

HORWICH TOWN COUNCIL

Minutes of a meeting of the Town Council held remotely due to Covid-19 restrictions using online conferencing on Thursday 21 January 2021 commencing at 7.18 pm.

PRESENT Councillors: G. Stone (in the Chair) Aldcroft, Baines, Bostocksmith, Brady, Burke, Chadwick, Coward, Grant, Rock, Rotheram, Wright.
Town Clerk, C. Hutchinson.
Councillors McKeon and Silvester, Ward Councillors for Horwich North East.
7 members of the public.

TO SUBMIT APOLOGIES FOR ABSENCE AND ACCEPT THE REASONS:

TC 3949 Resolved to accept apologies from Councillor Denton.

TO REMIND MEMBERS TO MAKE A DECLARATION CONCERNING ANY MATTERS TO BE DISCUSSED DURING THE MEETING OF WHICH THEY HAVE AN INTEREST:

TC 3950 None.

PUBLIC PARTICIPATION: MEMBERS OF THE PUBLIC PRESENT MAY PUT QUESTIONS OR MAKE OBSERVATIONS REGARDING MATTERS IN RELATION TO WHICH THE COUNCIL HAS POWERS OR DUTIES OR WHICH AFFECT THE PARISH. MAXIMUM PERIOD 15 MINUTES:

TC 3951 Resolved to move out of Committee to allow a member of the public to speak.

In response to the recent removal of trees from the woodland at Medway, Mr David Hawes, on behalf of local residents provided background information on the history of the site and informed Members that the woodland area had previously been maintained as an open space, well used by walkers and had also been a location for wildlife, including bats, prior to de-forestation.

Resolved to move back into Committee. Mr Hawes was thanked for his comments and it was noted that Council would be discussing this matter in detail under agenda item 7.

TO APPROVE THE MINUTES OF THE MEETING OF THE TOWN COUNCIL HELD ON 17 DECEMBER 2020:

TC 3952 Resolved to approve the minutes of the meeting of the Town Council held on 17 December 2020.

TO NOTE THE MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 17 DECEMBER 2020:

TC 3953 Resolved to note the minutes of the meeting of the Planning Committee held on 17 December 2020.

TO APPROVE THE COUNCIL'S DRAFT BUDGET PROPOSALS FOR 2021 – 2022:

TC 3954 Resolved to approve the Council's draft budget proposals for 2021 – 2022 as presented.

TO RECEIVE A REPORT FROM COUNCILLOR GRANT REGARDING THE RECENT DESTRUCTION OF WOODLAND AT MEDWAY AND TO CONSIDER A REQUEST THAT HORWICH TOWN COUNCIL WRITES TO BOLTON COUNCIL TO OFFICIALLY REQUEST DETAILS OF WHICH LANDS OF THE FORMER HORWICH UDC WERE LEASED OUT VIA PSP LLC AND WHAT PROTECTIONS, IF ANY, WERE PLACED ON THOSE LANDS:

TC 3955 Councillor Grant read out a draft letter which he hoped Council would consider for approval to send to Bolton Council. It concerned the recent tree felling at Medway Drive and the wider issue of a policy change by the unitary authority that Parish Councils, as consultees on planning matters are notified of any further land disposals or leases on lands within those Parishes, so that they may gauge residents' opinions. The letter outlined the historical background of the former Horwich Urban District Council and the relationship between its successor, Parish Horwich Town Council and the unitary authority, Bolton Council.

Members were reminded of the recent unauthorised removal of a small woodland at Medway Drive and which could be viewed as the removal of a barrier towards a future speculative planning application by the landowners. The efforts of Councillors Marie Brady and Peter Wright in their capacity as Ward Councillors were recognised, in trying to stall the tree felling on the 17 December 2020 and also putting questions to Officers at Bolton on this matter.

PSP was the vehicle by which land was sold or leased by the unitary authority without consultation and from a recent Freedom of Information request appears to be either undocumented or digitally irretrievable. It is important that the residents of Horwich and in particular those of Medway and the wider Stocks Park have their questions answered, some of which may already have been asked by Ward councillors and the proposal is that Horwich Town Council writes to Bolton Council to ask the following questions.

1. What land in the wards of Horwich NE & Horwich & Blackrod were leased or sold using the PSP vehicle?
2. What sums were received for this land and what protections were in place to protect and respect the local amenity on all of the leased lands in the Parishes of the two wards?
3. If the answer to question 2 was that no protections were in place, why not and on who's authority or was this deemed appropriate and in the best interests of the public and environment?
4. Why was the lease not advertised, or offered to residents of Medway or Horwich Town Council?
5. What due diligence was done on prospective purchasers of the land to ascertain their intentions on the land?
6. Why was a clawback clause not entered into the lease, whereby if any party was to go into administration the lease should be returned to the authority and not sold as an asset to a third party, (similar clauses have recently been entered on Star Lodge from Barratts to a potential buyer) so this was one possibility open to the Council.
7. Was the felling of the trees legal and/or with the consent of the Borough
 - a) If the answer is no, what legal redress and remedies are being sought?
 - b) It is known that several protected species and habitats used the woodland, in particular bats and hedgehogs, and what action has the council taken to address? It would be of interest to see the environmental survey that any company acting on a healthy natural environment must have in place, and as a sustainable and responsible

