

**Minutes of the Town Council meeting held in The Old School Community Centre
at 7.00 p.m. on Tuesday 3 March 2015**

Present: Cllrs. Paul Bishop, Derek Blake, Margaret Godwin, Phil Gryce, Keith Haisman
Gayle Mallows, Loveday Perceval-Maxwell
County Councillor Mary Evans
Claire Ebeling, Town Clerk, 15 members of the public

1 Apologies for absence – Cllr. Sarah Golding

2 To receive declarations of members' interests and consider requests for dispensation

Cllr. Haisman and Godwin declared a non-pecuniary interest in item 5 – To receive a proposal to approve the transfer of ownership of Clare Castle Country Park to Clare Town Council and the related documentation.

Section of the meeting open to the public:

3 Public Participation – John Collecott wished to comment on behalf of The Clare Society that it believes the Town Council has obtained the best achievable transfer terms and hoped that Councillors would vote in favour of the transfer. Also that it is hoped that there will be noticeable improvements to the park once it is owned by Clare Town Council.

Cllr. Mary Evans commented that she was pleased that Clare Town Council were successful in obtaining an increased offer from Suffolk County Council because she believes the best people to take care of such a precious asset as Clare Castle Country Park are the people of Clare. She added that she hoped Clare Town Council and the Trustees would protect the park and would listen to all comments and requests made by the people of Clare.

End of public section of meeting

4 To approve minutes of previous meetings held on 6th February 2015

The minutes were approved unanimously.

5 To receive a proposal to approve the transfer of ownership of Clare Castle Country Park to Clare Town Council and the related documentation.

Cllr. Haisman presented an update:

- 1 Written confirmation has been received from HMRC that Stamp Duty Land Tax will not apply to this transaction.
- 2 Discussions are proceeding well with the owner of Priory Farm on the form and wording of the consent required for the transaction
- 3 We continue to expect SCC to have completed their pre-closure final works on the maintenance of the Castle remains and the H&S safety issues by 9 March with written confirmation to CTC.
- 4 The Charity Commission has sought clarification on a number of issues in the application to establish the Park Trust and replies have been provided.
- 5 For the sake of clarity Ashton KCJ has proposed a new clause 13 in the lease to clarify that the Trust will carry out the duties of landlord:

New Clause 13

13 Club Lease

13.1 This lease is granted subject to and with the benefit of the Club Lease;

13.2 The Tenant covenants with the Landlord not to vary nor give or enter into any side letter or collateral agreement in respect of the terms of the Club Lease; to fully observe the landlord's covenants set out in the Club Lease; to ensure so far as is reasonably practicable the tenant's covenants set out in the Club Lease are performed and to diligently take any reasonable steps in respect of any future non-observance of the tenant's covenants contained in the Club Lease;

Cllr. Haisman reminded Councillors and the public of the decisions made on this matter to date.

At its meeting on 13 August 2014 CTC agreed to the transfer of ownership of Clare Castle Country Park subject to documentation. Councillors have seen the contract between SCC and CTC together with annexures which represent the implementation of that CTC decision. Councillors have also seen the final draft of the lease and management agreement between CTC and the Trust, now with an additional clause to clarify the role of the Trust in relation to the Social Club lease. It is therefore appropriate to propose the approval at this meeting of both the sale contract and the lease.

Cllr. Haisman then proposed that CTC agrees to the wording of the contract and its annexures between CTC and SCC in order to transfer ownership of Clare Castle Country Park to CTC.

Cllr. Haisman further proposed that CTC agrees to the revised wording of the lease and the management agreement between CTC and the Clare Castle Country Park Trust. Also that this agreement should be subject to both contracts being signed by the Town Clerk and a Town Councillor and then dated, but only when the following have been received:

- a. Charity Commission approval of the establishment of Clare Castle Country Park Trust
- b. Consent from the owner of Priory Farm to these transactions
- c. Written confirmation from SCC to English Heritage that the transfer of ownership of the Park is to take place and that SCC is compliant and up-to-date with all maintenance obligations
- d. Completion of the immediate Health & Safety issues as agreed between Trustees-elect and SCC.

Cllr. Gryce seconded the proposals and there was a unanimous vote in favour.

Cllr Blake proposed that, on the date of signature of the contracts, Keith Haisman be appointed Project Manager to ensure the completion of the documentation of the transfer of ownership and to project manage the agreed building works on behalf of CTC. This role will not be remunerated and will not form a contract of employment between Mr Haisman and CTC. This role will report to the Responsible Finance Officer and will cease when all documentation is finalised and the building works completed. Approved unanimously.

Cllr. Perceval-Maxwell requested that a vote of thanks to Cllr. Haisman and Cllr. Blake for their work in bringing the transfer of Clare Castle Country Park to fruition. Agreed unanimously.

6 To receive agenda items for next meeting

7 To confirm the date of the next meeting as Thursday 19th March 2015.
Confirmed.

The meeting closed at 7.16pm