

**Minutes of the Town Council meeting held in The Old School Community Centre at 7.00 p.m.
on Thursday 19th October 2017**

Present: Cllrs. Paul Bishop, Phil Gryce, Margaret Godwin, Stephen Kimminau, Gayle Mallows, ,
Loveday Perceval-Maxwell, Robin Stone, Claire Ebeling (Town Clerk),
Maureen Smith (RFO), County Councillor Mary Evans, 8 members of the public

1.	<p>Apologies for absence – Cllrs. Chris Marchant and Bob Verguson, Borough Councillor Cllr. Alaric Pugh. The apologies were accepted.</p>	
2.	<p>To receive declarations of members’ interests and consider requests for dispensation Cllrs. Bishop and Godwin declared their non-pecuniary interests in item 9iv) as members of Visit Clare. Cllr. Godwin also declared her non-pecuniary interest in item 9iv) as the person responsible for the CCA precept application and Cllr. Kimminau declared his non-pecuniary interest in item 9iv) as a Trustee for CHOC.</p>	
Section of the meeting open to the public:		
3.	<p>Public Participation A member of the public made some comments in relation to the proposed bye-laws for Clare Castle Country Park and asked if putting bye-laws in place would impinge the restrictions requested by the original owner of the land. Cllr. Gryce explained that this point is not applicable; the intention of the de Fonblanque family is being followed and bye-laws were in place when Suffolk County Council (SCC) owned the park but they no longer apply because SCC no longer owns the park. Therefore the current owner has to apply to the Secretary of State for approval to put current bye-laws in place. A concern was raised that the public have not had an opportunity to comment on the proposed bye-laws. Cllr Bishop responded that tonight’s meeting is the beginning of the consultation process and it will be discussed under item 13. The same member of the public expressed concern about policing the bye-laws and if a person were to be prosecuted for breaking the bye-laws, who would fund the legal costs. Cllr. Bishop stated that he did not know the answer to that question. A member of the public asked if the proposed bye-laws were consistent with other local parks as it could be confusing if they were different to other bye-laws locally. Also that she believed it was important to check whether national law takes precedence over any of the proposed bye-laws, e.g. those governing boats. A member of the public raised concerns relating to the proposed bye-laws in relation to stopping more than one dog per owner being allowed off the lead, proposed restrictions on the age of a dog walker. He agreed that public consultation would be important. He added that he understands concerns about dog owners not clearing up after their dogs and reported that a local group, including himself had offered to act as an unofficial ‘poo patrol’ in the past. In addition he commented on the item in the proposed bye-laws relating to fishing and suggested that it would be a shame to stop fishing completely as there are lots of young people who enjoy fishing and this is a much more worthwhile pastime than using electronic devices and phones. He added that he did not see a problem with the use of drones and suggested this should be assessed rather than banning them altogether. Finally, he commented that the wording in the proposed bye-laws on cycling should be tightened to prevent cycling in the park because he believes it is an accident waiting to happen. Another member of the public reported that they disagree with the proposed age restriction for people walking dogs in the park. She explained that she has children who wish to walk their dogs and the park is one of the few safe green spaces that they are able to do so. She asked that this safety aspect be taken into account when considering</p>	

	<p>the bye-laws to be adopted. She added that Clare does have lots of well-behaved, responsible youths.</p> <p>A member of the public stated that his understanding of the process is that there would be a consultation period and the Town Council would take into account comments made before deciding on a final draft of the bye-laws to be sent for the approval of the Secretary of State.</p> <p>Cllr Bishop responded that the bye-laws will not be adopted until a public consultation has taken place and queries such as those raised would be taken into account as part of the consultation process.</p> <p>Mr Blake reported on behalf of the Clare Walks group that the Walkers Are Welcome National Committee had agreed to accredit Clare as a Walkers are Welcome town. A press release has been issued and footprint stickers will be made available for local businesses to display in their windows. There will also be Walkers are Welcome town highways signs put in place. An official launch, funded by Suffolk County Council, is being planned. Cllr. Bishop congratulated the group on their successful application.</p> <p>A member of the First Responders Team reported that they had taken over 100 calls and given over 2000 hours since the Clare team began operating again this year. He added that the British Heart Foundation have provided a public access defibrillator which has been fitted to the Fire Station wall. The ambulance service is aware of its location and would direct people to it while awaiting an ambulance. He asked if it would be possible to arrange some signage to raise awareness of its location and to assist people to find it should they need it in an emergency (when being directed by the ambulance service). The Clerk will investigate.</p>	Clerk
4.	<p>County Councillor's Report – See attached report.</p> <p>Cllr. Evans reported that she is happy to support the Walkers Are Welcome signage and advised that it should be co-ordinated with the Wool Towns signage.</p> <p>Cllr. Stone asked Cllr. Evans to provide him with a full report explaining the reasons that a roundabout will not be installed in Cavendish Road.</p> <p>Cllr. Godwin reminded Cllr. Stone that this had been explained by a member of the Highways team when members of the Town Council met with him some months ago.</p>	
5.	<p>Borough Councillor's Report – Cllr. Pugh sent his apologies and the attached report.</p>	
	<p><i>End of public section of meeting</i></p>	
6.	<p>To approve minutes of the previous meeting held on 21 September 2017 The minutes were approved unanimously.</p>	
7.	<p>To receive an update on the actions from the previous meeting The Clerk reported that all actions were complete.</p>	
13.	<p>It was agreed to bring item 13 forward given the public interest in the subject.</p> <p>To consider a request from the Trustees of CCCP to apply for the adoption of revised bye-laws for Clare Castle Country Park.</p> <p>Cllr. Bishop introduced the item explaining that the trustees of the Country Park have asked the Town Council to consider applying to the Secretary of State to approve the draft bye-laws. Bye-laws have to be made by a local authority – a parish, county or district council. Cllr. Bishop added that there is a specific process that has to be followed – once the Town Council has considered a draft copy, this has to be consulted on. Cllr. Gryce added that the minimum consultation period is 21 days. After the consultation period, the final draft of the bye-laws would be considered at a further Town Council meeting for approval before sending the draft proposal to the Secretary of State to give leave to make the bye-law.</p> <p>Cllr. Bishop proposed that before the draft document is considered, the council agree</p>	

