

# **CIRENCESTER TOWN COUNCIL**

**MINUTES** of a Meeting of Council held in Suite 3, Dyer House, 3 Dyer Street, Cirencester, at 6.10 p.m. on Tuesday, 9<sup>th</sup> August 2005.

**PRESENT:** Councillor N E Whereat – Mayor  
Councillor Dr P A Hedges – Deputy Mayor

**Councillors:** Mrs S A Alexander  
R Bourne  
Mrs M T Eccles  
Mrs S A le Noury  
J B Leicester  
Mrs R A Leicester  
D J Nash  
Mrs B A Potter  
Mrs M S Rickman

Andrew Rennie Crook - Town Clerk  
Clive Sherwood – Deputy Town Clerk  
Johan Newman – Personal Assistant

A Prayer was read by the Mayor and the Mayor welcomed Councillor Mrs S A le Noury to her first meeting as a Councillor.

## **41.06 APOLOGIES**

Apologies were received from Councillors G T Adams, B D Hudson and J D Leigh.

## **42.06 DECLARATIONS OF INTEREST**

Councillor Dr P A Hedges stated that his wife had recently been appointed Treasurer to the Parish Church Parochial Church Council. In the circumstances, he declared an interest by virtue of his wife's appointment.

Councillor Mrs S A Alexander declared an interest with regard to the tenant of the Norman Arch and issues relating to the Norman Arch and left the meeting during these items (Minute Nos. 52.06 and C60.06)

The Clerk provided the Mayor with a petition, at the request of the Norman Arch Group, which stated *"We the undersigned declare that we believe it to be wrong of Cirencester to sell historic assets such as the Norman Arch that was gifted to the people of Cirencester and in the care of the Town Council. The petitioners therefore request that Cirencester Town Council withdraws the property from sale to consult with interested groups and individuals and duly take their views into consideration."*

## **43.06 MINUTES**

**RESOLVED that the Minutes of the Council Meeting held on Tuesday, 14<sup>th</sup> June 2005 and the Special Council Meeting held on Tuesday, 12<sup>th</sup> July 2005 be approved as a correct record and signed by the Mayor subject to Minute Nos. C28.06 and C29.06 of 14<sup>th</sup> June 2005 to be considered under confidential matters.**

## **44.06 FINANCE COMMITTEE**

**RESOLVED that the Minutes of the Finance Committee Meeting held on Tuesday, 12<sup>th</sup> July 2005 be approved as a correct record and signed by the Chairman at the next meeting subject to Minute No. C35.06 to be considered under confidential matters.**

**45.06 MAYOR'S ANNOUNCEMENTS**

The Mayor drew the Members' attention to the Newsletter and advised that he had attended the 29 Regiment Royal Logistics Corps "The Beating of the Retreat" event and an open day at Corin.

**46.06 QUESTION TIME FOR ELECTORS**

No questions were received.

**47.06 QUESTION TIME FOR MEMBERS**

No questions were received.

**48.06 RESOLUTIONS MOVED ON NOTICE – STANDING ORDER NO. 19**

None were received.

**49.06 GLOUCESTERSHIRE COUNTY COUNCIL**

No questions were asked of this authority.

**50.06 COTSWOLD DISTRICT COUNCIL**

No questions were asked of this authority.

**51.06 RURAL WHITE PAPER AND MARKET TOWNS HEALTHCHECK**

The Clerk briefly outlined the requirement of Council that he should report on developments relating to the Rural White Paper, which was published in December 2000 and on issues relating to the Market Towns Healthcheck. The meeting was advised that there was no further progress in respect of the Healthcheck, which was to be regretted as the Healthcheck as laid down by the Countryside Agency had identified amongst other things the assessment of the environment and buildings of architectural importance. Perhaps had the Healthcheck been taken forward rather than disrupted last summer, there would have been a means available to avoid the current situation that had developed over the Norman Arch.

**52.06 NORMAN ARCH COTTAGE**

Councillor Mrs S A Alexander declared an interest with regard to the tenant of the Norman Arch and issues relating to the Norman Arch and left the meeting for this item.

Members received a report by the Clerk, which updated Members on the current situation relating to the Norman Arch by producing to them copies of exchanges of recent correspondence, background reports and a schedule of issues raised by the Norman Arch Group (a copy of which is appended to the signed Minutes).

The Clerk referred to the information that was contained in appendices in his report and confirmed that Mr D Viner of the Cotswold Archaeological and Historical Society had requested that it be noted that the Society was in support of the questions raised by the Norman Arch Group, also contained in the report.

