

Agenda item no.	11
Report to	Burwash Parish Council (BPC)
Subject	Urban Cuts
From	The Clerk

Update on the freehold/leasehold discussions

1. Ben Hook has confirmed the Parish Council will not receive the documentation until late April/early May. He will produce the following:
 - Draft lease – currently being checked by the legal department
 - Conditions survey
 - Devolvement proposal

Condition of the Car Park

2. During Love Burwash the car park team did a fantastic job cleaning and clearing rubbish/glass/leaves and gave the whole area around the bins and toilets a very good clear up. Rother have not been properly maintaining the area and Mr Hook was informed via email that this clear up has been achieved and Rother need to continue to maintain the area properly.
3. The public toilets have been regularly closed and it has been requested what the current arrangements with the cleaning, opening and closing of the toilets are.
4. The surface at the entrance of the car park has rapidly deteriorated. There is a central 'hole' and a long trench which is also crumbling and sinking. Several residents have complained about this to the Clerk. The Clerk contacted Rother District Council (RDC) on 10/03/19 requesting details of when it would be repaired. After several emails the Deborah Kenneally, Neighbourhood Service Manager wrote back on the 28/03/19:

“Just to clarify further, Rother does not own the access road to the car park. We believe it is owned by the Bear Pub and as we have access rights over the road we may well have shared responsibilities with other users i.e. the pub, which I have asked our estates department to look into.

In the meantime, as stated below, I will get some ideas of costs ready for discussion in due course. But the fact that the road is not owned by Rother maybe why only a patch repair has been completed in the past.”

The Clerk then suggested that Ms Kenneally speaks to Ben Hook who has been reviewing the title deeds in relation to the development of the asset. From the document the Bear does own the road but RDC has the following conditions in repairing the roadway as stated in section 3 (iv) and (v) of the Conveyancing Document for the Title Number: ESX293345 as shown in the below copied extract:

(iv) Within one year from the date hereof or such later date as may previously have been agreed with the Vendor at the Council's own expense to construct make and form the roadway shown on the said plan and to adequately drain the same such construction making and formation of such roadway and the drainage thereof to be to the reasonable satisfaction of the Vendor or its Surveyors and such roadway shall be in such a position and to such an extent as shall previously have been agreed and approved by the Vendor or its Surveyors and the Council will forever hereafter at their own expense maintain and repair such roadway and the drainage thereof Provided nevertheless that on being called upon so to do by the Council the Vendor will make a reasonable contribution towards the cost of such maintenance and repair but such contribution shall at no time exceed ten per cent of the said cost of such maintenance and repair of the said roadway _____

(v) The Council will at their own expense define the said roadway by applying thereon crossed road lines in paint over the whole area of the said roadway and between the dotted red lines on the said plan and the Council will at all times hereafter at their own expense repair and maintain such painting of the crossed road lines on the said roadway

HERE END DEED

TOGETHER WITH the right for the Council and their successors in title in common with the Vendor and all other persons for the time being having the like rights at all times and for all purposes with or without vehicles mechanically propelled or otherwise to pass and repass over the roadway or accessway coloured brown on the said plan subject to the Council contributing 90% towards the cost of repairing and maintaining the said roadway or accessway coloured brown on the said plan AND TOGETHER WITH

The brown area and 'between the dotted red lines' refer on the maps to the car park entrance.

Resolution(s)

Councillors are asked to resolve the following:

1. Instruct the Clerk on how to proceed in corresponding with Rother regarding the condition of the road surface tot the entrance of the public car park.