that a robust consultation process be put in place – he suggested that this includes publishing the draft document in the next Chevron newsletter and on the Town website as well as asking the Country Park trustees to place notices in the Country Park. He proposed that after this consultation process the feedback be considered and taken at a future Town Council meeting. Whether it is the next Town Council meeting or a later one will depend on the amount and variety of the responses as it could be quite time consuming if there are lots of comments to collate.

Cllr. Gryce suggested that the published document include some possible alternative wording for some of the items that have already received a varied reaction (such as age of dog walkers). Cllr. Bishop suggested that some investigation take place as to bye-laws in place at similar open spaces locally, as raised by a member of the public.

Cllr. Gryce presented some background information (see attachment to the minutes) and explained that there is evidence of the bye-laws in the draft proposal being used elsewhere. He highlighted that someone who broke a bye-law may not necessarily be prosecuted, because it is very expensive. However, if they have breached a bye-law and other laws have also been broken, the case law for the damaged they caused is supported by the breaking of the bye-law. Cllr. Bishop suggested that this comment be included as part of the consultation documentation.

Cllr. Gryce highlighted that there is a new Public Spaces Protection Order in place in West Suffolk but not everything is covered and therefore he believes it is important to include items about dogs in the bye-laws for the park.

Cllr. Gryce referred to a query on rivers and explained that the water way through the Country Park is not a regulated waterway – current law implies that the riparian owner controls the waterway and gives permission. This is a query that the Country Park Trust may be able to answer.

Cllr. Stone asked how you notify people of the bye-laws and what is prohibited, especially for waterways. Cllr. Gryce responded that the bye-laws will be published and someone intending to use the waterway should be aware of the rules.

Cllr. Gryce referred to fishing and reported that some of the places that might be used for fishing are considered too close to the footpaths. There is also a conservation concern given the fact that a swan has become entangled in fishing line in the Country Park previously.

Cllr. Gryce referred to drones and commented that they could be considered quite intrusive, but if you wished to use a drone in the park and requested and were given consent, that would be ok, but the proposal is not to presume it is ok without obtaining permission.

Cllr. Gryce referred to cycling and reported that previously, it was not permitted by Suffolk County Council; however, it is one of the only areas that is suitable for children to learn to ride a bike safely. He suggested that it would be sensible to clarify that pedestrians have the right of way and insist that cyclists dismount due to the potential for collisions with pedestrians. It is a complex matter.

Cllr. Stone commented that an age restriction for ball games of children over 5 years old would be too young, but he could understand that you would not want teenagers playing ball games and therefore perhaps the age of 10 years would be more suitable.

Cllr. Mallows advised that some thought needs to be given to how to collate the responses and comments on the draft bye-laws. Cllr. Bishop suggested that comments be sent to the Clerk.

Cllr. Kimminau commented that a 5-page document of bye-laws is quite intimidating and suggested that the best way to communicate them as a public-facing notification would be a simpler summary of the regulations as a list of general principles for everyone to adhere to. Cllr. Bishop agreed that a list of simple principles is how he would expect the Country Park to communicate the bye-laws.

	Cllr. Bishop proposed the motion agree that a consultation process be put in place to obtain views on the proposed bye-laws with a view to considering it again at a future Town Council meeting which would sensibly be the December rather than November meeting to allow time to collate the responses. Agreed unanimously.	
8.	To receive the Clerk's report for decision and information See attachment to the minutes.	
9.	<p>Finance</p> <p>i) To receive the monthly report from the Responsible Finance Officer and approve the monthly accounts and cash flow. See attached report. The RFO asked for approval of the monthly accounts and cashflow for September. Approved unanimously.</p> <p>ii) To consider applications for Section 137 grant funding The RFO reported that a request had been received from Suffolk Accident and Rescue. She reported that £100 was donated two years ago. It was agreed to donate £100.</p> <p>iii) To approve the External Auditor's Report and Certificate on the Annual Report for the year ending 31st March 2017. The RFO asked for approval of the External Auditor's Report and Certificate on the Annual Report for the year ending 31st March 2017. Approved unanimously.</p> <p>iv) To approve the precept budget figure for 2018/19. The RFO reported that the Precept Budget for 2018/19 has been prepared and the bottom line Precept figure is £93,305, which is in line with last year's figure and should therefore avoid an increase in Band D council tax. The RFO asked for approval of the precept figure. Approved unanimously.</p>	
10.	To consider items of correspondence for decision/response See attached report.	Clerk
11.	<p>Planning</p> <p>To agree the Town Council response to the planning authority on:</p> <p>i) DC/17/2025/FUL – Hillcrest, 18 Cavendish Road – (i) 2no. dwellings (following demolition of existing dwelling) and (ii) repositioning of existing vehicular access. Cllr. Mallows reported that Pre-Application advice had been sought but added that demand in Clare is for smaller properties rather than 4-bedroom houses. Cllr. Godwin reported that guidance is that 4 bedroom properties should have 3 parking spaces rather than the two stated in the application and expressed concerns that if there are more than two vehicles per property this will have a detrimental impact on the already problematic parking on Cavendish Road. She added that it would be helpful if the consultation response from the highways department had been available. However, the application does meet the requirements of planning policy DM1 and DM2 and therefore Cllr. Bishop proposed that that the council response be to support the application. Agreed unanimously.</p> <p>ii) DC/17/2027/FUL – Clare Castle Country Park– Reinstate and realigning of existing steps at Lady Walk. Cllr. Gryce reported that steps are currently closed off because they are not fit for public use. Cllr. Mallows recommended that the council support the application. Agreed unanimously.</p> <p>iii) DC/17/1961/LB – 7 Bridewell Street - Replace existing render and insulate between studs to front elevation. Cllr. Gryce commented that the work appears to be nearing completion despite only now applying for permission but recommended that the council support the application. Agreed unanimously.</p> <p>iv) DC/17/2098/HH – 27 Clarence Road - Two storey rear extension (resubmission of DC/17/1140/HH). Cllr. Mallows and Godwin noted the re-submission of this application but commented that the reasons the council had objected to the previous versions of the application remain - the requirements of Policy DM24, points a, b and c are not met. Cllr. Mallows recommended that the council do not support the</p>	Clerk

