



MALVERN TOWN COUNCIL

FULL COUNCIL MEETING

REPORTS

**For meeting on Wednesday 6 September 2023
at 6.00 pm
in the Council Chamber, Belle Vue Terrace,
Malvern**

MALVERN TOWN COUNCIL

Town Clerk
28-30 Belle Vue Terrace
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30 August 2023



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MEETING OPEN TO MEMBERS OF THE PUBLIC

To all Members of Malvern Town Council:

You are hereby summoned to attend a meeting of Malvern Town Council to be held on Wednesday 6 September 2023 in the Council Chamber, Belle Vue Terrace, Malvern commencing at 6.00 pm for the transaction of the business shown on the Agenda below.

A handwritten signature in black ink, appearing to read 'L. J. Blake'.

Linda Blake
Town Clerk

No.	Agenda Item
1.	Apologies for Absence To note apologies for absence.
2.	Declarations of Interest To receive declarations of disclosable pecuniary interests and other disclosable interests.
3.	Minutes of Previous Meeting To receive and confirm as a correct record the minutes of the previous Full Council meeting: ➤ 9 August 2023 – (already issued)
Public Participation <i>The Meeting will be adjourned for public participation when the Chairman will invite members of the public to present their questions, statements or petitions submitted under the Council's Public Participation Procedure.</i>	
4.	Mayor's Announcements ➤ Verbal report
5.	Update on Town Council Operations and Activities ➤ Verbal update by the Town Clerk
6.	Reports by County and District Council Representatives in Attendance ➤ Verbal reports or written submissions as appropriate.
7.	Town Council Ward Reports/Representatives on Outside Bodies ➤ Verbal reports
8.	Members Questions ➤ The Chairman will invite members who have written in with questions to present them to Council.

9.	Fountain in Rosebank Gardens ➤ Report CL01/23 to follow
10.	Review of Quorum for Committee Meetings ➤ Report CL02/23 to follow
11.	Membership of Poolbrook Village Hall Committee ➤ Report CL03/23 to follow
12.	Lease of Dukes Meadow Pavilion – Malvern Youth and Junior Football Club ➤ Report CL04/23 to follow
13.	Date and Time of Next Meeting Wednesday 11 October 2023 at 6.00 pm

**MINUTES OF FULL COUNCIL MEETING OF
MALVERN TOWN COUNCIL**

**held in the Council Chamber, Belle Vue Terrace, Malvern
on Wednesday 9 August 2023, at 6.00 pm**

Councillors

Present

C Hooper (Chair)
S Austin
C Bovey
A Cherry (until 7.15 pm)
I Dawson
C Fletcher
J Green
C Lee (from 7.05 pm)
J Leibrandt
J MacLusky (from 7.05 pm)
S Meager (from 7.05 pm)
D Watkins

Absent

N Houghton (apologies)
M Jones (apologies)
L Lowton
F Matthews-Jones (apologies)
D Mead (apologies)

Also in attendance

L Blake – Town Clerk
L Wall – Minute Clerk

One member of the public

44. APOLOGIES FOR ABSENCE

Apologies from Councillors Nick Houghton, Mel Jones, Freya Matthews-Jones and David Mead were **NOTED**.

45. DECLARATIONS OF INTEREST

None.

PUBLIC PARTICIPATION

Colin Mason said he wished to raise various issues regarding the pump track on land at Adam Lee, these being the gateway to the land not being set far enough back from the road for safety purposes, a large area of grass being cut in the middle of the land, annual problems with poor drainage, and a lack of consultation meetings, having been promised five or six.

The Town Clerk explained that the larger area of grass had been mown to illustrate the area of the pump track for a consultation on the land the previous day, drainage would be installed at the south-eastern end of the site in conjunction with providing a wetlands area, and there had only ever been two consultation events proposed – one in February at Poolbrook Hall which had been very well attended and run alongside a paper and online survey, and one the previous day which was the user group consultation.

Mr Mason's comments were noted and the Town Clerk said the issue of the gateway would be investigated.

46. CO-OPTION OF MEMBERS TO FILL VACANCIES ON MALVERN TOWN COUNCIL

Report CL01/23 was received and accepted.

The Town Clerk explained that three candidates were unable to attend the meeting but statements would be read out on their behalf.