- business, the tree felling company should have had sight of this before cutting down healthy trees.
8. If the leaseholder has acted illegally, it would be unacceptable to plant new stem saplings and instead that young, developed trees should be planted on site, either at the company's expense, or from funds the Council received in remuneration from the lease and to request that this commitment is given to the residents as a matter of urgency.
 9. That this Council asks that Bolton Council makes a policy change to the effect that any further land disposals or even leases on lands are advised to Parish Councils, already consultees on planning matters, to enable them to gauge resident's opinion. This is in line with the Localism Act 2011 which allows Parish Councils the right to express an interest in services and responsibilities of the unitary authority.
 10. That Horwich Town Council is regularly updated on the investigation so that it may act and disseminate information to local residents, and to offer them assurance that their rightful concerns are not being ignored.

Councillor Brady confirmed that there is a list of all of the original assets originally transferred to PSP LLC/Bolton Council. The original has thousands of interests for the entire borough. Bolton Council were both the freeholder and leaseholder until 18 October 2013 when it was transferred to PSP LLP/Bolton Council.

When the partnership had replaced most of the income stream from the ground rent portfolio it was agreed that the rest of the interests could be sold as one lot. It is understood that the land at Medway Drive would have been one of those interests and it might be more helpful to see the list of recent disposals. It is the leasehold interest which has been sold and this gives the owner possession of the land, allowing them to do with it as they wish, subject to any covenants. Councillor Brady has asked Legal to look at writing to the new owner setting out the restrictions in the lease and it is expected that a list of recent disposals will be available by the end of next week.

It is understood that there are covenants which prohibit the leaseholder from cutting down, destroying or injuring any of the

trees which belonged to the freeholder i.e., Henry Blundell back in 1801 and the Council currently. As the age of the Medway trees is unknown, further information will be required from residents who have lived there since the houses were built, approximately 52 years ago. It is probable that the trees were the property of the leaseholder, unless they were over 200 years old. The lease actually gave the leaseholder the power to cut down trees which the leaseholder had planted and only the trees planted by the freeholder could not be touched by the leaseholder. As the lease was granted in 1801, the freeholder would have been unable to go on to the land and plant anymore trees after the lease was granted. Bolton Council have been asked to check if they themselves planted any trees, as they could have been self-seeded

A prosecution under the Wildlife and Countryside Act is a criminal offence and normally it would be the police who would prosecute but Councillor Brady requested that if residents could provide a little more information about what was destroyed, she would investigate further. It was noted that bats have additional protection under the law. Planning had advised the residents would be witnesses to destruction of wildlife, not Bolton Council.

Councillor Brady had asked a next door resident to measure the girth and length of the felled trees and a spreadsheet provided to convert into volume as greater than 5 cubic metres requires a tree felling licence from the Forestry Commission. The spreadsheet and photos were sent to the Tree Officer and these were forwarded to the Forestry Commission for action. And still awaiting response as the contact at the Forestry Commission has been at home self-isolating but is due back next week.

It has been confirmed that work has already started to update the My Bolton maps for Horwich and Blackrod to show correct freehold and leasehold details.

Moving forward Councillor Brady will be sending an update by email, and any further information as received to a resident of Medway Close who will distribute to other residents for them to discuss future actions and will continue to liaise with Bolton

Council on their behalf. Once the list of disposals has been received, it can be checked against areas of interest in Horwich to ensure TPO's and any existing rights or restrictions are maintained.

Members were extremely concerned about this and expressed the view that it was an ongoing problem for the whole of the Borough and the continuing lack of consultation was extremely disappointing.

Resolved to approve the request that Horwich Town Council writes to Bolton Council to officially request details of which lands of the former Horwich UDC were leased out via PSP LLC and what protections, if any were placed on those lands.

TO APPROVE ACCOUNTS FOR PAYMENT AS PRESENTED:

TC 3956 Resolved to approve the accounts for payment as and amounting to £14,294.39 as follows:

G. Stone (Re-imbursment for 1 x monthly Zoom Standard Pro subscription)	£14.39
BT plc – direct debit (Phone & broadband 01/01/21 – 31/03/21)	£191.66
LBH Accountancy Services Ltd (Completion of internal audit to period ending 30/09/20)	£510.00
Tameside MBC – GMPF (Pension contributions Jan 2021)	£1,458.08
HM Revenue and Customs (PAYE tax month 9)	£2,120.26
Transfer to salaries and wages account	£10,000.00

Resolved to approve the accounts for payment as presented.

TO CONFIRM THE DATE FOR THE NEXT MEETING OF THE TOWN COUNCIL
AS 18 FEBRUARY 2021:

TC 3957 Resolved to confirm the date of the next meeting of the Town
 Council as 18 February 2021. The meeting closed at 7.49 pm.

Chairperson..... Date.....