	<p>application. Agreed unanimously.</p> <p>v) DC/17/1252/FUL – Land off Cavendish Road – 53no. dwellings with associated access, infrastructure and landscaping. The Clerk reported that the planning officer had advised that a revised submission from the applicant is expected and once received this will trigger the reconsultation of this application. It was therefore agreed to defer the item to a future meeting.</p>	
12.	<p>To consider a request from the Trustees of Clare Castle Country Park to give approval for the variation to the Trust's lease in order to apply for a Heritage Lottery Fund grant.</p> <p>Cllr. Bishop referred to the documents forwarded to all councillors in advance of the meeting and asked for any comments or queries on the proposed deed of variation.</p> <p>Cllr. Kimminau stated that he felt that his previous question regarding the financial liability if there was a problem had not been answered to his satisfaction. However, he was willing to approve the variation because if the clause is not removed, the Country Park will not be able to get the HLF grant.</p> <p>Cllr. Gryce stated that in his view, the chance of anything going wrong a very slight indeed.</p> <p>Cllr. Bishop commended the recommendations of the report to all councillors that The Town Council agrees to the proposed variation of the Lease in accordance with the terms of the latest draft of the Deed of Variation and instructs the Chair of the Council and the Town Clerk to execute the Deed of Variation on behalf of the Town Council. Agreed unanimously.</p>	
14.	<p>To receive a report from the Clare Walks Group on 'Walkers are Welcome'.</p> <p>See Public Participation session – report from Derek Blake. The Town Council congratulated Mr Blake on achieving the award for the town and endorsed the details previously approved for the press release.</p>	
15.	<p>To receive reports from Councillors on activity since the last meeting.</p> <p>Cllr. Bishop reported that he had attended a very helpful meeting organised by Cllr. Evans of all her Parishes with the Police:</p> <p><i>The discussion included concerns that that we have lost vital two-way communication between local residents and their representatives and local police officers since the cutbacks which meant that the police no longer report to parish meetings. Inspector Cooper made it clear that the resources are just not available to reinstate that service but encouraged councils to contact the SNT team and begin to build up relationships with the individual officers. He reminded attendees that the latest crime stats are reported on www.police.uk.</i></p> <p><i>Inspector Cooper explained to the meeting about the priorities that had been set for policing in Suffolk and how the resources were not available to sustain the local policing model that we may have been used to in the past. Resources are now being targeted to areas with higher levels of crime. He quoted a crime investigation figure of 33 for Clare between June and October this year. In comparison Haverhill or Sudbury could easily achieve a similar number of crimes over one weekend.</i></p> <p><i>Many attendees at the meeting criticised the 101 crime reporting service as unacceptable. People are having to hang on for up to 40mins to have their call answered. The PCC and Police Management have recognised the problem and are trying to address it. A new IT programme is being introduced.</i></p> <p><i>There was some criticism of the lack of feedback when people report crimes. It was felt that this and the difficulty in actually reporting crime led people not to bother.</i></p> <p><i>When asked whether crime has risen since the cutbacks, Inspector Cooper said some types of crime had increased and some had decreased. It appears that the way the Police collect and report crimes has changed so it is difficult to find the answer.</i></p> <p><i>There was a long and wide-ranging discussion about speeding with Parishes asking what the criteria are for the Police deploying the camera van or other methods of</i></p>	