The vacancies were then taken in order as follows:

Lygon ward – one vacancy

There was one candidate for co-option to Lygon ward. The Town Clerk read out a statement from Dr Karen Newbigging.

After a secret ballot, it was **RESOLVED** to elect Dr Karen Newbigging as councillor representing Lygon ward (unopposed).

St Joseph's ward – one vacancy

There was one candidate for co-option to St Joseph's ward. Christopher Lee addressed the meeting and spoke on his reasons for wanting to stand on the Town Council.

After a secret ballot, it was **RESOLVED** to elect Christopher Lee as councillor representing St Joseph's ward (unopposed).

Pickersleigh ward – one vacancy

There were three candidates standing for co-option in Pickersleigh ward.

Julie MacLusky attended the meeting and addressed members outlining her reasons for wishing to join the council.

Marilyn Birks and Paul Tuthill were not at the meeting but the Town Clerk read out statements from each of them.

Concerns were expressed that Paul Tuthill's resignation the previous year had caused a by-election, that his statement was negative in its tone and some wording regarding a previous mayor was unacceptable.

After a secret ballot, it was **RESOLVED** to elect Marilyn Birks as councillor representing Pickersleigh ward.

Pound Bank ward – one vacancy

There was one candidate for co-option to Pound Bank ward. Anthony Meager (preferred name Simon Meager), addressed the meeting and spoke of his reasons for wanting to become a Town Councillor.

After a secret ballot, it was **RESOLVED** to elect Simon Meager as councillor representing Pound Bank ward (unopposed).

West ward – one vacancy

There was one candidate for co-option to West ward. Ronan McLaverty-Head was not at the meeting and the Town Clerk read out a statement on his behalf.

After a secret ballot, it was **RESOLVED** to elect Ronan McLaverty-Head as councillor representing West ward (unopposed).

Upper Howsell ward – one vacancy

There had been no applications prior to the meeting for the vacancy in Upper Howsell ward. Julie MacLusky and Paul Tuthill had both indicated they would be willing to stand for co-option to Upper Howsell ward if they were unsuccessful in being elected in Pickersleigh ward.

After a secret ballot, it was **RESOLVED** to elect Julie MacLusky as councillor representing Upper Howsell ward.

Councillors Julie MacLusky, Christopher Lee and Anthony (Simon) Meager signed their declarations of acceptance of office and joined the meeting at 7.05 pm.

47. MAYOR'S ANNOUNCEMENTS

The Mayor reported that a collection at the previous Sunday's Bands in the Park event, in aid of his chosen charity St Richard's Hospice, had raised approximately £420.

Other events the Mayor had attended were the opening of Elgar Court care home, the Battle of Evesham re-enactment festival, and a liaison meeting between the district and town councils.

The Mayor had been approached by some residents over the stability of the Bridge of Sighs on the Worcester Road, and this was under review by the district council.

Finally, the Mayor reported that he understood the damaged Victorian post box recently removed from outside the hospital was being repaired and would be put back in position soon.

48. UPDATE ON TOWN COUNCIL OPERATIONS AND ACTIVITIES

The Town Clerk reported on the following Town Council operations and activities:

Victoria Park - new council offices, cafe, and community hub building

The Council's planning application for Victoria Park went live on 17 July and the deadline for comments was 9 August; six comments had been received, two from local residents and four from statutory consultees. No major objections or issues had been raised.

New pump track at land at Adam Lee

The user group consultation had taken place on site the previous day and a good group of pump track enthusiasts had made suggestions to be incorporated into the final design. The chosen contractor, Clark and Kent Contractors, would revise the design accordingly and then any planning implications would be considered.

Heart of England in Bloom

Results would be announced on 5 October. Comments from the judges during their visit had been encouraging and the operations team had worked hard to make sure that the town looked at its best.

VAS Signs

The Town Council now had seven vehicle advisory signs in operation within the town under the Lengthsman Scheme. The signs had been purchased by county councillors using their divisional budgets whilst the Town Council Lengthsman managed locations and charging of batteries.

The sign on Guarlford Road had now been converted to solar power, which would help reduce time spent changing batteries. Officers would continue to work with WCC and local county councillors to help add additional locations for these signs and ensure that they were regularly rotated.

