the new lease by the end of July. No serious attempt has been made by them to make any progress on agreeing the lease terms and instead much time has been devoted by them to raising FOI and GDPR queries, submitting a complaint to the Ombudsman, and writing lengthy letters to both Knights and NHPC, indicating different priorities.
- A Tenancy at Will is only a temporary measure and should not continue to be extended indefinitely as suggested by the Scout Group. If it was suitable to continue a Tenancy at Will for a lengthy period such as a year then Knights would have recommended that option rather than establishing a new lease.
- The amount of time and funds being allocated to this issue, which would continue to be the case if no firm final deadline were established.
- Concerns regarding the current condition of the building, and whether it was safe for the Scouts to be using it. No safety reports or details of insurance cover have been supplied to NHPC by the Scout Group for several years.

The following actions were proposed by Cllr Fairclough:

**The Clerk to write to Knights asking them to write to the Scouts stating the following requirements:**

- (1) That they produce proof of insurance and also proof that the building is fit for use (eg electrical and gas safety checks, fire extinguisher and fire safety checks that had been completed within the past 3 years) to be sent to Knights by 30th October 2020**
- (2) Sign and return the new lease to Knights by the date of the next Council meeting on 26th November 2020**
- (3) Vacate the premises by 31st December 2020 should they not meet both deadlines set under (1) and (2) above.**

An option to simply maintain the tenancy at will until such time as the new lease is agreed, with no deadline for this, but subject to receipt of the items listed in (1) by the end of October was also discussed. This was Proposed by Cllr Bastin and Seconded by Cllr MacKeith. Cllr Dowie requested a named vote and Cllrs Bastin, MacKeith, Dowie, Allen and Berrett were in favour, with Cllrs Kay, Fairclough, Rankin, Potter and Blase voting against. Cllrs Dykes and Church abstained. The Chairman used his casting vote against so the amendment was not carried.

Councillors then voted on the original proposal which was Proposed by Cllr Fairclough, and Seconded by Cllr Kay, and Cllr Dowie requested a named vote. **All Councillors voted in favour, except Cllrs Dowie, Allen and Blase who voted against. The motion was therefore Approved.**

### **Parish Council meeting – 26th November 2020**

#### **20/103: COUNCIL MATTERS**

6. Scout Hut Lease: Update from Cllr Kay and the Clerk on the current situation

Cllr Kay updated that a parishioner had notified of his intention to go ahead with Judicial Review and a High Court decision was awaited on whether permission for this would be granted before it could go to court. He proposed that the solicitors were instructed to handle the process and that he would liaise with solicitors in conjunction with the Clerk. The solicitors had advised the submission of a short response to the Judicial Review. When asked about estimated timings for the Judicial Review process Cllr Kay advised that he expected further news on permission in the next couple of weeks but thought that a final decision would be made prior to Christmas. After discussion Cllr Church Proposed to follow advice from the solicitors to ask them to prepare the short response to the Judicial Review and ongoing for them to handle the process. Cllr Kay and the Clerk to remain as liaison in terms of providing information to them. Also to request projected costs from Knights for the Judicial Review process if it were to go to Court. This was Seconded by Cllr Fairclough and Cllr Dowie requested a named vote. All councillors voted in favour except Cllrs Dowie, Allen and Jones who voted against so the resolution was APPROVED.

It was also agreed for the Clerk to check that the solicitors were in a position to respond to the Scouts following the meeting to confirm that, as they had not taken up the offer of the lease by the deadline of 26th November then they were to be asked to vacate the premises. Also, to confirm that the Tenancy at Will had now come to an end to avoid any legal ambiguity.

Cllr Berrett suggested setting up a meeting to discuss long-term prospects with the Scouts as the Council's recent offer of a meeting had not been completely rejected. It was suggested that this was reviewed at the December meeting.