	<p><i>catching speeding motorists. It appears the main criterion they use is the assessment of data from Vehicle Activated Signs (VAS) provided by parishes or local intelligence about dangerously speeding motorists. The inspector repeatedly emphasised the importance of regular data from VAS machines and Community Speed Watch Groups.</i></p> <p><i>Some parishes suggested clubbing together to employ a PCSO to work with community speed watch groups as it was felt someone in uniform would be more effective. Inspector Cooper did not feel this would deliver value for money. The view is that the VAS signs are losing their effectiveness as a deterrent unless they are followed up with police prosecutions against speeding motorists.</i></p> <p><i>It was agreed that a similar meeting will be arranged in the future.</i></p> <p>Cllr. Bishop reported that the SNT had not received any VAS Data from Clare and asked those responsible to ensure that the data is provided. The Traffic Working Group confirmed that this was one of their priorities.</p> <p>Cllr. Bishop reported that Stoke by Clare Parish Council had enquired whether Clare would be interested in sharing a second VAS machine and Cllr. Evans had agreed to provide some funding if it was agreed to go ahead with purchasing a shared machine. Cllr. Evans will provide prices for consideration at the next meeting.</p>	Cllr. Evans
16.	<p>To receive reports and items for decisions proposed by Town Council Committees and Working Groups.</p> <p>See attached report.</p> <p>Cllr. Stone reported that an incident involving school children on Cavendish Road has provided an opportunity to investigate more fully the reasons the County Council cannot authorise a roundabout to reduce speeds and improve safety.</p> <p>Cllr. Bishop commented that he did not think any councillor would object to this being investigated further but that the council would have to be guided by the Highways Department of Suffolk County Council. All agreed.</p> <p>Cllr. Mallows reported that the Planning Group continues to work on the objectives governed by the Community Plan.</p> <p>Cllr. Gryce reported that the Environment Committee had requested that some remedial work be carried out to the war memorial.</p> <p>Cllr. Bishop reminded councillors of the invitation to the Remembrance Day Service. Perceval-Maxwell volunteered to take the lead for the Town council in the parade and placing of wreaths.</p>	
17.	<p>To receive agenda items for next meeting.</p> <p>To consider the purchase of a second VAS machine to be shared with Stoke By Clare.</p>	
18.	<p>To confirm the date of the next meeting as Thursday 16th November 2017.</p> <p>Agreed.</p>	

The meeting closed at 8.25pm

Attachment to Minutes, Item 4, County Councillor's Report

Highways

Cavendish Road

I have been approached about the possibility of a zebra crossing on Cavendish Road. This was raised by the town council with highways and the traffic consultants for the developers. Unfortunately, it can't be done because there is not sufficient visibility. There are strict Department for Transport regulations on the visibility needed when siting crossings and Cavendish Road simply does not meet them.

I was also asked about the possibility of siting a roundabout at the entrance to the new development as a means of traffic calming. The highways planning team have ruled out a roundabout on road safety grounds. They also point out that the road width is going to be narrowed to enable the pavement to be widened and this will reduce traffic speeds.

As you may recall at the last meeting I was questioned about whether the A1092 would be closed when the utilities are installed for the new development. I took this up further with highways and was advised:

"The decision for a road closure is decided largely on the width of the road and the width of the works. At 30mph there must be a 0.5m safety zone between the live traffic and the cones (the cones should not be in the safety zone, so that's 0.5m + cones). For a road carrying HGVs and buses an absolute minimum of 3.0m width for live traffic must be left.

So we have 3.0m for the traffic, 0.5m safety zone and about 0.5m for the cones, before we get to the works area. On Cavendish Road we have road width of 6.0m (slightly less in places) so you can see this leaves very little room for the actual road-works. And construction traffic cannot use the footway as they are not constructed deep enough to withstand the damage caused by vehicles."

While no one wants to see the A1092 closed, neither does anyone want to see any injury to any of the construction workers or members of the public. The approval for roadworks design lies with the Network Assurance team. I am assured as much as can be safely done under traffic lights will be, but safety for all road users is paramount.

HGVs

A recent Government funding decision could well lead to a reduction in HGVs using the A1092 as a cut through rather than for deliveries en route. £60m has been allocated to enable a section of the rail line between Felixstowe and Ipswich to be dualled so that it can carry a further 14 goods trains a day out of Felixstowe docks. Each train can carry up to the equivalent of 60 HGV loads so that this measure should reduce HGV usage on Suffolk roads by 840 vehicles a day. The works are planned to be completed within two years

VAS and speeding

Speeding was one of the main topics discussed in the recent parishes meeting with Insp Danny Cooper. He made it clear that when he is sent the data from a particular VAS site he will review it and share it with the speed camera enforcement team.

We will not get routine patrols from the speed camera enforcement team unless that data is sent to the police. We will soon be able to have more frequent patrols as Suffolk Police and the county's Roadsafte Board are about to buy two new speed camera vehicles for rural patrols. At last week's meeting of the county's Police and Crime Panel, the Police and Crime Commissioner Tim Passmore committed to a new programme to tackle excessive speed in rural areas. Locally the traffic police are making an effort to catch an excessive speeder who has been identified by the VAS data supplied by Ousden Parish Council.

After the meeting, I joined a discussion between representatives of Stoke by Clare Parish Council and Cllr Bishop. Stoke by Clare has a speeding problem which has been recognised by the police – without even the submission of VAS data. The speed camera team have been patrolling the village and in the first six months of the year prosecuted 29 drivers on the A1092 in the village compared with 12 in Clare over the same period.

Stoke by Clare parish council is keen now to obtain a VAS, to use as a deterrent and a reminder to drivers. They do not have enough potential VAS sites in the village to warrant the parish council having

a machine of their own. I proposed that we buy a new machine to be used in Clare and Stoke by Clare on a 50:50 use basis and funded on a three-way split between my locality/highways budget.

Stoke by Clare discussed this at their Parish Council meeting on Monday and are keen to go ahead. If Clare Town Council wishes to proceed, I can provide contact details to the CTC clerk for the clerk and councillor leading on this for Stoke By Clare.

Parishes meeting with Insp Danny Cooper

Cllr Paul Bishop represented Clare at the recent meeting I organised for the parishes in the Clare Division with our local police chief. The meeting gave parishes an opportunity to raise key concerns with Insp Cooper: level of policing, communications with the police, response times when calling 101, speeding etc. I know Cllr Bishop has circulated a report.

