

**MINUTES OF AN EXTRAORDINARY MEETING OF NEYLAND TOWN COUNCIL, HELD ON TUESDAY 19TH
MARCH 2024, 6.00PM AT NEYLAND COMMUNITY HUB**

This meeting was recorded.

This meeting was livestreamed.

IN ATTENDANCE: Cllr B Rothero (Chair)

Cllr S Thomas
Cllr M Harry
Cllr E Phelan
Cllr A Phelan
Cllr P Hay
Cllr A Thomas
Cllr S Campodonic
Cllr A Richards
Cllr A Radice
Cllr D Devauden

APOLOGIES: None received

ALSO IN ATTENDANCE: Libby Matthews – Town Clerk & RFO

C. Cllr Dr Simon Hancock
Ms. Helen Hodges – Acting Solicitor for Neyland Town Council
Mr. Andrew Smith & Mr. Sean Hannon – Representatives of the Neyland Athletics Club

Mr. Ian Hatchett – Member of public

The meeting was also attended by approximately 20 additional members of the Neyland Rugby, Football, Cricket and Bowls Clubs.

The meeting opened at 6.04pm

4406 – TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS REGARDING THE BUSINESS TO BE TRANSACTED

The onus is on Members to declare an interest which may relate to the meeting and/or any transactions to be made.

Member:	Interest:	Agenda Item:
Cllr M Harry	Non-paid Director of The Hub	N/A
Cllr A Phelan	School Governor	N/A
Cllr A Thomas	School Liaison	N/A

4407 – TO DISCUSS, WITH THE PRESENCE OF MS. HELEN HODGES (ACTING SOLICITOR FOR NEYLAND TOWN COUNCIL), THE OVERAGE SCHEDULE FOR THE TRANSFER OF THE ‘NORTH FIELD’ TO NEYLAND ATHLETICS CLUB

Ahead of this meeting, the Clerk had circulated a document to all Members of Neyland Town Council, as well as the Trustees of the Athletics Club, detailing the lengthy history of the original purchase of the North Field. The Clerk had completed this document after extensive research into the meticulously documented paperwork surrounding all aspects of the purchase spanning over 9 years, between 1975-1984.

The meeting opened with the introduction of all attendees. The Chair invited anyone who would like to speak first to begin the discussion.

Cllr P Hay started the discussion with a brief overview of the history of the transfer of the field, advising that the Town Council had agreed some years ago to transfer the field to the Athletics Club. Cllr Hay asked, for ease of conversation, that we refer to the Athletics Club and additional clubs as the ‘Sporting bodies of Neyland’. Cllr Hay also advised that it was under the advice of the Solicitor that it was common practice in the transfer of land to implement an Overage Schedule, which holds the caveat that if the land was ever sold on for development in the future, Neyland Town Council would be secured a percentage of any profits from the sale of land. The Overage Schedule agreed at 50% of the sales profits to go to NTC. Cllr Hay also expanded that he had no inclination that the Clubs were intending to sell the field at any point, but that the Overage Schedule was additional security that the land would be maintained as a sporting and recreational field, as intended in the original purchase.

Mr. Andrew Smith addressed the meeting to advise and clarify that the land which surrounds Neyland Community Hub is completely separate to The Hub. He advised that the land is owned separately by the Athletics Club and that The Hub has no ownership of this. Mr. Smith continued that the reason of the transfer is due to the Football Club being unable to claim for grants for the land as they are not the legal landowners, which has historically ended up with astronomical costs for things such as flood lights for the field. Mr. Smith also confirmed that the Athletics Club were totally agreeable with the implementation of the Overage Schedule and confirmed that there was absolutely zero intention of ever selling the field. Cllr M Harry advised all that the transfer of the field had been agreed by NTC in 2022 and as far as he was aware, the only outstanding issue was the agreement of the wording of the Overage Schedule. Mr. Smith agreed with Cllr Harry and advised that the sporting clubs had all met individually and were in full agreement of the Overage Schedule, and that when concerns surrounding the transfer had recently arisen, the clubs were baffled as they believed it had already been agreed. Mr. Smith also confirmed that the Clubs had agreed to cover any legal fees surrounding the transfer.

