

BARHAM PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING HELD IN BARHAM CHURCH HALL, ON MONDAY 15TH AUGUST 2022, 7.00PM

PRESENT: Chairman Darren Milward, Vice Chairman Frances Milward, Cllr Brenda Mitchell, Cllr Andrew Akhurst, Cllr Casey Wooltorton, Cllr Wayne Allan, Cllr Jeremy Lea & Cllr Andrew Akhurst.
Also present: BMSDC John Whitehead & Tim Passmore, SCC Chris Chambers the Clerk and 19 members of the public.

OPEN FORUM – Member of the Barham Picnic Site Community Project (BPSCP), registered charity, read out a rejection statement as follows:

A meeting with Barham Parish Council (BPC) on 31/05/22 to discuss various aspects of the initial lease for the picnic site put forward by BPC. Compromises were made by both parties and BPSCP left that meeting feeling assured that an acceptable new revised lease would be drawn up by BPC's solicitors which would form the basis of a workable long-term (99 year) lease arrangement between BPC as the site's freeholders and BPSCP as the long-term leaseholder of the site.

BPC sent a revised lease to BPSCP via solicitors on 08/07/22 and we received a written ultimatum – that there could be no further negotiations, and this was a 'take it or leave it' final proposal. A decision deadline of 12/08/22 was given. BCPSP received both the lease and their solicitor's considered advice and called a special meeting to discuss it on 29/07/22. The BPSCP solicitor's advice was clear and unambiguous – as legal advisors, they could not recommend the signing of this revised lease. At that formal meeting, 12 members voted to reject the lease, 1 voted to accept and 1 abstained. The reasons for rejection and the principal drivers behind this rejection are;

1. **Break clause after 5 years:** the first lease contained a break clause exercisable after two years by BPC but only for due cause – should BPSCP not adhere to the lease conditions or fail to reopen the site as a recreational area. The BPSCP asked for a longer period before any break clause, preferably 10 years, as project planning, fund raising, and grant submissions could themselves take longer than 2 years.

The revised lease has a break clause, exercisable after 5 years but, in a crucial change of wording, it is exercisable by BPC without a need for a reason. This wording change effectively creates just a 5-year lease rather than a 99-year lease. The picnic site could be significantly improved and developed by the BPSCP volunteers, funded by donations and grant funders, but then taken back by BPC without any reasons given after 5 years. From discussions with local, regional, or national grant funders, none would be prepared to award the BPSCP significant grant monies for this long-term community project based on merely 5 years of certainty. Without this significant grant funding the project simply could not happen.

2. **Prohibition on underletting or licensing:** the BPSCP anticipates a potential need to grant licences to third parties, for example catering. This may be crucial to ensure the site is financial independent and is not in need of parish council subsidy. For a third party to make a capital commitment to the project, for example setting up a café, they would need a minimum termination notice period of say 12 to 24 months and not be subject to ejection at a whim with no notice. An outright prohibition on underletting or licensing within the site could seriously curtail the BPSCP in developing community facilities at the site.

3. **Prior notification to BPC of any improvements:** the revised lease gave more freedom than the initial lease by listing various improvements that could be made by BPSCP without prior consent, but the lease still requires the BPSCP to provide BPC with all plans and specifications prior to carrying out the work. This extends to such minor improvements as waste bins, information boards, pathways, and seating.

The BPSCP is extremely disappointed that the revised lease fails to measure up to the expectations coming out of the 31/05/22 meeting it had with BPC. Despite the deadline ultimatum given by BPC, which has now passed, and this revised lease being offered as 'take it or leave it,' BPSCP do hope that

Chairman's initials.....

dialogue will continue between BPC and BPSCP. It is the sincere hope of the BPSCP that acceptable compromises will be made to the proposed lease to enable the successful delivery by the BPSCP of this presently much neglected BPC site, to create a valuable community recreational and picnic area for Barham and surrounding villages. Any decision made this evening by the Parish Council will need to be taken back by BCPSP for the committee to discuss.

The Chairman of the Parish Council is disappointed and would have appreciated that BPSCP had come back to the Parish Council before the deadline to advise that they were not happy with the terms and to renegotiate a lease which would be agreeable by all.

Member of the public present expressed disappointment also that the lease has not been agreed as it was understood that at the last meeting with the PC the terms had been agreed and that things would be able to move on. The 2 groups appear to not be able to talk to one another to reach an amicable decision. He therefore suggests that an arbitrator is called eg BMSDC Cllr Passmore/Whitehead or SCC Chambers to sit around the table and have a sensible discussion to resolve and agree terms which are acceptable to both sides. Then to send the terms back to the BPSCP solicitors. Both sides must genuinely agree to make it all happen and to move forward, a year after the original negotiations.