I think he and all who attended found it very useful. I am hoping to organise regular meetings for the parishes with officials, Suffolk County Council officers and others delivering the key services on which we all rely. Our local rights of way manager Glyn French has agreed to meet us early in the New Year.

Clare Christmas festival

I am delighted to have been able to support this great new initiative through my locality budget. It is very encouraging to see the number of new initiatives that have been launched in Clare this year – the market, walkers are welcome, visit Clare, Suffolk Wool Towns, Clare Park Run etc. All of these will serve to raise the profile of the town and surrounding area and bring in more people to the town. Hearty congratulations to everyone involved.

Home- School Transport

As you may recall, I reported last month that Suffolk County Council Cabinet had agreed to consult on a proposal to streamline the provision of free home school-transport and restrict it to providing transport to a child's nearest school only. The proposal was called in to scrutiny where we upheld the call-in and sent the issue back to cabinet. The proposal will come back to cabinet next month.

Mary Evans
Clare Division

P.S. On a personal note, I was delighted to be elected to St Edmundsbury BC in a by election in late September to serve as the ward councillor for Hundon Ward: Hundon, Stoke by Clare, Stradishall and Wixoe.

Attachment to Minutes, Item 5, Borough Councillor's Report

1. Training on Ethical behaviour and Social Media, the work of the Boundary Commission
2. Civic/business events - Reception at No 10 Downing St, West Suffolk Business Awards, Launch of West Suffolk Tourism Fair, Launch of Bury St Edmunds Literature Festival, Wool towns Association launch
3. Recent meetings attended (excluding Majority Group meetings): nb part Party conference period
 - Special Development Control - Growth Group
 - Growth Briefings - including several meetings with large local employers and developers
 - Cabinet - Joint Cabinet Planning
 - Cabinet Planning - Bury St Edmunds Town Centre Masterplan meeting
 - Skills development project progress meeting - Visit Clare
 - One Council Briefing - Area infrastructure briefing
 - One Public Estate Meeting - Licensing reform briefing
 - Housing change update briefing
 - Haverhill Town Centre Masterplan Implementation Meeting
 - Extraordinary Full Council - Comms strategy group
4. Forthcoming meetings before next TC meeting
 - Cabinet - Full Council
 - One Public Estate - Haverhill Masterplan
 - Joint Cabinet - AONB Board - Growth Group

5. Voting record - recent items with direct significance to Clare community:
 - supported the unanimous vote to progress creation of a new single Council for West Suffolk also support Boundary Commission proposal for reduction of 11% of councillors
6. Current Clare issues involvement/resident requests to take forward:
 - planning items
 - Locality budget item discussions
 - Visit Clare participation inc meeting with Bury and Beyond
 - Monitoring the completion position on the Land east of the granary (no change)
 - Long term market town sustainability and one public estate plans

7. NEWS:

Ongoing

- I have been supporting the interests of West Suffolk and Clare in particular in the overall LEP Economic Strategy and in future local strategic planning where support for small town and village sustainability is continuing to gather momentum and with skills project planning and meetings with large local employers
- I continue to enthusiastically work with and support Clare Tourism Group various actions.
- I will be monitoring future Section 106 negotiations on the Cavendish Road application.
- I continue to support the A1307 Strategy Group where considerable progress has now been made towards funding a viable business plan for a new road from Haverhill to Fourwentways
- I have been involved in the development of the Clare Winter Festival
- **A Clare-based local meeting about small business support is proposed in the next phase of the Service Level Agreement with the Suffolk Chamber of Commerce**
- The Bury and Beyond DMO will shortly acknowledge Clare as a business partner (funding permitting)
- Unfortunately I will not be here for the opening of the new play equipment in the Park - with apologies

Attachment to Minutes, Item 8, Clerk's Report

We received a request from James Cartlidge MP to make available the petition in support of the Sudbury Bypass. I have passed it to the library as the public place most accessible to the public.

I have been liaising with the library regarding their concerns about poor signage and a lack of awareness of the existence of the library. I have asked Mary Evans to ask her highways colleagues to look at the current location of the blue library sign and alternative options.

I have made contact with the Property Team at the Co-op Head Office who confirmed that the building is their property. I have asked if they would give permission for the new Market Hill sign to be placed on the building and they have requested details of the proposal and that consent is in place from the district council. I believe that Suffolk County Council has delegated authority for such signage and have asked Cheryl Froud of SCC to confirm this and send a more detailed proposal for me to pass to the Co-op but have not received a reply as yet.

St Edmundsbury Borough Council Planning decisions

DC/17/1140/HH – 27 Clarence Road - (i) Two storey front, side and rear extension (ii) associated alterations to roof - Refused

DC/17/0738/OUT – Long Acres, Poslingford Corner - 5no. dwellings and new ancillary access - Withdrawn

Attachment to Minutes, Item 9, Responsible Finance Officer

I have received the signed off Annual Return from the Auditors, together with a note of issues arising from the audit. The issue being brought to the attention of the Town Council is with regard to the Electors Rights period during the previous year. This has been brought to the attention of the Town Council because it occurred during the current audit year. The auditors comments attached are self-explanatory.

I have also been informed that our new auditors going forward will be PKF Littlejohn LLP, SBA Team, 1 Westferry Circus, Canary Wharf, London E14 4HD.

I have now produced a Precept Budget for 2018/19 showing a Precept figure of £93305 which is in line with last year's figure. By keeping this figure roughly the same we should be able to avoid any increase in Band D council tax. Councillors have been provided with copies of the applications from the groups/organisations requesting a precept grant, together with reports received.

