

**Minutes of the Town Council meeting held in The Old School Community Centre at 7.00 p.m.
on Thursday 22 January 2015**

Present: Cllrs. Paul Bishop, Derek Blake, Margaret Godwin, Cllr. Sarah Golding, Phil Gryce, Keith Haisman
Gayle Mallovs, Loveday Perceval-Maxwell
County Councillor Mary Evans, Borough Councillor Alaric Pugh,
Claire Ebeling, Town Clerk
3 members of the public

Cllr. Bishop welcomed new Councillor Sarah Golding.

1 Apologies for absence – Cllr. Leslie Warmington

2 To receive declarations of members' interests and consider requests for dispensation
None.

Section of the meeting open to the public:

3 Police Report – see attached report.

4 Public Participation

5 County Councillor's Report – See attached report. Cllr Bishop thanked Cllr. Evans for arranging and paying for the public meeting regarding the possible closure of the police office. The Clerk informed Cllr Evans of a number of issues raised to SCC Highways, including a request for reflective discs to be added to the bollards in Nethergate Street and Church Street.

6 Borough Councillor's Report – See attached report.

End of public section of meeting

7 To approve minutes of previous meetings held on 18th December 2014
The minutes were approved unanimously.

8 To receive an update on actions from the previous meeting
The Clerk reported that all actions were complete.

9 Clerk's Report – see attached report.

10 Finance

- i) **Presentation of monthly reports** – Cllr. Godwin proposed the adoption of the monthly accounts. Approved unanimously.
- ii) No items for decision.

11 Correspondence - see attached report.

12 Planning

a) **DC/15/0068/TCA – 16 Churchill Close - London Plane Trees - reduce trees by 60% to create new pollard frame and commence 4 year pollard programme**
Cllr. Gryce recommended that the response be no objection. Agreed unanimously.

Clerk

13 To approve the Precept submission to St Edmundsbury Borough Council

Cllr. Godwin reported that the figures had been updated following an increase in the tax base and recommended the Precept Application for approval (noting the 0.17% decrease and a vote of thanks to the RFO for her work on this and to the Clare organisations who reduced their funding requests). Approved unanimously.

RFO

Cllr. Godwin reported that the Finance Committee would like the 0% increase to be publicised in the next Chevron and a press release. Approved unanimously.

Cllr. Godwin

Cllr. Haisman requested that groups receiving funding from Clare Town Council be asked to acknowledge the donation publicly.

RFO

14 To receive an update on Clare Castle Country Park

Cllr. Haisman referred to an email circulated prior to the meeting providing an update on the status of various legal documents relating to the transfer of ownership of the Park and recommending a number of proposals:

1. Creation of the Charitable Incorporated Organisation (CIO)

Documentation was submitted to the Charities Commission for the establishment of Clare Castle Country Park Trust in early December 2014. No queries have been received and we expect approval in the near future.

2. The Lease and Management Agreement between the Trust and CTC

These documents were discussed at CTC in December. They have now been finally vetted by our lawyers and have been prepared for signature.

The Trust is currently operating very well and in good faith but without a written mandate. In recent weeks trustees have, inter alia, renegotiated the SLA with SEBC, proposed a re-negotiation of the sub-lease with the Working Men's Club, organised a series of working parties and had significant presence in the local press and radio.

In order to substantiate this work it is recommended that the lease and management agreement be signed as soon as possible, with the caveat in the documentation that "this lease and management agreement will come into full force upon signature of the contract for transfer of ownership of the Park from SCC to CTC".

