

Appendix to Minutes of WTC October 11th 2016
Discussion relating to Cllr Yoxall's revised version of
"Examination of Issues Surrounding The New Road Play Area Project"

1. The S.106 Agreement stipulated that funds should be used, inter alia, for installation of a MUGA, but where? The original idea was for it to go to the Recreation Ground. Who introduced the idea for it to go the Play Area? Who approved the siting chosen at the New Road Play Area? (P. Redpath motion refers). *Play Area came from Wicksteed in a version of the indicative design. The decision as to where and why and how it was to be paid for was made by the Council in Jan 2014 and minuted. Cllr Redpath commented that a considerable amount of money had been paid to consultants acting for WODC. He claimed that wrong information had been received from Wicksteed. The Mayor suggested it was time to move on. Cllr Jay said he believed that Cllrs Yoxall and Redpath were effectively wrong in their understanding of the matter . He further emphasised that being in receipt of the advice from Wicksteed the Council felt comfortable in going ahead*
2. The Consultation exercise in 2012 did not include some key residents. WHY? This gave the impression we were trying to impose something without proper consultation. *Cllr Jay said he had not been specifically involved in this stage. The Mayor had not been involved either.*
3. Did we interpret the results of the consultation fairly bearing in mind that more weighting should have been given to the answers of the residents most affected? *Cllr Jay said he had not been specifically involved in this stage and neither had the Mayor.*
4. At the April 2013 presentation of the proposals at the Community Centre some of the residents felt their concerns were ignored. Were their claims valid? *Cllr Redpath alleged members wished to push the project at any cost. Cllr Jay stated that members had debated the placement of the MUGA including that they had been removed in some parts of the country but on balance the decision had been taken to go ahead*
5. When the MUGA was installed, was sufficient consideration given to the buffer zone? Cllr . T. Redpath Paper to September WTC refers. *Cllr Jay felt there was nothing to add. Wicksteed's Report had stated that the placing was compliant and the Council had no reason not to accept this. There was more discussion in the paperwork received from WODC.*
6. Since implementation of the proposals the incidence of anti-social behaviour has become worse. In January the Mayor was in denial about any problem –very erroneously. Cllr Yoxall said the main complaints were in 2012 but did then tail off. (The New Road playground only re-opened in 2014. *Both Cllr Jay and The Mayor re-iterated that the police had repeatedly stated that number of reports of anti- social behaviour in this area had fallen when compared with the playground previous to the refurbishment.*

7. Since the case became formal it can be argued that WTC conduct has lacked sensitivity. Failure to engage with the residents most affected is the reason the dispute has dragged on. They were not told for a long time about the reaction of the Marlborough School to the idea of locating the MUGA there and were not kept in touch properly about negotiations with OWFC which prolonged the dispute. *Cllr Jay stated very firmly that once the Council was threatened with legal action it was obliged to take its own legal advice which effectively removed its ability to engage outside the legal process.*

8. Since the dispute became formal, responsibility for contact with the WTC solicitor has been in the hands of a select few. Clarity of scope for delegation needed. *Cllr Jay referred to a Council Meeting in December 2015 that dealt with this matter. The meeting endorsed action being taken.*

9. BY and PR submitted motions for the July WTC agenda on 26/6 and 29/6 respectively but, despite repeated requests, they were not included on the agenda. WHY? *The Council made the decision not to include the motions as motions on the Agenda but subjects were included for discussion. In retrospect it might have been preferable to include the motions as motions.*

10. Once the motion to remove the MUGA was proposed, the Town Council was not told legal advice was being sought. WHY? *Cllr Jay advised that the fact that legal advice had been sought was discussed at the first meeting after the advice had been taken – thus the Council was informed at the first available opportunity. Cllr Mrs Redpath commented that it would have preferable to advise the proposers of the motions referred to above that the Council was receiving legal advice.*

11. It would appear expenditure of the order incurred in that instance was beyond the authority of the Town Clerk. If so, why did that happen? *Two invoices received were within the TC's authority before VAT. The other one was significantly bigger but the Clerk had requested a 'letter' comment and believed it would be of similar magnitude to the first invoices. In fact full advice was given and as soon as this was realised it was reported to the Council. Cllr Redpath alleged an attempt was made, by using specialist legal advice, to prevent the removal of the MUGA.*

12. The legal advice obtained from the solicitor was not presented in that instance before the meeting, making sensible discussion impossible. WHY? *Cllr Yoxall alleged legal advice was not presented to the Council making proper discussion impossible. He was advised by Cllr Jay that the letter could not be presented in full because it dealt with three separate issues that need to be debated separately – seeing all three issues together at the beginning could prejudice the outcome. oucoutsultimate decision. Very heated discourse/behaviour made it difficult to discuss these matters rationally. Cllr Redpath stated that he disagreed with the information as presented*

13. Legal advice was sought at considerable expense but correspondence has revealed that two councillors were telling her what to say. WHY? *It was agreed that legal costs were high but it was an absolute necessity in the face of the Council facing legal action. Cllr Jay referred to the December meeting which he believed gave appropriate authority to the two councillors to lead on the matter. .*