Attachment to Minutes, Item 11, Correspondence Report

Items for action

Parishioner	Request to hold stall on a Saturday morning to raise funds for Crohns and Colitis UK Action: Agreed unanimously. Clerk to notify parishioner.
Parishioner	Concerns regarding proposed extension to bye-laws affecting the Country Park. See item 3 of these minutes.
Sharon Fairweather	Update on Clare Market and request to use additional 8 car parking spaces for the Christmas market on Saturday 16 th December. Action: Agreed unanimously.

Items for noting

Clare Community Association	Update on arrangements for Remembrance Sunday
British Legion	Request for assistance to recruit a Poppy Appeal Organiser for Clare
St Edmundsbury Borough Council's Overview and Scrutiny Committee	Extraordinary Overview and Scrutiny Committee - 25 October 2017 (SCC Highways)

Attachment to Minutes, Item 12, To consider a request from the Trustees of Clare Castle Country Park to give approval for the variation to the Trust's lease in order to apply for a Heritage Lottery Fund grant - Report to CTC Meeting - 19 October 2017, Authors: Cllrs. Paul Bishop & Chris Marchant

This Report is confidential as it contains legal advice.

If agreed by Clare Town Council ('the Town Council') it will be published without the attached legal advice.

Variation of Clare Castle Country Park Lease

Introduction

In June 2017 the Trustees of CCCP CIO ('the CIO') approached the Town Council to request variations to the Lease dated 26 March 2015 made between Clare Town Council (1) and Clare Castle Country Park Trust CIO (2) ('the Lease') relating to Clare Castle Country Park ('the Park') in order to satisfy the requirements of the Heritage Lottery Fund ('HLF') in connection with an application for funding to improve the Park. At the June meeting it was decided that legal advice would need to be sought.

The Lease contains a forfeiture clause which gives the Town Council the ability to re-enter the property and terminate the Lease on the occurrence of any of the events of forfeiture specified in the Lease, including the insolvency of the CIO. In the event the Lease is terminated, the responsibility for the management of the Park would revert to the Town Council. It is a condition of the HLF grant that the insolvency of the CIO is removed as an event of forfeiture from the Lease. In the event of the CIO's insolvency, the variation would enable the HLF to assign the Lease to a not for profit organisation, which would agree to manage the Park in the same manner as the CIO.

The Town Council's appointed solicitors have drafted, in consultation with the CIO's legal advisor, an amendment to the Lease which, if adopted, will satisfy the requirements of the HLF.

This report recommends that the Town Council agrees the changes to the Lease as outlined in this report.

The HLF

The HLF are in the process of deciding whether to make a grant of £1.5 million toward the development of the Park. If the HLF make this grant then they require security in the form of a charge over the CIO's leasehold title to the Park. The HLF's requirements are outlined in the document 'Heritage Grants -

Receiving a grant' which is attached to this report (Appendix 2). Unless the HLF achieve the security they require, it is unlikely that any grant will be forthcoming.

The HLF require, as a condition prior to the provision of grant funding, the deletion of the Town Council's right to terminate the Lease in the event of the insolvency of the CIO. In the event of the CIO's insolvency, the HLF would step-in and assign the Lease to a not for profit organisation. The variation only permits assignment to a party which agrees to manage the Park in accordance with the existing Management Agreement, in accordance with which the CIO already manages the Park. The HLF require security for a 20 year period.

(Currently the Lease does not provide for assignment to a third party in the event of the CIO's insolvency, which means the Lease would terminate in the event of the CIO's insolvency and responsibility for the management of the Park would revert to the Town Council.).The Town Council

Following Suffolk County Council's ('the County Council') decision to dispose of the Park, it was eventually decided the Town Council would acquire the Park. The Town Council agreed to the formation of the CIO to manage the Park under the terms of the Lease, granted simultaneously with completion of the acquisition from the County Council.

In 2015, the Town Council agreed the Lease between itself and the CIO for a period of 30 years. The Lease has appended to it a Management Agreement, which should be read alongside the Lease. The two documents distribute responsibilities and expectations between the Town Council, as the Landlord and the CIO, as tenant (Appendix 1).

It is this Lease that needs altering to safeguard the HLF's interest in the Park, and as a means by which to secure the grant funding.

The Proposed Variation

The Town Council's solicitors, Ashtons Legal, have drawn up a variation to the Lease in conjunction with the CIO's legal advisor to satisfy the HLF's requirements and, so far as is acceptable to the HLF, protect the Town Council's interests (APPENDIX 3).

Under the terms of the Lease as presently drafted, if the Town Council were to terminate the Lease due to the CIO's insolvency the responsibility for the management of the Park would revert back to the Town Council with no obligation to fulfil the grant requirements imposed by the HLF (i.e. to ensure that all the changes and developments that have been funded are implemented). The HLF would have little or no control over the Town Council's ability to forfeit the Lease.

The proposed variation enables the HLF, in the event of the CIO's insolvency, to step-in and assign the lease to another not-for-profit organisation to manage the Park for the remainder of the 20 year period. The appointment of the new organisation would be by agreement with the Town Council, subject to the obligation to act reasonably in any request by the HLF to assign the Lease.

The management of the Park would continue to be in accordance with the terms of the Lease and Management Agreement already in place.

This arrangement provides security for the HLF on its investment and protects the Town Council and, by extension, the residents of Clare. In fact, with the variation to the Lease the Town Council will be relieved of the responsibility to find new managing agents in light of the failure of the CIO as this will fall to the HLF. The variation changes nothing with regard to who owns the Park and nothing to what happens to the Park at the end of the lease term (when the TC will consider whether to extend the lease, assign someone else to manage the park or manage the park itself). The variation does not alter the Management Agreement in any way.