Cllr B Rothero addressed Mr. Smith and Mr. Hannon to query the c£3,000 per annum they receive from Neyland Community School. Cllr Rothero raised his concern that the school are already under pressure with finances, and he would like clarification of what the monies received from the school were used for. Mr. Smith clarified that there was a long standing lease in place with Neyland Community School for usage of the field during term-time hours and that this had been drawn up to allow the school usage of the field as, when the new school building was completed, the school lost their own playing field. Mr. Smith advised that if it were not for this lease, the school would be without a playing field. Mr. Smith also advised that the monies received through the lease agreement from the school contributed towards maintenance and upkeep of the field.

Ms. Hodges addressed the meeting and advised all on the situation from her perspective. She advised that in 2022 she was approached to represent NTC regarding the transfer of the field. She advised that it

was her recommendation that an Overage Schedule be drawn up regarding the transfer, as is common practice with this type of situation. Ms. Hodges advised that the schedule had been drawn up and that the solicitor for the Athletics Club, Mr. Dan Lewis, had returned the original with a few amendments, which was awaiting confirmation from NTC for acceptance. Ms. Hodges elaborated further on the conditions of the Overage Schedule for clarification for all in attendance. She mentioned the caveat of securing 50% of any profits made from the sale of the land are secured for NTC, along with an additional stipulation that if the Athletics Club ever intended to implement any building themselves on the land, they would have to have a signed agreement of this from NTC before any works could commence. She also advised that as far as she knew, the transfer had been confirmed in 2022 and the only delay was the confirmation of the amended Overage Schedule. Ms. Hodges advised she was unaware that there were any further issues requiring debate.

Cllr Rothero asked Ms. Hodges if there was a legal document regarding the request of the land transfer from the Athletics Club. Cllr Harry addressed the point, clarifying that it had been a Council decision in 2022 to transfer the field and that the only ongoing dispute had been the Overage Schedule. Cllr S Thomas asked if there was any reason that the land had been agreed to be transferred instead of an extension of the lease. Cllrs and Trustees of the Athletics Club advised that this was to enable the sporting clubs to apply for grants. Cllr A Phelan also added that the transfer had already been agreed and that the Council had also agreed to make sure within the transfer that the land was always secured for its original purchase usage, which was for sporting and recreational purposes.

The Clerk advised the Chair that Ms. Hodges had only been in attendance to clarify the Overage Schedule and answer any questions from members of NTC. Given that this had already happened, she advised the Chair that it would be prudent to ask members if they had any further questions for Ms. Hodges and if not, allow her to leave the meeting as any further discussion in the meeting would not require Ms. Hodges to be there. The Chair agreed. There were no further questions for Ms. Hodges, she left the meeting at 6.23pm.

Cllr Rothero spoke to the Clerk and asked her if she had spoken with One Voice Wales on the matter. The Clerk advised she had not as she had not seen the need, or been asked by Council, to seek advice from OVW. Cllr Rothero advised he had spoken to OVW and that they had sent him documents which he believed portrayed the requirement for a six week public consultation prior to the transfer of any land owned by the Council. Cllr's Harry and A Phelan asked Cllr Rothero to advise all members of the discussion he was having with the Deputy Mayor. The Clerk told members that Cllr Rothero had asked her about advice he had received from OVW, but as she was unaware of the advice he had been given, she could not provide advice on the matter. The Clerk invited Cllr Rothero to elaborate to attendees of the meeting the advice he had received. Cllr Rothero advised members he had spoken with OVW who had sent him some documents and after he had read the documents provided, he perceived that there would have needed to be a six week public consultation before the transfer was agreed. Cllr Rothero further asked what the need was for the transfer when the original lease had been drafted to ensure that the Athletics Club had entitlement to a 42 year lease, with the continuation of the lease for a further 21 years and then a further 21 years after that. Cllr S Thomas asked if there had been a public consultation prior to the agreement of Council to transfer the field. Cllr A Phelan advised that the transfer of the field had been included in many public Council meetings and that there had been no secret of the intention to transfer. Mr. Jack Kinnersley (Neyland RFC) also advised that this had been handled by solicitors and that there had never been any inclination that this had not been handled legally and correctly. Cllr Harry offered that the lease between the Athletics Club and NTC depicts a peppercorn rent of £1 per annum and that the field is of no benefit to NTC. Mr. Peter Davies (Neyland RFC) advised that the reason the transfer was suggested rather than extension of the lease was to allow for the Clubs to apply for grants