Cllr Anne Cherry left the meeting at 7.15pm

49. REPORTS BY COUNTY AND DISTRICT COUNCIL REPRESENTATIVES IN ATTENDANCE

Cllr Beveley Nielson, WCC Malvern Langland Division and MHDC Great Malvern ward

- Malvern Hills College – the covenant stating the college could only be used for educational purposes had been removed in the high court. Malvern Hills Arts & Community College hoped to make another offer to purchase the building.

- Priory Park had seen several successful events and festivals recently including the Malvern Food Festival and Malvern Pride. Cllr Nielsen thanked the organisers.
- Cllr Nielsen also thanked the MHDC team for their part in tidying up the town ahead of the judges visit for Malvern in Bloom.
- Cllr Nielsen had written a letter to the Malvern Gazette regarding speeding and after sending two emails had received a response from cabinet member Cllr Mike Rouse. He informed Cllr Nielsen that elected members could request consideration of a zone for a 20mph speed limit via the member portal, with requests subject to a feasibility assessment and engagement with local communities; she indicated that she would do so.

Cllr Leibrandt left the meeting at 7.25pm

- Cllr Nielsen reported that she continued to support Malvern Town Football Club in her capacity as a Worcestershire County Councillor as well as supporting the Cube and Great Malvern Primary School. Divisional funding had also been spent on dropped kerbs along Worcester Road.
- Cllr Nielsen had met with Priory Church, and been informed of their Expression of Interest for Heritage Lottery funding for the development project, with an aim of encouraging greater visitor numbers in the church and using the venue for more art exhibitions.
- The Town Centre plan development is ongoing; proposals made in the plans before the district council elections would be taken forward, with a meeting due in mid-August.
- Plans to extend Malvern Theatres would be submitted to planning in the summer of 2024. Funding from the Levelling Up fund could only be used for the theatre.

Cllr Nielsen left the meeting at 7.31pm

50. TOWN COUNCIL WARD REPORTS/REPRESENTATIVES ON OUTSIDE BODIES

Cllr Austin (Great Malvern ward) reported that the Malvern Pride event in Priory Park had been a huge success, and thanked the operations team for putting the Pride flags up throughout the town.

51. MEMBERS QUESTIONS

None.

52. APPOINTMENT OF NEWLY CO-OPTED COUNCILLORS TO COMMITTEES

Report CL02/23 was received and accepted.

It was **RESOLVED** to elect Cllr Simon Meager to Operations and Planning Committee.

It was **RESOLVED** to elect the following councillors to Policy and Resources Committee:

- Cllr Julie MacLusky
- Cllr Christopher Lee
- Cllr Ronan McLaverty-Head
- Cllr Marilyn Birks
- Cllr Karen Newbigging

53. REQUEST FOR FUNDING FOR TWINNING VISIT – MALVERN BAGNÈRES DE BIGORRE TWINNING ASSOCIATION

Report CL03/23 was received and accepted.

The Town Clerk explained that £321 remained out of a total grant of £1000 awarded to the Malvern-Bagnères de Bigorre Twinning Association (MBTA) in 2017. The association now wished to draw down these remaining funds to help fund a trip to Malvern by a group of adults from the twinned town of Bagnères-de-Bigorre.

It was **RESOLVED** to award a grant of £321 to the Malvern-Bagnères de Bigorre Twinning Association.

54. POLICY AND RESOURCES COMMITTEE RECOMMENDATIONS

Report CL04/23 was received and accepted.

The Chair of Policy and Resources Committee, Cllr Iain Dawson, then presented the recommendations from the meeting held on 9 August 2023.

There were eight recommendations and these were taken en bloc.

Minute 16 Review to Town Council Grants Scheme

1. It was **RESOLVED** that no changes be made to the timing of the grants scheme.
2. It was **RESOLVED** that no changes be made to the emergency grants.
3. It was **RESOLVED** that no changes be made to the amounts of the awards.
4. It was **RESOLVED** that no changes be made to the frequency of applications.
5. It was **RESOLVED** that no changes be made to the nature of organisations that could apply to the grants scheme.
6. It was **RESOLVED** that applicants must have a bank account to ensure transparency and accountability.
7. It was **RESOLVED** that some of the boxes within the forms should be made larger to enable more detail to be given by applicants, and that officers would take steps to make the forms fillable offline rather than having to be printed off and filled in by hand.
8. It was **RESOLVED** to allow applications of up to £500 for support of running costs for one year, when special circumstances are demonstrated.

