

**MINUTES OF THE EXTRA-ORDINARY MEETING OF ODIHAM PARISH COUNCIL'S
AMENITY AREAS COMMITTEE
HELD IN THE PARISH ROOM, THE BURY, ODIHAM ON
TUESDAY 30 APRIL 2019 COMMENCING AT 7.30PM**

Present: Cllrs Worboys (Chair), Bell, Faulkner, Fleming, Hale (7.34pm) and Robinson-Giannasi

In attendance: Mrs Weir (Executive Officer)

Also present: 7 members of the public

142/18 RECEIVE AND ACCEPT APOLOGIES FOR ABSENCE

Cllr Hale advised that he may be late to the meeting. Apologies were received from District Cllr Crookes.

143/18 RECEIVE DECLARATIONS OF INTEREST RELATING TO ANY ITEM ON THE AGENDA

None.

144/18 PUBLIC SESSION

None.

145/18 APPROVAL OF THE FOLLOWING MINUTES

1 April 131/18 - 141/18
The above minutes were approved as an accurate record of the meeting.

146/18 APPROVAL OF THE SIGNING OF THE FINAL LEASE FOR THE TENNIS CLUB BY THE APPOINTED CLLRS

The Executive Officer had circulated a report which included a copy of the map of the site and a copy of the lease for signing to all prior to the meeting (Appendix 1).

The Chair reminded the committee that OPC is the sole Trustee for the Sports Centre Trust, whose land the tennis courts are located on and are not in a position to gift exclusive access to the tennis courts to a private body.

It was noted that Odiham Tennis Club Ltd who will be the tenant in the lease does not exist on Companies House, which is something for the tennis club to sort out.

It was resolved by the majority vote to approve the signing of the final version of the lease by Cllrs Robinson-Giannasi and Worboys on behalf of the council. Cllr Fleming wished it to be recorded that he voted against this resolution.

147/18 RECEIVE THE TWO LETTERS FROM THE CHAIRMAN OF THE MILD MAY COURT RESIDENTS ASSOCIATION AND AGREEMENT ON OPC'S RESPONSE

The Executive Officer had circulated a report which included the first piece of correspondence from the Chairman of the Mildmay Court Residents Association to all prior to the meeting (Appendix 2).

The second item of correspondence had been sent directly to all members of the committee and included a comment about the existence of the boundary dispute and stated that unless the legal boundary is determined, Medalstable Ltd and Mildmay Court Residents Association each reserves

respectively its right to remove any newly erected fence at its discretion and without further notice to OPC (Appendix 3).

The committee was reminded that HM Land Registry had supported the land surveyor's conclusion that the fence and gate erected by the Mildmay Residents Association was on OPC's land and that the legal advice obtained supported the removal of the fence and gate.

Cllr Fleming was called to a point of order on two occasions during the discussion.

It was agreed by the majority vote that the Chair would draft a response to the points raised in the correspondence from the Chairman of the Mildmay Court Residents Association for the committee's approval via email. Cllr Fleming wished it to be recorded that he voted against this decision.

148/18 RECEIVE THE LEGAL ADVICE REGARDING THE HEADSTONE RECENTLY INSTALLED IN THE CEMETERY WITHOUT OPC'S PERMISSION AND AGREEMENT ON THE NEXT STEPS

The Executive Officer had circulated a report to the committee reminding them that at the previous meeting the committee had expressed concern about the health and safety risk of this memorial installed without OPC's permission and believed not to be installed by a registered stonemason and the agreement by the committee to pay to have the memorial removed if the owner of the Exclusive Rights didn't do so within 21 days (Appendix 4).

The report also contained advice from the legal advisor who reminded OPC as the Burial Authority that they have an extensive range of management powers and the right to claim back any costs for the removal of memorials installed without permission from the person who installed them. It also included an extract from schedule 2, part 1 of The Local Government Cemeteries Order (LACO) which says that no burial shall take place, no cremated human remains scattered and no memorials installed or altered without the permission of the officer appointed by the burial authority.

The report included a comment from the council's insurance company who stated that they would expect all gravestones to be installed by a professional third party of the specific trade which ensures that the articles are durable and safe.

The Executive Officer read out correspondence that had been received from the owner of the Exclusive Rights who had advised that he is instructing an independent stonemason to inspect the works and advised that no-one should touch the memorial until this process has taken place and the report issued. He said that the memorial had been installed in accordance with their code of working practice and in his opinion, once it passes their tests and adequately addresses OPC's health and safety concerns, it is entirely fit to stand in the cemetery. His correspondence also stated that the memorial has public liability to the sum of £2,000,000.

Cllrs were advised that the office had acknowledged this correspondence and had reminded the owner of the Exclusive Rights that; the rules that he had signed state that no work shall be carried out in the cemetery without prior permission in writing of OPC; any stonemason authorised to work in the cemetery, who must be qualified and NAMM registered is required to notify OPC in writing in advance before commencing any work; that OPC reserves the right to remove any memorial which it considers to be inappropriate or where formal approval has not been given or which is not compliant with the rules currently in force without notice.

The Chair reminded the committee that whilst this is a sensitive topic and OPC doesn't want to cause distress and had recently updated the rules, the council is obliged to follow and maintain the rules for the cemetery and first and foremost needs to resolve the issue of safety. He commented that the legal advice is clear – the placement of memorials without permission is unlawful. He also noted that the insurers and legal advisers have advised that memorials need to be installed by qualified masons and if this hasn't happened, the insurance could be invalid. OPC as well as the memorial owner may be liable for incidents under Section 3 of the Health and Safety at Works Act 1973.

Cllr Robinson-Giannasi declared an interest and left the meeting.

Whilst all Cllrs present understood that the council's rules had not been followed, the application

for this installation had been refused and were in receipt of the advice from the legal advisor and OPC's insurance company, it was agreed that the Chair would draft a letter to the owner of the Exclusive Rights requesting to see the insurance certificate for the memorial, re-affirming the breach of OPC's rules and requesting a copy of the stonemason's report to enable the council to conclude the situation during the meeting on 13 May 2019.

The Executive Officer asked the committee to confirm if the memorial should be roped off due to the possible health and safety risk to staff and visitors at the cemetery and was advised to wait until the insurance document had been received from the owner of the Exclusive Rights and then to consider a small sign along the lines of "keep off the grass".

There being no further business the meeting closed at 8.20pm.

Signed.....

Date.....