and funding towards the field to make the field better for the public, for example, if flood lights need to be replaced and/or implementing disabled access, as a few examples. Mr. Sean Hannon advised that in attendance was Mr. Martin Jones, who was employed by Sports Wales, who could clarify further on the situation with grants. Mr. Martin Jones said that the issue with Sporting Wales issuing grants is largely based on tenure ship. He advised that if, for example, a grant was requested for support with new kits, this wouldn't be an issue, however, for grants required for more permanent fixtures on the land, for example "artificial wickets", or improving the nets, grants would not be successful as the tenure ship of the field was not correct. He also felt it important to add that he believed that the Town Council would have discussed all of this and conducted their due diligence on the matter. Mr. Jones was thanked for his input.

C. Cllr Simon Hancock spoke to advise that he had been Mayor at the time the transfer had been agreed. He further advised that it had been agreed to be transferred as there was no interest for Neyland Town Council in keeping the field and that due diligence had been done by NTC regarding the matter. C. Cllr Hancock said that when the decision was made, it was a unanimous decision by all members of Council at the time and that he had thought this matter had been concluded a long time ago, so was shocked to see it appear on the agenda once again. Cllr Harry added that the decision hadn't been 'done on the back of a fag packet' and that it had been heavily discussed between Council and the Athletics Club and that the NTC solicitor had been heavily involved. He said that if there was a legal technicality that a public consultation was required, he believes the solicitor would have known about this NTC would have been advised of this. Cllr Harry also stated that if it was Cllr Rothero and S Thomas' belief that there was a requirement of a six week public consultation that all members and parties involved should be shown proof of this. This was agreed by all in attendance. Cllr S Thomas forwarded the NALC Legal Note (LTN45) to all members, plus the Clerk, which had been sent to Cllr Rothero by OVW.

There was further robust discussion about the issue raised of the need for a public consultation, with Cllrs and members of the Clubs agreeing that this had been discussed entirely during public meetings where members of the public are welcomed to attend if they wish.

After much further debate, a proposal to accept the Overage Schedule was put forward. Cllr A Phelan asked for a recorded vote on the matter.

Proposal: To accept the Overage Schedule for the transfer of the field.

Proposed: Cllr A Phelan

Seconded: Cllr M Harry

All in favour

Proposal: To accept the Overage Schedule and accept and complete the transfer of the field

Proposed: Cllr A Phelan

Amended proposal: Clerk to take advice from One Voice Wales regarding the six week public consultation and if not required, return for voting at the next meeting.

Proposed: Cllr S Thomas

The Clerk addressed the meeting and advised, for clarity, that One Voice Wales are a professional body in place to offer advice to Clerk's and Council's. She advised that there is a vast difference between 'advice' and 'legalities' and that she would seek to clarify the legal requirement of a public consultation period.

Amended proposal: The Overage Schedule accepted and the transfer to commence providing there is confirmed clarification that the public consultation period is not a legal requirement.

Proposed: Cllr M Harry

Seconded: Cllr S Thomas

All in favour.

The Chair asked if there were any further comments that anyone would like to offer. Mr. Sean Hannon spoke and offered his thanks to the Clerk for the work she had done in compiling the history of the field and that it hugely appreciated by all of the Sporting bodies. Cllrs also offered their thanks to the Clerk for her work and assistance on the matter.

Meeting closed: 7.01pm

Signed:..... (The Chair)

Signed:..... (Town Clerk/Proper Officer)

Date:.....