55. INSURANCE CONTRACT

The Town Clerk gave a verbal update on the renewal of the Town Council's insurance contract. It had proved difficult to obtain quotations this year, and Policy and Resources Committee had therefore agreed to delegate this to the Town Clerk, Chair and Vice-chair of Policy and Resources Committee. The decision had been made to take on a one-year contract with the cheapest overall combined policy.

The cost of approximately £21,000 would be contained well within the budget for 2023/24 at £37,000.

56. DATE AND TIME OF NEXT MEETING

It was agreed that the date of the next meeting would be Wednesday 6 September 2023 at 6.00 pm.

EXCLUSION OF THE PRESS AND PUBLIC

It was **AGREED** to resolve pursuant to Section 1 of the Public Bodies (Admission to Meetings) Act 1960 to exclude the press and public from the meeting on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The newly elected councillors were asked if they had any declarations of interest, but there were none.

57. MINUTES OF PREVIOUS MEETING

The minutes of the Extraordinary Full Council meeting held on 17 July 2023 were circulated. Councillors were reminded that all information contained within the minutes was confidential until further notice.

It was **RESOLVED** that the minutes of the following meeting be approved and adopted as a correct record of the proceedings, and they were signed by the Mayor:

- Extraordinary Full Council meeting 17 July 2023.

58. ROSEBANK GARDENS

The Town Clerk updated the meeting on the current position of the landslip in Rosebank Gardens.

Under Standing Order 3(x) it was agreed to extend the meeting by a further 15 minutes.

Discussion continued until the meeting finished at 8.15 pm.

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(Chairman)

**A REPORT OF THE TOWN CLERK TO
A MEETING OF MALVERN TOWN COUNCIL**

**to be held on Wednesday 6 September 2023 at 6.00 pm
in the Council Chamber, Malvern Town Council, Belle Vue Terrace**

FOUNTAIN IN ROSEBANK GARDENS

1. Purpose of Report

- 1.1. For decision.

2. Recommendation

- 2.1. Full Council is asked to discuss options as detailed in background 3.10 below, for the Rosebank Gardens fountain project, and to agree how to bring this project to a conclusion.

3. Background

- 3.1. In April 2020, Full Council resolved to accept a notice of motion proposal from ex-councillors Peter Smith and Neil Morton to support a project to mark the 200th anniversary of Jenny Lind's birth by funding £3,750 towards a fountain/water feature in Rosebank Gardens.
- 3.2. The original proposal was to install natural stones as the centrepiece of the fountain with a seating area created around the fountain, which was to be located in the grassed area to the left of the 99 steps. No formal design was submitted or agreed but the project was due to be completed by October 2020.
- 3.3. Unfortunately, the unique and difficult circumstances surrounding the covid-19 pandemic led to delays in getting works underway and the Swedish Society's visit to Malvern to open the fountain in October 2020 was also cancelled due to travel restrictions.
- 3.4. The suggested design was progressed by ex-councillor Smith along with council officers, and when the stones that had formed the former fountain in Malvern Link became available for use, it was decided to incorporate these six stones (in picture 1) as part of the main fountain centrepiece. A sculpture of Jenny Lind on a pole was also included.
- 3.5. A contractor was engaged and works began on the first part of the project in late 2021/early 2022. Unfortunately, initial works revealed the presence of an underground chamber, possible part of a cellar of a previous building. This resulted in extra works being commissioned to complete the project as the space needed to be filled and secured so that it could safely support any features installed above.
- 3.6. The first part of the project works was completed by October 2022 including the construction and finishing of a retaining wall, installation of a metal bench, installation of the Jenny Lind pole with commemorative plaque and associated planting and landscaping.
- 3.7. Unfortunately, the chosen contractor could no longer complete the full project and a further tender was issued in February 2023 for the remaining works. This included the installation of a small water fountain, the basis of which is the six

stone blocks having previously formed a fountain in Malvern Link. Quotes received started at £6,840 which was well over the original budget of £3,750 with costs already incurred.

