

**Minutes of the Town Council meeting held in The Old School Community Centre at 7.00 p.m.
on Thursday 10 July 2014**

Present: Cllrs. Paul Bishop, Derek Blake, Margaret Godwin,
Keith Haisman, Gayle Mallows, Loveday Perceval-Maxwell, Leslie Warmington
County Councillor Mary Evans, Borough Councillor Alaric Pugh
Claire Ebeling, Town Clerk
17 members of the public

1 Apologies for absence – Cllr. Phil Gryce

2 To receive declarations of members' interests and consider requests for dispensation
Cllr. Godwin and Cllr. Haisman declared a non-pecuniary interest in item 5 as trustees-elect of Clare Castle Country Park.

Section of the meeting open to the public:

3 Public Participation – Geoffrey Bray presented what had happened so far on behalf of the trustees-elect: money – Suffolk County Council would be providing some funding (but not enough) which would be used to significantly improve the look of the Park (including the buildings, fences, gates etc).

There were concerns over whether there will be enough money to keep the park running on an ongoing basis. The view of the Trustees-elect is that with volunteer help the Park would look better than if it is left in the hands of Suffolk County Council. 70 people had volunteered so far and there were other groups in Clare which were run by volunteers that have been running successfully for many years.

In summary, Mr Bray stated that the reason the trustees believed that the people of Clare should run the Park was that they were interested in it and Suffolk County Council, based in Ipswich, were unlikely to invest in its improvement. This was the only chance Clare had to own the Park.

Cllr. Evans was pleased to report that a final offer of £225k had been made by Suffolk County Council. She noted that Keith Haisman, Derek Blake and Geoffrey Bray had driven a very hard bargain.

The offer was made up of £200k plus a further £25k which was originally planned to be match funding for an HLF bid, but could now be used for any purpose. This dowry would cover building refurbishment costs, building running costs for the first six months and a contribution towards the running of the Park. In addition SCC had agreed to pay legal and professional fees, VAT on the agreed building works, stamp duty, new brochures, and officer time to assist with grants.

Cllr Evans added that she would be willing to make available some of her locality funding. She concluded that she did not think Suffolk County Council were the best people to run the Park as they did not have the love and interest for it that the people of Clare had.

Mr Streeter wished to express the dismay of visitors to the Park about the deteriorating condition and that visitors from outside Clare would be less inclined to visit if it remained as it is or deteriorated further.

Mr Tinder asked how the Trustees might fund a deficit with no assets to sell other than the buildings. Cllr. Blake responded that the Trustees were confident they had a sound business plan. He said that a fuller answer to the question would be covered in his presentation later on in the meeting and the issue was referred to in his “risks” paper that was already in the public domain.

Mr Trinder added that his main concerns were with regard to the high cost of potential flood damage to houses along the Chilton Stream.

Mr Knight responded that only 200m of the river runs through the Country Park and merely

needed to be maintained to ensure no serious flooding occurred within the Park.

Mr Gilbert expressed confidence in more local volunteers coming forward if there was a positive decision to take on the Park.

Cllr. Pugh expressed a willingness to contribute as much of his locality budget as he could, and added as a Clare resident his enthusiasm to volunteer.

Mr Burge wished to express his wholehearted support for the local community to take ownership of the Park and felt that if the people of Clare did not take it on then it would be allowed to deteriorate further.

Mr Kimminau reported his view that there was a good prospect of achieving a multifaceted HLF grant, maybe up to £1m.

End of public section of meeting

4 To approve minutes of previous meeting held on 19 June 2014

It was agreed to defer the approval of the minutes until the next meeting on 17th July 2014.

5 To receive an update on Clare Castle Country Park

i) To discuss and decide on the recommendation to the community following consideration of the offer from Suffolk County Council dated 17 June 2014 and the proposal from the trustees-elect.

Cllr. Bishop invited all Councillors to state their view on the recommendation to be made.

Cllr. Haisman stated that although this was not a complicated transaction, there were no excuses for the length of time taken to get to the stage we had now reached because the extraction of information from Suffolk County Council had been extremely difficult. He added that no derogatory comments made about Suffolk County Council were intended to be aimed at Cllr. Evans who had been extremely supportive, for which she is thanked.

Cllr Haisman summarised the range of information which was now publically available via the Park website and in the three ring binders in the library containing the information on the proposed transfer of the Park, which were available for all to view.