In summary:

- The HLF requires that if the CIO becomes insolvent then the HLF is able to assign the Lease to another not-for-profit organisation to manage the Park in order to ensure the delivery of the programme they are paying for via the grant. They require this security for a 20 year period.
- In the event that the Lease was to be assigned to another organisation, the appointment of the new organisation would be by agreement with the Town Council, acting reasonably.
- The management of the Park would continue to be in accordance with the terms of the Lease and

Management Agreement already in place.

- There is no risk that the freehold ownership of the Country Park will change.

Recommendation

The Town Council agrees to the proposed variation of the Lease in accordance with the terms of the latest draft of the Deed of Variation at Appendix 3 and instructs the Chair of the Council and the Town Clerk to execute the Deed of Variation on behalf of the Town Council.

APPENDICES

APPENDIX 1 - Current Lease between CTC and CCCP Trust CIO. APPENDIX 2 - HLF Guidance on receiving a grant. APPENDIX 3 - Deed of Variation. APPENDIX 4 - 3 emails forming legal advice from Ashtons Legal

Attachment to Minutes, Item 13, To consider a request from the Trustees of CCCP to apply for the adoption of revised bye-laws for Clare Castle Country Park.

Background to Country Park bye-laws

These were drawn up by me some time ago. They are now being processed to go before the Secretary of State for approval.

Clare Castle Country Park Trust has now settled into their role and have a clearer practical view of what can be managed. They have made small changes to the previous set of bye-laws in the light of their experience. As our managing agents, they will have a greater role in observance of such rules.

Other issues have arisen in other parks and their like across the country. Issues such as drones, Chinese or sky lanterns, scooters and similar new devices, overnight sleeping in vehicles have all been included. The prohibitions on such issues have been made 'open' so there should not be a need to come back and amend the bye-laws in the future.

We might expect some opposition as to the prohibition of fishing. The possibility of allowing fishing in designated area was raised. In practice, such areas would necessarily be close to footpaths or public access areas, with the possibility of interaction issues. There would be an additional need to check rod licences. Clearance of lost lines and hooks would be another hindrance to conservation. Children would still be able to do pond-dipping and the like.

Bye-laws are quite intimidating as they seem to be all prohibitions and restrictions, but this is how they have to be framed. In practice it is the very short section on 'Permits' which allows the great majority of activities to be carried out in a common sense way.

Once this more onerous set of bye-laws is approved, those for the Playing Fields and the Nuttery can be brought forward.

Phil Gryce - 17 September 2017

Draft Byelaws for the regulation of Clare Castle Country Park

Clare Town Council in exercise of the powers conferred upon it by Section 164 of the Open Spaces Act 1906, sections 12 and 15, hereby makes the following byelaws for the protection of Clare Castle Country Park in the Parish of Clare in the County of Suffolk.

1. In these byelaws:

- (a) "Clare Castle Country Park" shall mean the land situated in the Parish of Clare in the County of Suffolk and declared to be managed as a public space in 2017;
- (b) "The Council" shall mean Clare Town Council;

- (c) "Managing Agent" means Clare Castle Country Park Trust;
- (d) "The Park" means Clare Castle Country Park;
- (e) "Waterways" shall mean the Chilton Stream, the New Cut, the River Stour and any other body of water within Clare Castle Country Park;
- (f) "Firearm" shall have the same meaning as in Section 57 of the Firearms Act 1968;
- (g) "Designated area" means an area within the Park set aside for a specific purpose by public notice; if a public notice is not in place, then no designation has been made.

Permits

2. The Council or its Managing Agent may give permission authorising an act or class of acts within Clare Castle Country Park or any part thereof which would otherwise be unlawful under the byelaws.

Prohibitions

3. Within the Park the following acts are hereby prohibited except in so far as they may be authorised by permission given by the Council in accordance with Byelaw 2, or are necessary to the proper execution of his duty by an officer of the Council or its Managing Agent or by any person, or servant of any person, employed or authorised by the Council or its Managing Agent;

Damage to or disturbance of things in the Park

- (i) No person shall intentionally kill, injure, take, disturb, displace or molest any animal, bird, fish or any other living creature, plant or fungus within the Park;
- (ii) No person shall engage in any hunting, shooting, fishing, setting any trap or net, using any lamp or other instrument, or the laying of any snares for the taking, injury or destruction of any animal, bird, fish or any other living creature within the Park;
- (iii) No person shall remove from or displace on the land within the Park any stone, soil, turf, water, or the whole or part of any living creature, plant, shrub, tree or fungus;
- (iv) No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure;
- (v) No person shall not in the Park walk, run, stand, sit or lie upon:
 - (i) any grass, turf or other place where adequate notice to keep off such grass, turf or other place shall be placed, provided that such notice shall not apply to more than one fifth of the area of the Park;
 - (ii) any flower bed, shrub or plant or any ground in course of preparation as a flower bed or for the growth of any tree, shrub or plant;

Dogs and other animals

- (vi) No person shall cause or suffer any dog or other animal belonging to him or in his charge to enter or remain in the Park unless such dog or other animal be and continue to be under proper control and be effectively restrained from causing annoyance to any person and from worrying or disturbing any animal or bird;
- (vii) All dog-owners shall be responsible for removing and disposing of dog droppings;

- (viii) Only those who are over 18 years of age who are in control of dogs can allow dogs to run free and then only one dog at a time;
- (ix) Dogs in the outside sitting area of the station buildings must be kept on leads;
- (x) Dogs must be kept on leads in specific areas of the Park where notices are displayed:
 - (xi) No person shall without the consent of the Council or its Managing Agent turn out or permit any animal for which he is responsible to graze in the ground;