- 3.8. At a similar time but completely separately to the project, Council had agreed to install a Malvern tourism sign in Rosebank Gardens in the area next to the 99 steps. The fountain would not be able to be installed until this was completed.
- 3.9. In May 2023, Full Council elections were held and therefore it is felt that a fresh review of the future of this project can now take place.
- 3.10. Officers have evaluated a number of different options in an attempt to cover all eventualities as follows:
 - i. Continue with the fountain project as originally intended and detailed in the specification of works for the final stage of the project. This includes the six stones from the former fountain in Malvern Link and this would cause an overspend against original budget.
 - ii. Install a smaller, simple fountain/water feature not including the Malvern Link fountain stones. This would reduce costs whilst still retaining the “water feature” referred to on the commemorative plaque already in place.
 - iii. Install the Malvern Link fountain stones without the water element and perhaps use planting as an alternative. This would again reduce costs but would require a change to the commemorative plaque already in place.
 - iv. Install a completely different central feature in the area. Some views are that the area of gravel requires a centrepiece but that a new idea could be developed.
 - v. Do nothing. Council may consider that nothing further is required in this area and that no further works should take place. this would again require a change to the commemorative plaque already in place.

The area concerned is shown in picture 2.

4. Financial Implications

- 4.1. Initially a budget of £3,750 was allocated towards a fountain/water feature in Rosebank Gardens.
- 4.2. £1,250 of private funding supported costs to fund the Jenny Lind sculpture and a commemorative plaque.
- 4.3. £2,000 of contractor costs have been incurred to fund the first part of the project including unforeseen costs associated with filling and making safe the underground chamber.
- 4.4. The curved metal bench was funded by sponsorship.
- 4.5. Quotes for the final stage of the project as originally specified are approximately £7,000.

5. Legal Implications

- 5.1. Rosebank Gardens is on a 99-year lease from Malvern Hills District Council who have given permission for the fountain to be installed.

End
Linda Blake
Town Clerk



Picture 1



Picture 2

**A REPORT OF THE TOWN CLERK TO
A MEETING OF MALVERN TOWN COUNCIL**

**to be held on Wednesday 6 September 2023 at 6.00 pm
in the Council Chamber, Malvern Town Council, Belle Vue Terrace**

REVIEW OF QUORUM FOR COMMITTEE MEETINGS

1. Purpose of Report

- 1.1. For decision.

2. Recommendation

- 2.1. Council is asked to review the current quorum for committee meetings and consider increasing the number of councillors required to be in attendance in order for a meeting to be legally constituted.

3. Background

- 3.1. Prior to November 2022, quorum at any committee meeting was more than 50%, although never fewer than three members.
- 3.2. In November 2022, Council agreed to reduce the quorum levels for the remainder of the council term following the cancellation of a number of scheduled meetings due to a failure to meet quorum either through illness or other absence.
- 3.3. At Full Council in August, six members were co-opted as councillors on the Town Council, meaning that all seats have been filled and all committees are fully constituted.
- 3.4. Council may now wish to review the current quorums of committees which are as shown below:

	Membership	Quorum
Operations and Planning Committee	10	4
Policy and Resources Committee	9	3
Audit Committee	5	3

- 3.5. Whilst the cancellation of meetings due to a lack of quorum should be avoided, such low numbers can mean that a relatively small number of councillors are able to make decisions such as awarding grants, or recommendations such as the budget on behalf of a council of twenty members.
- 3.6. Council should consider reverting to the previous rule that quorum at any committee meeting should be more than 50%.

	Membership	Quorum
Operations and Planning Committee	10	6
Policy and Resources Committee	9	5
Audit Committee	5	3

- 3.7. In order to ensure transparency and in line with procedures at other councils, attendance statistics will continue to be published on the Town Council's website. Attendance at committees will be included as well as at Full Council.

4. Financial Implications

- 4.1. None pertaining to this report.

5. Legal Implications

- 5.1. The Local Government Act 1972 governs quorum for Full Council meetings.
- 5.2. Malvern Town Council can set quorum for its committee meetings. This cannot be set lower than three or a third, but it can be set higher if Council so wish.

End
Linda Blake
Town Clerk

**A REPORT OF THE TOWN CLERK TO
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MEMBERSHIP OF POOLBROOK VILLAGE HALL COMMITTEE

1. Purpose of Report

- 1.1. For decision.

