

## **BARHAM PARISH COUNCIL**

### **MINUTES OF THE PARISH COUNCIL EXTRA ORDINARY MEETING HELD IN BARHAM CHURCH HALL, ON TUESDAY 12<sup>th</sup> DECEMBER 2023, 7.00pm.**

#### **PRESENT:**

Chair Gail Cornish, Cllr Brenda Mitchell, Cllr Paul Fenn, Cllr Marilyn Lesley, Cllr Bonnie Head, Cllr Graham Head, Cllr Ian Woods, Cllr Julie Gregory & Vice Chairman Casey Wooltorton.

**Also present:** BMSDC John Whitehead, SCC Chris Chambers, the Clerk and 5 members of the public.

The Chair informed that 3 members of the parish council had written to the Clerk asking for an Extra Ordinary Parish Council meeting to discuss a decision previously made within the last 6 months, regarding the item 3.

She also explained that under 7a of standing orders this allowed a decision made in last 6 months to be reversed by special motion requiring written notice from 3 councillors given to the Clerk in accordance with session 9. Also 6b that the Chair must call an extraordinary meeting within 7 days of a request in writing by 2 councillors. Both the above had happened and the meeting had been properly advertised as stated in the Standing Orders.

#### **OPEN FORUM**

Member of the public asked why some of the Parish Council has changed their minds from wanting to give the Barham Picnic Site Community Project (BPSCP) the Freehold of the Barham Picnic Site rather than passing back to Suffolk County Council?

Cllr Wooltorton explained that having waited 4 months for SCC to proceed with this, it would be much quicker for the Parish Council to pass the Freehold directly to BPSCP.

Member of the public asked if the Parish Council has taken legal advice? The Chair replied that she will suggest to the PC that they use Birketts Solicitors on this occasion, as they have more legal experience with land and local government.

Cllr Wooltorton informed that the SCC legal team has confirmed that the PC has authority under the "Community Assets Rights" to transfer the Barham Picnic Site to BPSCP and are happy for this to go ahead. The BPSCP as a charity are within its rights to receive a gift of land. Once the BPSCP has either the Freehold or Lease then they can apply for funding.

Member of the public asked what would happen with the Barham Picnic Site if the charity folds? The Chair informed that the land and any money the charity held according to their constitution must then be handed to another charity within the area. She also informed that the BPSCP has had a meeting and voted that if the charity did fold then it would not wish to hand the Freehold back to the Parish Council. However, if the PC gave a lease for the picnic site to the charity then it would automatically go back to the PC.

Cllr G Head hopes that the BPSCP will promote and encourage young people to join them and to take the site forward over the forthcoming years.

Member of the public asked why work has ceased at the picnic site since the new parish council took over? The Chair advised that it was only fair to wait for the charity to continue the work once the Freehold/Lease has been sorted.

Member of the public asked who the public should go to for advice if they are not happy with the decision made by the PC tonight? The Chair advised this would be the Monitoring Officer at BMSDC.

Member of the public summarised that the PC should give a lease to the charity not a freehold. The PC has not taken any legal advice and that the Charity has no funds.

Member of the public stated as fact that the parish council were under investigation by the police and by the electoral commission for its actions during the election. The chairman informed that this was untrue and secondly that one member of the public was extremely abusive and directly threatened two members of the council with violence.

#### **1. APOLOGIES**

**a. Apologies for absence.** BMSDC Cllr David Penny.

**b. Consent/non consent to absence.** NA

#### **2. COUNCILLORS DECLARATION OF INTERESTS.**

The Chair reminded everyone that a dispensation is in place for councillors regarding the Barham Country Park to June 2024.

*Chairman's initials.....*

a. Declaration of interests with regards to any item on the agenda. None.

**3. TO PURSUE THE ORIGINAL VOTE OF MOVING FORWARD TAKEN WITH SUFFOLK COUNTY COUNCIL, OR THAT WE THE BARHAM PARISH COUNCIL, PASS THE FREEHOLD OF THE LAND AT THE BARHAM PICNIC SITE TO THE BARHAM PICNIC SITE COMMUNITY PROJECT (BPSCP).**

The Chair informed that the Parish Council is allowed under Standing Order 7 & 9 to add and change a motion which has been set on the agenda and that this becomes the motion going forward.

Cllr Woollorton explained that the PC had previously had a vote to hand the freehold back to SCC and that SCC would give a lease to the BPSCP, however this was 4 months ago and nothing has been done about this by SCC. He proposed his preferred option that the PC hands the freehold directly to BPSCP. As he felt a lease can be cancelled at any time.

Cllr Fenn feels that voting will be incorrect as the Parish Council is heavily biased with members of the picnic site charity. He proposed that his preferred motion is that it should be done by a lease, not a freehold and to put a clause is put in that if anything happens to the charity then the lease is handed back to the PC.

Cllr Woods agrees.

Cllr B Head reminded that before the BPSCP was set up, a group had been formed who carried out a lot of work at the site.

Cllr G Head agrees that there are pro's and con's with either a lease or freehold. SCC are causing a hold up with a lease.

Cllr Lesley suggests that it makes sense to keep as freehold.

Cllrs Gregory & Mitchell agrees with this.

The Chair feels that is shouldn't be a freehold from the PC to the BPSCP, it should be an extensive lease with as few caveats as possible and for the picnic site to be open for use to the community.

She proposed that the motion should be changed to Lease, seconded Cllr Fenn.

The Clerk read out the first part of the new motion;

**TO PURSUE THE ORIGINAL VOTE OF MOVING FORWARD WITH SUFFOLK COUNTY COUNCIL.**

All against this decision.

The Clerk read out the second part of the new motion;

**PASS THE LEASE OF THE LAND AT THE BARHAM PICNIC SITE TO THE BARHAM PICNIC SITE COMMUNITY PROJECT (BPSCP) 3 in favour and 6 against.**

The Clerk then read out the second part of the original motion;

**PASS THE FREEHOLD OF THE LAND AT THE BARHAM PICNIC SITE TO THE BARHAM PICNIC SITE COMMUNITY PROJECT (BPSCP)**

The Chair asked that should this motion be passed then a caveat should be included that if the BPSCP folds then the freehold would come back to the PC, 3 in favour and 6 against.

**6 in favour and 3 against that the freehold of the land is passed from the PC to the BPSCP and with no caveats.**

The meeting ended at 7.47pm.

**Chairman .....**

**Date .....**