3. The transfer contract

The final remaining issue is how to construct the legally binding undertaking by CTC that the Park can never be sold. Four proposals have been under discussion in recent weeks and are summarised in the table below:

| Option | What it means | Pros and Cons |
|------------------------|--|--|
| 1. Overage | In the event that CTC sells the Station Masters House within the next 80 years, SCC would receive 50% of the sales proceeds. | CTC has declined this option on a number of occasions. CTC has always stated that it will hold the Park in perpetuity. There is no reason for this Council to give credence to the idea that we, or a successor Council might go against the community interest. |
| 2. A trust arrangement | The Park could be placed in a trust (not the CIO) with the object of holding the land in perpetuity. | While we have a trust in Clare which holds land (the Clare Combined Charities) this model of protection is not well known or understood by residents. The lease with the CIO would have to be with the new trust It would remove from CTC any ownership, involvement or influence over the CIO. The new trust arrangement would be far less transparent than CTC, which has an officer, regular public meetings and is a statutory authority. This is not the basis on which we consulted residents and we would need to re-consult. This option is not recommended and has been rejected in negotiations. |

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| <p>3. Restrictive covenant</p> | <p>As an example, the covenant placed on the land that de Fonblanque gifted, stipulates that Priory Farm is the beneficiary of the covenant, being an adjacent piece of land, which, it is assumed by our lawyers, was originally also in de Fonblanque's ownership.</p> <p>For a similar covenant to be placed on the whole Park by SCC, they would need to own adjacent land. It is currently planned that SCC retains ownership of the bridges but these are not considered by SCC to provide sufficient comfort. They suggest a strip of land at the entrances to the Park in Station Road and Maltings Lane, over which they would then grant a Right of Way. In the event of sale of the house they could refuse to grant a Right of Way.</p> | <p>This could work. From a practical point of view there would be legal delays and costs while the strips of land are agreed and registered with the Land Registry, new titles etc. Whether this would push the transfer beyond the May elections we cannot tell.</p> | |
| <p>4. Transfer to be subject to Section 33 of the Local Government (miscellaneous Provisions) Act 1992 and Section 106 Town and Country Planning Act 1991</p> | <p>These provisions provide a mechanism whereby the party with a legal interest in land (CTC) enters into an agreement with the local planning authority (SCC) which restricts or regulates the future use of the land. The particular relevance of section 33 is that it provides a mechanism whereby positive covenants (a positive obligation to perform an action in respect of the land, rather than to refrain from such action) will bind successors in title of the covenantor i.e. anyone to whom CTC might sell the Park.</p> | <p>This legislation may provide SCC with greater assurance that they can enforce the user covenants against CTC's successors in title, should CTC sell. The difficulty with this approach (and, equally, the inclusion of restrictive covenants on user) is that they will potentially give SCC greater ability to interfere or frustrate the future uses to which the Park may be put (our lawyer's view). This is an aspect which we would need to negotiate carefully. The objects of the CIO set out quite clearly the scope and limitations of activities planned for the Park and should be our minimum position.</p> | |

Cllr. Haisman explained that although CTC's commitment to retaining ownership of the Park has never been in doubt, Suffolk County Council has been very reluctant to move away from the overage option and so increasingly complex legal alternatives have been suggested.

Cllr. Haisman recommended that CTC prioritise the completion of the transaction before the May elections (avoiding delay while new councillors become comfortable with the detail of negotiations if they have not been completed by that time). He suggested that the resolution of the matter of SCC being able to legally enforce ownership in perpetuity by CTC lies in either option 3 or 4 above and proposed that the decision be made in order to ensure the transfer before

May and to advise SCC that this will be the basis on which CTC wishes to bring this matter to a conclusion.

It was proposed that Cllr. Haisman respond to Suffolk County Council that CTC wish to proceed with Option 4 (above) and that this is our final offer. This was approved unanimously.

Cllr. Haisman reported that ongoing queries from SCC's legal team have incurred costs beyond the £15,000 agreed to be paid by SCC. The total is currently at £16,800 and is expected to reach £18-19k. It was proposed that Ashton KCJ should be instructed to incur fees only insofar as they will lead directly to the conclusion of the transaction. Any other fees to require prior approval. Approved unanimously.