The Clerk advised that in addition to the documentation in the appendices, the Norman Arch marketing information had been forwarded to The Vivat Trust and that the Corinium Gate Residents Association had expressed their concern about the sale of the Norman Arch.

The Clerk advised that an offer had been made for the Norman Arch, which would be considered in confidential session later in the meeting.

The Clerk then outlined his report (a copy of which is appended to the signed Minutes) and referred to the questions raised by the Norman Arch Group, as contained within Appendix "C" of the report.

The 19 questions are as follows, together with the answers identified in italics. Please note that the numbers recited are as they were received: -

Unfortunately, due to the behaviour of some of the members of the public by frequently shouting out, the Mayor had to use his gavel and stand on a number of occasions for order to be maintained. On the final occasion, the Mayor asked that a member of the public be removed from the meeting. PC Freeman did so and a number of the public left the meeting at the same time.

Q1

Would Cirencester Town Council withdraw the Norman Arch and Cottage from sale to consult with interested groups and individuals and duly take their views into consideration?

A1

*The Clerk advised that the decision to market the Norman Arch had been made on 24<sup>th</sup> January 2005 and confirmed on 14<sup>th</sup> June 2005. A decision of the Council could not be reversed within six months, save by a special resolution, the written notice thereof should identify the names of at least nine Members of the Council.*

*A Member accordingly moved and another Member seconded that notice be given of a special resolution. Nine Members were not found to support it.*

Q2

Would the Town Council engage fully, through the newly formed project board, with a working group made up of local people and representatives of organisations to look at viable alternatives to selling the property and allow it to present to council in, say, six months time?

A2

*The Chairman of the Project Board advised that such an arrangement was not within the Terms of Reference of the Project Board. It was stated, however, that if Members were so minded, a working group with the Norman Arch Group could be set up.*

Q3

Given that the Town Council feel that it is OK to sell this asset, does this mean that if this or a future council wanted to, they could sell parts of the Abbey Grounds, St Michaels Park, Baunton Lane and other assets in their care?

A3

*A Member stated that whilst the Council has no intention of selling the above, it is impossible to identify what might happen in future and that subject to any restrictions, the Council or its successor might decide to sell.*

Q3

The Council states on its website that it is "Committed to the "Best Value" ideals of larger authorities." According to correspondence with Cllr Nash it is under a legal obligation to get "best value". Given that the lack of consultation has resulted in vociferous and public protest, any potential buyer could use this as a negotiating lever to reduce the asking price ensuring that the council does not get best value. Would the Council remove the property from the market to ensure that proper consultation takes place and, should the best route be to sell to a private buyer, the Council gets best value in the absence of protest and demonstration?

Q3

*A Member advised that the Council is legally obliged to obtain a market value for the disposition of an asset.*

Q4

Could the Town Council quantify the likely future burden of ownership? Has a schedule of works been produced? Has a full survey taken place of the fabric? Is there a schedule of condition?

A4

*A Member advised that it was difficult for the Council to quantify what the burden will be. In the short term, there were no major problems identified and the Council has been identifying with "a stitch in time" process. There was always, however, the possibility of substantial costs in the future, it being a Grade 1 Listed Building.*

Q5

Has the Town Council received any offers on the property?

A5

*Yes.*

Q6

Could the Town Council confirm the process through which they went to appoint Lane Fox as agents for the sale of the Norman Arch? Was this tendered for or are they retained?

A6

*A Member advised that Messrs Lane Fox acted as lettings agents, know the Norman Arch and the Council continued with that arrangement.*

Q7

Could the Town Council please confirm on what basis Richard Chester-Master gave the Arch to the UDC, was it given to and for the benefit of the townspeople?

A7:

*A Member advised that the Deed of Gift identifies that the Executors conveyed the property to the Urban District Council by way of gift. The Deed of Gift contained a covenant relating to the provision of stock proof fencing and reserved a right of way through the arch but imposed no restrictions upon disposing of the property.*

Q8

Will the Town Council secure the footpath through the Arch as a public right of way recorded in the Gloucestershire County Council definitive map before agreeing to a sale?

A8

*A Member advised that the Council has maintained the right of way and it will be secured when the property is sold.*

Q9

Do Town Councillors feel that there has been a proper process of consultation regarding the sale of the Norman Arch that has fully represented the current and future taxpayers of the Cirencester?