Cllr. Haisman reported that the offer from Suffolk County Council had that day been further improved by SCC accepting increased legal costs. With regard to the Heads of Terms, Cllr Haisman expressed concern at the proposed clawback clause. This clause provided for SCC to receive 50% of the sale proceeds of the stationmasters house if the house was sold at any time in the future. Cllr. Evans explained that Suffolk County Council felt that this would act as a further safeguard for the people of Clare.

Cllr. Mallows raised the point that Suffolk County Council had not spent any money on the buildings while they were responsible for them.

Cllr. Evans confirmed that if the Park were to remain under Suffolk County Council, they would do up the buildings and rent them out or sell them.

Cllr. Haisman referred to the Business Plan of July 2012 in which the Council's vision had been set out. A key part had been the inclusion of a covenant to retain ownership for the people of Clare in perpetuity. This covenant meant that the clawback clause was totally unnecessary.

He added that Suffolk County Council had been insistent that they wanted a clean break for the Park, but felt they could not have a clean break and still benefit from a clawback clause. SCC could not have it both ways.

Cllr. Haisman also voiced disappointment about the lack of transparency regarding Brandon Country Park. The leader of Suffolk County Council had been asked to provide information on the budget and staffing at Brandon but his reply of 17th June did not answer our questions, forcing a member of the Parish to raise a Freedom of Information request. A reply had not yet been received to this, but would be made available publicly when it was received.

Cllr. Haisman added that the proposal for the buildings was to bring them into a state of repair so that they could generate revenues. £158k was to be spent on the buildings with VAT and stamp duty to be paid by SCC in addition. The house was being refurbished flexibly so that it could be used as a residential or holiday let, or used for a warden should the trustees so decide in the future.

Councillor Haisman felt that the biggest issue was the green spaces, moats and ponds. The previous warden had in 2010 prepared a five year Management and Conservation Plan covering the whole of the Park. This had now been appended to the SLA between SCC and St Eds as well as being one of the documents available publicly. There was no money in the SCC dowry to have work, costed at £185K by St Eds, undertaken on the water features. They could only be dealt with if a large HLF bid was successful. In the meantime the water features were likely to deteriorate further.

A solution for the New Cut had been agreed earlier this year but needed to be remodelled to avoid a flood risk identified by the Environment Agency. Cllr Haisman noted that, in his view, a solution to the New Cut was only likely if the Park was owned by CTC. If SCC retained the Park they would have no reason or incentive to find a solution.

Due diligence:

SCC had had 3 lawyers in 2 years dealing with the Park. SCC's legal department had been very slow in providing information on due diligence matters in a timely enough manner to allow full consideration by the deadline we had committed to (see attached timetable). A full due diligence report was now expected by 25 July.

Cllr. Perceval-Maxwell urged parishioners to complete the questionnaires and acknowledged the huge amount of work done by Councillors Haisman and Blake in attempting to extract information from SCC.

Cllr. Blake explained the role of the Finance and Personnel Committee as the custodians of risk management for the Council.

It was in this context that his risk paper, which was one of the documents available publicly, had been written. He went on to state that he believed Clare Castle Country Park should have equality with Brandon Country Park. There were strong similarities between the two Parks but they had not been dealt with in the same way. Brandon had been actively managed since the divestment had been announced, Clare had not. Brandon had not been sold off or mothballed or turned into a nature reserve. Whilst the FOI information was awaited, he understood that Brandon had a full time equivalent staff of 5.6, plus casual catering staff, had a net deficit budget from SCC of £71K this year, and also received £22K of funding from Forest Heath District Council. It was also hosting the "Breaking New Ground" Landscape Partnership HLF-funded project, with Lisa Chambers, deputy leader of SCC, as chairman. This did not look like equal treatment to him.

Cllr Blake continued that what was being proposed for the running of the Park was unusual. All the other major Parks in the Borough were run by St Eds, who had a budget of some £1.2 million per annum with which to do so. Whilst local control brought many benefits there were risks in running a complex site with zero, or near zero, public subsidy. It placed a significant burden on our small community financially and in terms of volunteer

time. He highlighted three issues: the current plans allowed for no paid staff at all other than St Eds as a contractor; the need to raise £32K per annum from donations, fund-raising, friends/patrons and events; and the deliverability of all the changes planned to car parking charges and arrangements.

Cllr. Blake added that although the Trustees were not asking for financial help from the Town Council, as custodian trustee of the Park, the Town Council was not, because of other commitments and reductions in its funding from St Eds, in a strong position to be the “lender of last resort”.

Cllr Blake summarised his views by saying that, whilst the benefits of local ownership were clear, he felt it important that Councillors, and residents, should make the decision on transfer in the full knowledge of the issues and risks involved.