2. Recommendation

- 2.1. Council is asked to appoint one member to join the Poolbrook Village Hall Committee.

3. Background

- 3.1. In September 2022, Council appointed Josephine Wilkinson as its representative on the Poolbrook Village Hall committee. Cllr Wilkinson served on this committee until Full Council elections in May 2023.
- 3.2. The management board have contacted officers to express a view that should the Town Council wish to appoint a new representative, it would be welcomed, but they would ask that the person be willing to actively engage with the work of the board.
- 3.3. Poolbrook Village Hall is in Chase ward and therefore Council may wish to consider appointing a member from that ward.
- 3.4. If more than one Councillor wishes to put themselves forward, a ballot will take place in accordance with standing orders.

4. Financial Implications

- 4.1. None pertaining to this report.

5. Legal Implications

- 5.1. None pertaining to this report.

End
Linda Blake
Town Clerk

A REPORT OF THE TOWN CLERK TO
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LEASE OF DUKES MEADOW PAVILION –
MALVERN YOUTH AND JUNIOR FOOTBALL CLUB

1. Purpose of Report

- 1.1. For decision.

2. Recommendation

- 2.1. Full Council is asked to consider whether to grant a five-year lease on Dukes Meadow Sports Pavilion to Malvern Youth and Junior Football Club alongside the points raised in background 3.7 below.

3. Background

- 3.1. In September 2022, Full Council agreed to grant a lease on Dukes Meadow Pavilion to Malvern Youth and Junior Football Club for an initial period of twelve months.
- 3.2. Officers had suggested a quarterly rental of the pavilion of £200 to be in line with other similar arrangements operated by the Town Council, but Full Council agreed that this should be reduced to £50 per quarter. The football club have also been responsible for paying for any utility costs incurred.
- 3.3. This agreement was made following an approach by representatives from Malvern Youth and Junior Football Club who wished to use the pitches and pavilion at Dukes Meadow on a more structured basis. The demand for Council-owned football pitches has fallen dramatically and it was decided that such an agreement would not have a detrimental effect on other local teams.
- 3.4. The initial period of twelve months is now due to expire and officers have received a request from Malvern Youth and Junior Football Club for a longer lease of three to five years. As part of this they would also like to carry out renovations to the pavilion including:
- Moving the kitchen and installing a serving hatch
 - Installing a ramp to improve accessibility
 - Painting the building
 - Installation of double doors with shutters
- 3.5. Officers have reviewed the last twelve-month period and the conclusion is that it has not been entirely successful.
- ✓ The positive factors are that the regular presence of a club at Dukes Meadow has reduced the amount of anti-social behaviour and benefitted the large number of players who are members of the club. All electricity bills and water bills have been paid and £200 in rental received.

- ✕ The negative factors are that problems with a leaking toilet resulted in costs of approximately £500 and despite an intention by the football club to paint the changing rooms, no basic maintenance works have been carried out.
- = The result of which is that whilst a good facility is being provided to a local football team, income has been less than costs incurred and the overall condition of the pavilion has deteriorated over the last twelve months.

3.6. Council is asked to consider whether they wish to grant a formal lease of three to five years or to return to just hiring the changing rooms on a weekly basis.

3.7. In the case of a formal lease, officers would recommend the following be considered:

- i. Increasing the rent to bring the agreement on a fair level with other similar leases
- ii. Making the football club fully responsible for all building maintenance. This would reduce Town Council liability and again is in line with other similar agreements at Malvern Victoria Bowling Club and Queen Elizabeth Road cricket ground.
- iii. The Town Council should have regular rights to inspect the building and a clause included to end the lease should the building not be maintained to a certain standard
- iv. The football club to hold suitable insurance for the building
- v. Each party to bear their own legal costs in drawing up the lease
- vi. Requests for renovation works along with quotations and details of contractors to be submitted to the Town Council for approval

3.8. Council is asked to note that this agreement would grant a lease to an individual football club, but there have been no other requests to use these grounds for football.

4. Financial Implications

- 4.1. If a lease is approved, Council needs to agree the quarterly rental amount.
- 4.2. Legal costs to draw up a lease would be approximately £750.

5. Legal Implications

- 5.1. A formal lease with appropriate clauses would need to be drawn up by the Council's solicitors.

End
Linda Blake
Town Clerk