A9

*A Member advised that this issue has been in the public domain for some time and the Council is concerned with getting proper value.*

Q10

Would the Town Council please confirm which members took part in the votes on the 24<sup>th</sup> January and 14<sup>th</sup> June regarding the Norman Arch, was it a recorded vote and what were the reasons given by those absent?

A10

*The Clerk advised that recorded votes were not taken at the above meetings and that the following Members were in attendance: -*

*The Members present on 24<sup>th</sup> January 2005 were: -*

*Councillors: G T Adams  
Mrs S A Alexander  
R Bourne  
Mrs M T Eccles  
Dr P A Hedges  
B D Hudson  
J B Leicester  
Mrs R A Leicester  
R G Lock  
D J Nash  
Mrs M S Rickman  
D J M Sankey  
N E Whereat*

*Councillor Mrs S A Alexander declared a personal and prejudicial interest and left the meeting for this item.*

*The Clerk advised that one Member was absent owing to an ill spouse.*

*The Members present on 14<sup>th</sup> June 2005 were: -*

*Councillors: G T Adams  
Mrs S A Alexander  
R Bourne  
Mrs M T Eccles  
B D Hudson  
J B Leicester  
Mrs R A Leicester  
J D Leigh  
R G Lock  
D J Nash  
Mrs B A Potter  
N E Whereat*

*The Clerk advised that there was at the time, a vacancy on the Council, that one Member was tending an ill spouse and another was on holiday.*

Q12

Do the Town Council accept that the petition is an accurate representation of the views of Cirencester residents?

A12

*A Member advised that he had checked the first 20 pages of the petition and that of the 509 names, only 166 (32%) names were on the electoral register. A number of similar names appeared against addresses of Council Tax payers and therefore assuming them to be children in that house the number of relevant signatures increased to just short of 40%. In other words, 60% of those on the petition were not Council Tax payers or members of a Council Tax payers household. The petition wording was also open to interpretation.*

Q13

Please confirm the process the Town Council would follow to accept an offer on the Norman Arch.

A13

*The Clerk advised that the normal conveyancing process would apply. If an offer was accepted by the Members then solicitors would be instructed and a contract prepared. The buyer would pursue all the normal searches and raise enquiries before contract. At the appropriate time, contracts would be exchanged and the matter would move to completion with the Council receiving the sale proceeds and the buyer taking a transfer of the property subject to all relevant covenants and conditions.*

Q14

Is there a figure the Town Council would accept for a short to medium term lease with covenants allowing public access to and through the Norman Arch?

A14

*A Member stated that this was an impossible question to answer. One needs to consider all the relevant facts by reference to such a proposal. The Town Council was, in marketing the property, seeking a capital receipt and accordingly it would be necessary to identify the benefits of any alternative arrangement.*

Q15

What community projects would suffer due to the lack of capital provided by the sale of the Norman Arch and how would these projects be affected?

A15

*A Member advised that the Council would endeavour to avoid projects suffering through the lack of capital arising from the Norman Arch. This would, however, mean that the burden would have to be passed on to the Council Tax payer. It would also mean that in addressing the continuing demands of the Disability Discrimination Act, certain works could not be moved forward as quickly as would be wished.*

Q16

Are there any other sources of funding for these projects?

A16

*A Member stated that grants are only available for specific projects and that some of the works necessary did not automatically qualify. The Council had given consideration to obtaining a loan from the Public Works Loan Board but in so doing took account of the fact that the repayment and interest would have to be borne by the Council Tax payers.*

Q17

Would the Town Council confirm that to raise the same amount of money as the sale of the Arch over a five year period would mean an increase of approximately 40 pence per precept payer per month?

A17

*To raise £350,000 over 5 years, would mean the following: -  
The Council Tax raised by the Town Council is based on 6,760 properties in the Band "D" bracket. £70,000 divided by this number of properties equates to approximately £10.35 per year per Council Tax bill, therefore, equivalent to 86 pence per month increase.*

Q18

Does the Town Council have any other reason for selling the Arch that is not in the public domain?

A18

*No.*

Q19

According to the National Association of Local Councils Pointers to best Practice document [question not complete].

A19

*The Clerk referred to the best practice document and advised that the Town Council and its Members had been directly involved in some of the preparation work in this document having been interviewed and addressed by one of the authors.*

A Member advised that there are 366 Listed Buildings in Cirencester and that Cotswold District Council owns 11 of those and 1 is up for sale. The rest are accordingly privately owned and it would not be suggested that these are not properly looked after. It should also be remembered that the Norman Arch is Grade 1 Listed and is fully protected.