Cllr. Blake concluded that there were four things he would like to happen:

1. Find out what the community thinks.
2. SCC to acknowledge that Clare Castle Country Park had not been treated equally with Brandon.
3. SCC to acknowledge that it is a ‘big ask’ of a small community
4. SCC and St Eds to discuss how they could further support the Clare community with operational finance, resources and expertise.

Cllr. Evans responded that she would have a conversation with St Edmundsbury but that everyone was working to very tight budgets. She explained that Brandon was different from Clare in that it was a larger town (9,000 population) in an area of deprivation.

Cllr. Godwin stated her view that there would not be another chance to take ownership of the Park; it is daunting because of the risks, but all the risks will not arise at the same time.

Cllr. Mallows wished to thank the Trustees-elect for their hard work and professionalism whilst working on this project. She stated her view that local ownership worked better than centrally and that it was very concerning to consider what SCC might do with the Park if it were left in their ownership. However, the risks should not be underestimated, but the people of Clare should have a good idea from the information provided of what the risks were. Cllr. Mallows expressed her trust and faith in the Trustees-Elect.

Cllr. Warmington expressed his view that the deal offered so far is as a result of the dogged determination of the Trustees-elect. Looking back to the period of the Clare Carnival, he had faith in the community and would like to see Clare as owners of the Park but did have a concern in terms of financial viability.

Cllr. Bishop stated his ambivalence on the matter, other than strong displeasure for the way the principal authorities had treated the Trustees/Town Council.

Cllr. Bishop stated the proposal

Cllr. Haisman objected to the word ‘severe’ in the proposal; not doing justice to the scale of the offer and placing too much bias into the proposal. It was agreed that the proposal be amended to:

The town council agrees to recommend the offer from Suffolk County Council dated 17 June 2014 and the proposal from the trustees-elect for public consultation to the people of Clare but with reservations about the resources being made available to take on the Park. This recommendation is made in the light of the published SCC plans for the CCP if it was to retain ownership.

All voted in favour.

Cllr. Haisman requested Town Council approval to continue the dialogue with SCC and

proposed the following conditions on the SCC offer:

1. Complete and satisfactory due diligence, meeting at least the specification as set out by CTC in April 2013, to be available in good time before any final decision is made.
2. Change in the overage clause to match our proposal made on 6 February 2013, namely: “if any of the properties are sold in the first five years SCC would get 50% of the proceeds (after taking into account any additional expenditure incurred by the Trustees) and at the conclusion of each year after that the percentage that SCC would receive would be reduced by 10%”.
3. That SCC be given the opportunity to improve their financial offer by
 - a. Removing the legal and professional fees from the offer and paying them from their own resources
 - b. Providing either themselves, or requiring SEBC to provide, annual funding of £25k to put Clare on an equal footing with the treatment which Brandon Country Park has received from West Suffolk.

Approved unanimously.

ii) To confirm the dates of the public consultation as 31 July, 1 and 2 August and the public meeting on 7 August 2014.

Cllr. Bishop referred to documents previously circulated to all Town Councillors (timetable for consultation and decision, draft Chevron and questionnaire) and proposed their approval. Approved unanimously.

17 To receive agenda items for next meeting

None

18 To confirm the date of the next meeting as Thursday 17th July 2014.

Confirmed.

The meeting closed at 8.30pm

Clare Castle Country Park

Timetable for Consultation and Decision - Agreed at Clare Town Council meeting 19.6.14

Date	Who	Activity
27 June	Town Council /Trustees	Agree and prepare documentation required for: 1. Public view prior to CTC meeting 2. Public consultation: displays, on-line, folders.
27 June	KH	Prepare draft Chevron Newsletter detailing the SCC offer and the consultation process
1 July	Town Council	Publish CTC agenda and make available online and on paper (library?) documentation ahead of CTC meeting
10 July	Town Council	Single agenda item public CTC meeting to decide on proposal and consultation process
11 July	KH	Finalise Chevron to include CTC recommendation
14-15 July	KH	Arrange printing
17-20 July	Delivery team	Chevron and questionnaire to be delivered to all households and placed online
17 July	Town Council	Town Council's recommendation, trustees' proposals and relevant documentation placed online and in library
31 July 4-8pm 1 August 4-8pm 2 August 2-5pm	People of Clare	In Town Hall: Town Council's conclusions, trustees' proposals and relevant documentation to be made publicly available as displays
7 August	People of Clare	Public meeting at 7pm in the Town Hall
8-10 August	KH and RM	Prepare analysis of consultation responses.
13 August	Town Council	Single issue agenda meeting for final decision
15 August	Town Council	Advise SCC of the decision