- 15 To receive items for decisions required by Town Council Committees and Working Parties**
It was noted that EFMS have been awarded the contract for grass cutting beginning on 1st April 2015.
- 16 To consider a proposal to engage with the Sudbury Integrated Health and Care project**
Cllr. Bishop reported that he had attended a meeting about the project to integrate health and care in the Sudbury area. This will include Clare and Cllr. Bishop proposed that the Town Council participate in any consultation to ensure that Clare is not forgotten. Agreed unanimously.
- 17 To receive agenda items for next meeting**
To agree items for inclusion in the next issue of Chevron.
To receive an update on Clare Castle Country Park
To receive an update on the consultation regarding the closure of the police station.
- 18 To confirm the date of the next meeting as Thursday 19th February 2014.**
Confirmed.

The meeting closed at 8.15pm

Attachment to minutes – Item 3 – Police Report

Please see the below crime report for Clare between the 15/12/14 and the 22/01/15.

There are 5 crimes to note between the above period:

- Criminal damage to the Goods Shed in Clare Country park were some guttering has been pulled down, this happened between the 16/12/14 and the 19/12/14.
- Criminal Damage to the notice board outside St Peter and Pauls Church, this happened between 1700 on the 05/01/15 and 0900 on the 06/01/15.
- Theft from Motor vehicle were the rear number plate was removed, this happened between 1500 and 1515 on the 12/01/15.
- Criminal Damage to a digger in the Building site on Stoke Road, this happened between 1630 on the 15/01/15 and 0900 on the 16/01/15.
- Theft of Agriculture equipment which happened between 1700 on the 16/01/15 and 0830 on the 19/01/15.

General Information

There has been some Burglary (Dwellings) in the rural villages were rear UPVC doors have been forced to gain entry.

Also a side note on community speed watch, we have now got some leaflets which I will drop off with the Volunteer that came forward to run the scheme to seek other volunteers, if anyone would like to be a part of community speed watch please give me a call or send me an email.

HIGHWAYS

Ancillary works following the re-surfacing programme

The bollards on Church Street and the bike racks completed – I trust to your satisfaction. Although we are surprised to get reports of people parking outside the pharmacy still. The photo forwarded to highways and me was sent on by Simon Curl to the police so they could have a quiet word with the driver.

I have asked for the reflector discs to be attached to the bollards in Well Lane and Church Street.

I have asked highways to look again at the drainage problems around the Ashen/Stoke Road junctions.

HGVs

I am meeting Cllr Godwin next week to discuss the options for the survey so I can give the go ahead. We need to meet the new manager at The Bell Hotel to ask if we can still have access to the hotel's CCTV.

As I have said to you before, ideally, I would like to capture the names of the different hauliers so we can telephone and ask them where they were going and what deliveries/collection they were making. This will have to be done manually. Data protection rules mean we will not be given names from the number plates. I have spoken to the Stour Valley Lorry Action Group about getting together a team of volunteers to help do this – if any members of the CTC would like to help that would be much appreciated. Do please volunteer to help – if you can or maybe you could advertise this request in Chevron, please? I don't know if you have been able to make such a request but no volunteers have come forward so far, which is a shame. I won't be able to monitor the traffic during the survey on my own.

I have asked my Our Place Officer, Emma Case, to work on a survey we can conduct in the villages around Clare while the gas main is being replaced so we can attempt to track the routes taken by HGVs when diversions are in operation on the A1092. One of the prime arguments deployed against a TRO on the A1092 is that there is no suitable alternative route and that HGVs would be likely to rat run through local villages on even less appropriate roads. Some of us would contest this argument and feel that HGVs would be more likely to take the longer A route via Sudbury/Bury/Haverhill especially now when lower fuel prices mean the mileage of a journey is not such an issue. I want to try to find out if lorries do go through the local villages when the A1092 is disrupted.

Replacing the Clare gas main

I forwarded your comments on the least disruptive dates for these works. The SCC officer who was assigned to be in charge of handling the road closure from SCC's perspective has been seconded to our contractors but because of the involvement she has already had she has to remain in charge of this project.