**RESOLVED that: -**

- a) that a Working Group be established incorporating 4 Members of the Council and 4 members of the Norman Arch Group to consider viable alternatives to the sale of the Norman Arch.**

**The following Council Members volunteered to represent the Council: -**

- **Councillor Mrs M T Eccles**
- **Councillor Dr P A Hedges**
- **Councillor Mrs B A Potter**

**The Clerk was accordingly requested to write to Members seeking a further representative, although the Mayor stated that he would be willing to join the group.**

**The Clerk was also requested to write to the Norman Arch Group to ask for the nomination of 4 representatives and their contact details.**

- b) the Clerk should give an undertaking to ensure that Charles Russell LLP receive at least 72 hours notice prior to exchange of contracts in respect of the Norman Arch.**

The meeting was adjourned for 5 minutes for members of the public to leave the building following the conclusion of this item.

The Council was reconvened at 8.00 p.m.

### **53.06 KINGSHILL LANE SPORTS DEVELOPMENT - SKATEBOARDING**

At the Finance Committee Meeting held on Tuesday, 12<sup>th</sup> July 2005, it was resolved as follows: -

**"RESOLVED that the Committee accepts in principle the requirement of an increased insurance premium subject to the satisfactory resolution by Council of all issues relating to the skateboarding facility at the Kingshill Lane Sports Development Site."**

Members were accordingly asked to consider firstly, the principal issue of whether the skateboarding facility should be used without supervision and then all other relevant matters.

Councillor Mrs M T Eccles made the following report: -

*"Over the past years a lot of time and effort on the part of the Council Officers, RUG members, Cirencester Youth Workers and councillors has gone into the Kingshill Skateboarding Project and I hope that tonight we can at last start to set the wheels in motion.*

*The first item we have to address is that of formalising the proposal, put forward at the last Finance Meeting, of increasing the level of funding for insurance. As I was not able to attend that meeting, I shall ask Cllr Hedges, with the help of the Clerk, to offer up the proposal.*

*Next I am pleased to tell you that GBH Engineering, the ramp design company, has come up with a custom-designed miniramp course, which the group very much like and which is tailored to suit the available funding. This means that, given our decision tonight, the work could commence forthwith. GBH have also offered to continue working with RUG in identifying sources for funding of Phase Two (enhancements to the ramps). The GBH Team is very committed to forming long-term partnerships with councils and community groups and RoSPA\* have used their installations as an example of good practice, I do not think we could have found a better company to help us on this project and I would like to commend the RFO for his work on this.*

*On to the part of this discussion with which I know some Councillors will have difficulty, that of un-supervised use of the facility. The Skateboard Working Group has been in extensive discussions not only with Vicky Wright but also with PCSO Lesley Pooley. All parties are agreed that it would be impossible to guarantee constant, adult supervision at the site and that it would be impractical and unrealistic to try to do so. We have been unable to find any other official skateboarding site that does this. At the moment the only places available for skaters to practise their skills in town are in the way of unsuitable car parks etc: RUG does have a core of members with at least 6 over-18s and 1 x 24 year old. These older members have volunteered to act as supervisors whilst on the site and to be trained in Health and Safety Regulations and First Aid. It does mean that there will probably be times though when there might not be any of these people on site and at those times the site will be unsupervised. In light of this it would not be possible to have the "chill-out room" open as it has been felt that asking anyone other than a designated Youth Leader to carry the responsibility of opening up (and closing down) the site would be an unfair burden.*

*I will therefore be proposing that we give the immediate go-ahead to GBH to start the necessary work needed to construct the ramps on our site and that, once up and running, a month on month review take place to assess how the skateboard facility is working and suggest any changes that might be needed. This to be done in conjunction with Vicky Wright and the RUG Members. If this means setting up a Working Group to oversee the project, I shall be more than happy to volunteer.*

*Finally, there are plans to make skateboarding an official sport at the 2008 Beijing Olympics. This may not happen but it will be there in time for the 2012 Olympics to be held in this country. I would be nice to think that an Olympic Champion in this sport could be home-grown, but unless we get Cirencester's Skate-board park up and running, he is unlikely to come from around here. Michele Eccles, Chairman, Skateboard Group.*

*\*Royal Society for the Prevention of Accidents"*

A query was raised with regard to the Council's duty of care. The Clerk advised that the Council could be at risk if has not taken the appropriate risk assessments and health and safety precautions.