Cllr Whitehead suggests that the lease which is a 16 page document, has just one page which is in dispute which is made up of 3 points - the Break Clause, Sub Letting and notification of changes. The proper reason to trigger a break clause was not contained in the lease and makes the lease sound like a 5 year term not a 99 year.

Cllr Woollorton suggests that the final lease/terms received back from the PC solicitors did not contain the terms which BPSCP and the PC had all agreed at the last meeting. Should the PC wish to see a schedule of works/project plan then this can be arranged.

SCC Chambers informed that he had been hopeful that after the last meeting which the PC had had with BPSCP, both sides had come to an agreement and all points had been agreed upon, therefore why not have one last go to get the terms agreeable by both parties. However, if BPSCP is not able to accept the 5 year break clause which the PC states, then it needs to be the end now!

Member of the BPSCP stated that the group do still want to be in dialogue with the PC and do not wish it to end here! The Chairman expressed that the PC wants the village to have a picnic site, but the lease must be for 99 years and contain a 5 year break clause.

Cllr Lea suggests that BPSCP should be asked to provide a lease with the agreed terms and remove the errors.

The Chairman asked that the PC approves the above solution. BCPSP can therefore go back to its committee to discuss, followed by asking its solicitor to correct the 3 points which they are not happy with, then to send the lease back to the PC. A deadline of 30th September 2022 will be given. An extraordinary meeting of the PC can be called upon to then finalise the revision. This was agreed by all, proposed Cllr Allan seconded Cllr Akhurst.

1.08 APOLOGIES

a. Apologies for absence. Cllr Neil Cooper – on holiday, Cllr Oliver Wastell – work commitment.

b. Consent/non consent to absence. Consent was granted to the above councillors.

2.08 TO ADOPT THE NEW LOCAL GOVERNMENT ACT COUNCILLOR CODE OF CONDUCT

The new Councillor Code of Conduct has been forward to all prior to the meeting, which now contains a broader declaration of interests, the previous code was seen to have weaknesses on the provision of interests. Dispensations can be granted for a 4 year term of office if needed.

The Clerk advised that Councillors must update their interests within 28 days of a change taking place or taking office. All Councillors should review their interests annually.

It was agreed by all to adopt the new code, proposed Cllr Milward seconded Cllr Allan.

The Clerk will upload the new code of conduct onto the PC website.

3.08 COUNCILLORS DECLARATION OF INTERESTS

a. Declaration of interests with regards to any item on the agenda.

Cllrs Mitchell & Woollorton regarding the picnic site and signed the Interests book.

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4.08 TO APPROVE THE MINUTES OF THE ANNUAL GENERAL MEETING HELD ON 16TH MAY 2022. The minutes were approved correct, proposed Cllr Milward seconded Cllr Wooltorton, minutes signed by the Chairman.

5.08 WORKPLAN AND PLANNING LIST

a. Review of Workplan

ANPR arrived in Barham and installed on Norwich Road in July, to carry out a traffic survey until October. The Chairman informed that all the other speed devices in Barham has to be switched off whilst the survey is taking place. Barham is the first village in Suffolk to have the ANPR device. Data is currently being collected from it and is finding up to 100 vehicles a day are speeding. All offenders will get a letter from the police, if they offend for a 3rd time then they get a visit from the police.

Highways – Traffic Calming Chairman reported that he has met and had a good meeting with the Highways Community Liaison Officer and SCC Chris Chambers. Cllr Chambers advised that he has considered the highways £7,500 estimate for the design project which the PC has to pay for. The overall scheme could come back at a cost which the PC is unable to afford. He would suggest that the PC takes an overall look at what is the most achievable out of a budget to get off the ground in the first instance.

He would consider that the following 3 would be achievable for the traffic calming along Norwich Road;

- A build out of the road at the junction with Sandy Lane to slow down and stop the traffic
- Larger and more signage
- Roundels on the road

The Chairman advised that the PC has a substantial amount of reserves in the bank accounts and would suggest an affordable budget of £20,000 to see what can be achieved.

Any additional funds would also be greatly appreciated from the district and county councillors.

This was agreed, proposed Cllr Lea seconded Cllr Allan. However Cllrs Mitchell & Wooltorton are against spending £20,000 on traffic calming as the speed limit will go down to 30mph when the new houses are built. SCC Chambers advised that he would get all the works on the estimate priced up so that the PC can see what it can afford out of its budget.