Suffolk Wool Towns

I met Andy Cuthbertson from SCC in Clare last week to have an update on the wool towns' initiative. We know the bid for a grant has been successful but the amount has not yet been confirmed. Needless to say where the EU and DEFRA are involved there is a fair bit of jargon and bureaucracy and we will need to get some local people involved in the Local Action Group administering the programme.

Andy is keen to hold a business breakfast meeting in Clare to promote the initiative and I have put him in touch with the Clare Business Association. Time is of the essence; there will be an enforced lull in progress during the election moratorium. We want to get on and organise the event for some time in mid February so people interested in putting in a bid can find out about it and undertake their preliminary work before the grants go live in the summer

Policing in Clare

I hope you found the meeting on policing in Clare useful. I was pleased to be able to push for the villages in the area to be consulted properly. I spoke to Mark Hardingham, Suffolk's Chief Fire Officer yesterday about the possibility of the police/fire services sharing space in Clare. He confirmed that merging blue light services in Clare/Wickhambrook hadn't been on his agenda but if the police were interested then he would readily talk to them. He explained the drive for these moves usually comes from the police.

Clare Country Park

At the beginning of the year, I took up with the SCC team involved in the negotiations for the transfer of the park the desire in Clare to see these concluded speedily. I know SCC has now responded to the Clare negotiating team and I trust the outstanding issue of the overage can be resolved.

County Wide

The autumn statement did not give us any truly unpleasant shocks – but our funding is still very tight. We are planning no increase in council tax again next year and will be making savings of £38million.

Mary Evans, Clare Division, Suffolk County Council

Attachment to minutes – Item 9, Clerk’s Report – January 2015

Information:

I spoke to Simon Curl and asked him to the necessary action regarding:

- Removing the roadwork sign left outside the Swan following the work outside the Pharmacy.
- Placement of reflectors in the new bollards in Church Street and Nethergate Street.
- Lights on one way sign in Bucks Lane not working
- Kerb edge in High street (rear of butcher’s) protruding.

I have reported a blocked drain opposite Harp Lane, Cavendish Road Ref:103194

I am currently working on a summary of the elections course I attended last week. There are a few points I want to make you aware of and some for discussion.

Planning decisions

DC/14/2084/HH – 7 Half Moon Yard - Insertion of French doors with Juliette balcony to rear first floor elevation - Application approved

DC/14/2249/TCA – 3 Church Street – Fell 1No Cherry Tree - Application approved

Attachment to minutes – Item 11, Correspondence:

Items for action
(all circulated to Town Councillors)

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| Margaret Godwin on behalf of Magna Carta committee | The Magna Carta committee would like to run a pop-up stand on Market Hill from 9.30am until 4pm on 7th February 2015. Approved unanimously |
| Alaric Pugh | Forwarded information - stand tall programme. Noted for information |
| CPRE Campaigns | Request to send letter to MP re new roads threat to the countryside. It was agreed not to write to MP. |

Items for noting
(copies available from the Clerk on request)

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| Mrs Peck, 10 Bridewell Street. | Garden is next to the common and brambles hanging over her wall. Referred to Clare Combine Charities |
| Peter Phillips | Charles Church site mud and debris in backside meadow Cllr. Gryce has spoken to the site manager. |
| Olive Smith | Garden debris in backside meadow behind cemetery Cllr. Gryce has established the culprit. |
| Alaric Pugh | Charles Church Site mud |
| Leigh Horsley | Chilton Stream Flood Management – Cllr. Gryce has responded to this. |
| Jeremy Knapp | Logs on greensward. I have spoken to Mr Knapp and explained that we had to check with the insurance company before placing the steel rods, but that we have had approval and will arrange it shortly. |
| Dept for Communities & Local Government | Section 137 amount increase for 2015-16 to £7.36 from £7.20 in 2014-15. |
| Margaret Godwin | Amendment to National Planning Practice Guidance on planning obligations - November 2014. |
| John Collecott | Copy of email to County Cllr Mary Evans regarding Highways issues in Clare. |
| Inspector Ferrie | Police consultation on closure of office. |
| St Edmundsbury Borough Council | Details of election costs. |