**RESOLVED that: -**

- a) **the recommendation made at the Finance Committee Meeting held on 12<sup>th</sup> July 2005, namely that the requirement for increased insurance premium for the skateboarding equipment, be confirmed.**
- b) **permission be given for the RUG to use the skateboarding area at the Kingshill Lane Sports Development Site unsupervised subject to the following: -**
  - i) **satisfactory risk assessments and health and safety plans being in place, which have been passed by the insurers;**
  - ii) **appropriate notices being in place at the site;**
  - iii) **full details of those people who will have an overseeing responsibility being obtained;**

- c) **the skateboarding equipment be ordered from GBH Engineering up to a value of £17,000 SUBJECT TO items a) and b) being in place.**

54.06

**PROJECT BOARD**

a) **Report from the Chairman**

Members received a report from the Chairman of the Project Board, Councillor D J Nash (a copy of which is appended to the signed Minutes).

Members were advised by the Deputy Clerk that it should be borne in mind that due to the limited number of staff available, quotations for new play equipment would take a considerable amount of time and would not be available for the processing of the Estimates.

**RESOLVED that: -**

- i) **the report be noted;**  
ii) **the Play Areas Policy be re-visited by the Policy Committee.**

b) **Abbey Grounds Lake – Environment Agency**

The Clerk advised that discussions had been held with the Abbey Lake Angling Club over the problem of the silt build up in the lake. Assessments have been carried out by the Environment Agency and an application has been made to English Heritage, as it is a Scheduled Monument, for permission to carry out works to the lake. Subject to consent being received, the works are due to commence in September/October 2005.

The Clerk advised that the works included the clearing of the silt and making eco islands, revetments and reed beds to filter out the silt. The cost is to be borne by the Environment Agency.

Whilst these works are being carried out, it is proposed (subject to approval from English Heritage) that repairs be made to a section of the lake bank that is leaking, near the Corinium Gate end, as both projects can then be overseen by archaeologists.

**RESOLVED that authority be given for the silt and seepage works to be carried out to the Abbey Grounds lake.**

55.06

**CHRISTMAS/NEW YEAR 2005/6 CLOSING ARRANGEMENTS**

**RESOLVED that the Christmas/New Year 2005/6 closing arrangements for St. Michael's Park and the office be approved as follows: -**

Saturday, 24 <sup>th</sup> December	CLOSED – Christmas Eve
Sunday, 25 <sup>th</sup> December	CLOSED – Christmas Day
Monday, 26 <sup>th</sup> December	CLOSED – Boxing Day
Tuesday, 27 <sup>th</sup> December	CLOSED – Bank Holiday
Wednesday, 28 <sup>th</sup> December	CLOSED
Thursday, 29 <sup>th</sup> December	CLOSED
Friday, 30 <sup>th</sup> December	CLOSED
Saturday, 31 <sup>st</sup> December	CLOSED
Sunday, 1 <sup>st</sup> January	CLOSED – New Year's Day
Monday, 2 <sup>nd</sup> January	CLOSED – Bank Holiday
Tuesday, 3 <sup>rd</sup> January	OPEN

**56.06 REPRESENTATIVES ON OTHER BODIES**

Councillor Dr P A Hedges attended, on behalf of the Mayor, The Royal Wessex Yeomanry Polo Match and Reception at Cirencester Park Polo Club on 2<sup>nd</sup> July 2005.

Councillor R Bourne advised that he had now received information from the Cirencester Open Air Swimming Pool Association and that the finances looked reasonably healthy.

Councillor N E Whereat advised that he had attended meetings of the St John's Hospital & Other Almshouse Charities and St Lawrence's Hospital and had no problems to report.

Councillor Mrs S A Alexander advised that she had attended (with the Clerk) a conference regarding Declarations of Interest and reported that only 9 parish councils were represented for the whole of Gloucestershire.

**57.06 MATTERS IDENTIFIED FOR CONSIDERATION AT FUTURE MEETINGS**

None.

**PART TWO  
CONFIDENTIAL**

- C58.06 COUNCIL MINUTES**
- C59.06 FINANCE COMMITTEE MINUTES**
- C60.06 NORMAN ARCH**

See Confidential Minute Book.

**RESOLVED that in view of the confidential nature of the business about to be transacted, it was advisable in the public interest, that the public and press be excluded and they were instructed to withdraw.**

The meeting closed at 9.30 p.m.

Councillor N E Whereat  
Mayor