Chairman to meet again with Highways and SCC Chambers next week.

BMSDC Passmore informed that 2 more speed vans will be deployed to Suffolk in September.

Cllr Wastell has cleared back the foliage around the speed sign on Sandy Lane and the PC agreed that the Clerk should ask him for his invoice for carrying out the work.

Kirby Rise Green 3 quotes have been received with the best price being from Kiwi Fencing, £5037.00 plus VAT. Clerk to find out if the wood to be used will be treated/kiln dried and with a 10 year life span. If so all agreed to go ahead, proposed Cllr Allan seconded Cllr Wooltorton.

b. Review of Planning List & To Discuss any new Planning Applications Received

In Cllr Coopers absence the Chairman reported on planning applications received during July and August so far.

The Chairman advised that at such a time when a planning application is received for the land at the old doctors surgery, a public meeting will be called.

6.08 COMMUNITY LAND, NORWICH ROAD - To consider the land for the benefit of the community.

The Chairman informed that he has met with the land owner and the agent and advised them that it is the wish of the public to have a community centre, doctors surgery and school.

The land owner still owns 3 pieces of land within the new proposed development and cannot say at this point in time if he will donate any of the plots for that use. However, Taylor Wimpey is putting in provisions for a School.

BMSDC Passmore & Whitehead advised that the NHS is refusing to build a new doctors surgery in Barham, however they will be expanding the NHS facility in Needham Market.

They also advised that the community use site and S106 agreement will be going to planning committee in September. After which time the land owner is then happy to have a meeting with the PC, however he would like the village to be consulted on its preferences for the use of the land.

SCC Chris Chambers left the PC meeting at 8.35pm

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7.08 TO RECEIVE A REJECTION OF THE FINAL LEASE FROM BPSCP AND TO CONSIDER WITHDRAWAL OF THE OFFER OF A LEASE TO BPSCP. Dealt with in the Open Forum

8.08 FINANCE

a. Monthly Payments – to agree the payments for May, June & July. These were approved by all, May payments £4082.78, receipts £0.00. June payments £1866.38, receipts £0.00. July payments £1063.37, Receipts £4438.38. All signed off by Cllr Lea.

b. Monthly reconciliation – to approve July bank reconciliation. As at 31/07/22 the Current Account £31,685.18, Business Premium Account £34,656.68. Signed off by Cllr Lea.

c. External Auditors Report – Completion of Audit and Invoice to pay.

The Clerk reported that the PKF Littlejohn has approved the AGAR/end of year accounts March 2022 with no adverse comments and that the notice of conclusion of audit has been posted on the noticeboards and website. The Chairman praised the Clerk and Cllr Lea on another successful audit. Invoice received from PKF Littlejohn £360.00, all approved the payment, proposed Chairman seconded Cllr Allan.

BMSDC Tim Passmore left the meeting at 8.40pm.

9.08 REPORTS – Councillors to report on any meetings that they have attended since the last Parish Council meeting.

The report received from BMSDC Passmore & Whitehead has been forward to all prior to the PC meeting, which includes the Gateway 14 and proposal to build a new Range warehouse. A Leisure Centre hub to be built in Stowmarket. Energy Rebate Scheme, funding available. BMSDC has a surplus budget of £1.2 million, which is mainly due to staff vacancies.

Village Hall Committee, Cllr Mitchell reported that they are finding it difficult to recruit a new booking clerk as this is a voluntary position. Fewer bookings were received during the pandemic however they are now beginning to pick up again.

Community Trust, no report has been received from Cllr Wastell.

Recreation Ground, Cllr Allan reported that a few issues have arisen from the new play equipment and that the snagging list is being dealt with. The Jubilee Day was a great success and a good time was had by all. All the hard work paid off.

10.08 CORRESPONDENCE – to report to councillors on any correspondence recently received

Member of the public advised that vehicles are still parking along the side of the roads in Barham, which is illegal. Please can this be included again in the next In Touch magazine.

BMSDC Tim Passmore had suggested at the last PC meeting that public should take photographs of the parked vehicles and send to him or the PC.

Pleased that dog owners have taken responsibly and not letting their dogs run off the lead.

11.08 DATE OF NEXT MEETING. Monday 14th November 2022, however once the picnic group has finalised the revised lease an Extra Ordinary meeting of the Parish Council will be called.

The meeting ended at 8.55pm

Chairman

Date