Areas of water

- (xii) No person shall bathe or swim in the waterways;
- (xiii) No person shall intentionally, carelessly or negligently foul or pollute the waterways;
- (xiv) No person shall engage in the use of any personal watercraft of any kind on the waterways, other than in an emergency;
- (xv) No person may fish the waterways;

Use of vehicles and horses

- (xvi) No person shall on the land comprised in the Park ride or lead a horse or exercise a horse in any way;
- (xvii) No person shall on the land comprised in the Park drive, ride, propel or leave any mechanically propelled vehicle (including motorcycle or quad bike) elsewhere than in a place designated as being available for that purpose;
- (xviii) No person shall leave any vehicle overnight within the Park, except in the areas designated for parking;
- (xix) No person shall use any vehicles, caravan or trailer overnight within the Park for sleeping, cooking or washing;
- (xx) The use of invalid carriages as defined by and in accordance with the Use Of Invalid Carriages On Highways Regulations 1988 is not prohibited by these Byelaws;
- (xxi) A person who brings a vehicle into the Park shall not drive, wheel or station it over or upon:
 - (a) any shrub or plant or any ground in course of preparation for the growth of any tree, shrub or plant;
 - (b) any part of the Park where the Council or its Managing Agent by a notice board affixed or set up in some conspicuous position in the Park prohibit it being driven, wheeled or stationed;

Use of certain equipment

- (xxii) No person shall on the land comprised in the Park use any apparatus or equipment for the transmission, reception, reproduction or amplification of sound by electrical or mechanical means to cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons on the land comprised in the Park, except that this byelaw does not apply to apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle and mobile phones or equipment generating sound only audible to one person at a time;
- (xxiii) No person shall on the land comprised in the Park use any device designed or adapted for detecting or locating any metal or mineral in the Park;

(xxiv) No person shall on the land comprised in the Park use any golf clubs;

Use of fire-arms etc

(xxv) No person shall on the land comprised in the Park be in possession of a firearm or discharge a firearm or light a firework;

(xxvi) No person shall on the land comprised in the Park project any missile, including bow and arrow, manually or by artificial means;

(xxvii) No person shall fly a model aircraft or drone over the land comprised in the Park, whether controlled from or outside the Park;

(xxviii) No person shall discharge fireworks on the land comprised in the Park;

General prohibitions

(xxix) No person shall on the land comprised in the Park intentionally obstruct, disturb, interrupt or annoy any other person in the proper use of the Park;

(xxx) No person shall on the land comprised in the Park erect any post, rail, fence, pole, booth, stand, building or other structure;

(xxxi) No person shall on the land comprised in the Park affix any notice or advertisement;

(xxxii) No person shall on the land comprised in the Park sell or offer or expose for sale, or let to hire or offer or expose for letting to hire, any commodity, article or service;

(xxxiii) No person shall on the land comprised in the Park hold any show, performance, public meeting, exhibition or sports event;

(xxxiv) No person shall on the land comprised in the Park intentionally or recklessly remove, damage or displace any structure, lifesaving equipment, notice board, notice exhibited by order of the Council or its Managing Agent, apparatus, wall, boundary bank, fence, barrier, railing, or post;

(xxxv) No person shall on the land comprised in the Park light any fire, stove, heater or other appliance capable of causing a fire, except in a designated area;

(xxxvi) No person shall release on land comprised in the Park a helium-filled balloon or sky lantern (otherwise known as a Chinese lantern)

(xxxvii) No person shall on the land comprised in the Park let fall or throw any lighted match or lighted substance in a manner likely to cause a fire;

(xxxviii) No person shall intentionally leave items in a place other than a receptacle provided by the Council or its Managing Agent for the disposal of litter and refuse;

(xxxix) No person shall on the land comprised in the Park erect, occupy or use a tent or any other structure for the purpose of camping;

(xl) No person shall on the land comprised in the Park ride a bicycle, tricycle, scooter or any other non-mechanical means of transport without regard to other park users;

(xli) No person shall play ball games in the fenced off playground area unless the main participant(s) are a child, or children, under five years of age.

Interference with a duly authorised officer

(xlii) No person shall intentionally obstruct any officer of the Council or its Managing Agent or any person, or the servant of any person, employed or authorised by the Council or its Managing Agent in the proper execution of their duties (which duties shall include the enforcement of these byelaws) or in the execution of any works connected with the laying out, maintenance, protection or management of the Park.

Byelaws

4. Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect the exercise:

(a) by a person of:

- (i) a right vested in him as lessee in the Park;
- (ii) any public right of way;

(b) of any functions of a local authority;

(c) by a police officer or police employee or a member of the armed forces or of any Fire and Rescue, or Ambulance Service, or Environment Agency officer of the performance of his duty.

Penalty

5. Any person who offends against any of these byelaws shall be liable on summary conviction to a fine each day during which not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine for the offence continues after the said conviction.

Attachment to Minutes, Item 16, Town Council Committee and Working Group reports

Traffic working party report

Under discussion:

- Letter to all councils along the 1092 regarding HGV's
- Speed reduction on Cavendish road
- CBA Request to country park trust regarding market day parking
- Pavement parking Station Road
- Complaint of obstructive parking by residents on junction of Highfields/Cavendish road

Actions:

Request police send a letter to residents of Station Road and part of Highfields pointing out the dangers of obstructive parking with relevant quotes from the Highway Code or any action they think fit.