

CIRENCESTER TOWN COUNCIL

MINUTES of a Meeting of Council held in Cotswold District Council's Chamber, Trinity Road, Cirencester, at 7.00 p.m. on Tuesday, 11th July 2006.

PRESENT: Councillor N E Whereat – Mayor
Councillor Mrs S A Alexander – Deputy Mayor

Councillors: G T Adams
R Bourne
Mrs M T Eccles
Dr P A Hedges
B D Hudson
R G Lock
Mrs S A le Noury
D J Nash
Mrs B A Potter
Mrs M S Rickman

Andrew Rennie Crook - Town Clerk
Johan Newman – Personal Assistant
Sally Mason - Secretary

A Prayer was read by the Mayor.

34.07 APOLOGIES

Apologies were received from Councillors J B Leicester, Mrs R A Leicester and J D Leigh and Clive Sherwood, Deputy Town Clerk.

35.07 DECLARATIONS OF INTEREST

The Clerk drew Members' attention to the requirements of the Code of Conduct and having taken advice from the Monitoring Officer, informed Members that they should enter into all debates with an open mind. If they have made comments publicly or to the press that would indicate the way in which they are going to vote, then such Member is advised to declare a prejudicial interest and leave the meeting for the agenda item in question.

Councillor Mrs S A Alexander and Councillor Mrs M S Rickman declared a personal interest on account of the fact that the Charter Market Manager is a fellow Soroptimist in relation to Item No. C12 – Charter Market (Minute No. C46.07).

36.07 MINUTES

RESOLVED that the Minutes of the Council Meeting held on Tuesday, 13th June 2006 be approved as a correct record and signed by the Mayor subject to Minute Nos. C32.07 and C33.07 to be considered under confidential matters.

37.07 MAYOR'S ANNOUNCEMENTS

The Mayor advised that he was delighted to have been invited to the unveiling of the mosaics in the Siddington Subway. The works of art, organised by the Cotswold District Council and the Crime and Disorder Partnership, working with a number of schools, are outstanding. He was, however, very disappointed to learn that some vandalism had already been occasioned to the mosaics.

The following questions were received from Mr T J Charsley on 6th July 2006: -

Q1. In answer to Question 1 from electors to the Council Meeting of 13th June 2006, it was stated in reference to the gift of the Norman Arch: "The Town Council did not accordingly look at the history." Can the Council confirm that no effort at all was made by Council officials or their advisers to determine the reasons for and the nature of the original gift of the Norman Arch to the town of Cirencester prior to their taking a vote to sell the Arch in January 2005?

A1. At the meeting on 13th June 2006, in answer to the question "Did the Town Council look at the intentions behind the offering and acceptance of the gift to the town of the Norman Arch, before voting to sell it?, it was stated "The Deed of Gift speaks for itself. The Town Council did not accordingly look at the history. Without any desire to be obstructive, it would be imprudent to disclose any further information that might prejudice the position of the Town Council in the event of legal proceedings being commenced." This situation very much prevails. Notwithstanding the fact that certain indications have come forward that indicate legal proceedings will not be taken, it would nevertheless be imprudent for the Council to give ammunition to those who may seek to commence legal proceedings. What has to be stated, categorically, is that the Abbey Grounds and the Norman Arch were transferred to the Town Council as a result of local government reorganisation in 1974. Such transfer carried with it a substantial debt amounting in total to over £46,000. In the light of this information, it is hoped that the questioner will accept that the Town Council is entitled to interpret the Deed of Gift of 1967 as speaking for itself, particularly taking into account the fact that no evidence has been produced or found to refute this.

Supplementary Question: Mr Charsley repeated the question as he believed the answer given to be very legalistic. The Clerk replied that the Council was not seeking to be obstructive but the answer still stands. Mr Charsley then asked how the Council and their officials now say that they did not know about the gift in 1964, when a plaque on the Norman Arch identifies this fact. The Clerk replied that he was aware of two applications made by the Cirencester Civic Society in 1984 for the placement of the plaques.

Q2. Will the Council confirm that the former Cirencester Urban District Council resolved to accept the gift of the Norman Arch to the town of Cirencester at the Council Meeting of 28th April 1964?

A2. The Minutes of the Cirencester UDC for the 28th April 1964 so indicate.

Supplementary Question: Mr Charsley asked how many Councillors have actually seen the documents. The Clerk advised that all Councillors had been circulated with the same in advance of the presentation of the proposal from The Vivat Trust, which was made on 4th July 2006.

Q3. In the Minutes of the Cirencester UDC Meeting of 28th April 1964, Councillor Chester-Master is quoted as saying "that his family would be delighted that the Council, on behalf of the town, had accepted this building". In view of this unqualified statement does the Council still consider that the gift was made to the Cirencester UDC and not to the townspeople of Cirencester?

A3. The Minutes of the Meeting of the Cirencester UDC of 28th April 1964 so state. Reference is made to the previous responses and the questioner is advised that Members have received legal advice on this issue, the details of which cannot be disclosed at this juncture for reasons previously recited.

Supplementary Question: Mr Charsley asked if the Council vote to sell the Norman Arch what happens to the money that Councillor Nash pushed through in the February Meeting.

The Clerk replied that this was not supplementary to the answer to his question and that in any event it could be academic bearing in mind the recommendation later in the agenda at Item No. 10.

39.07 QUESTION TIME FOR MEMBERS

None were received.

40.07 RESOLUTIONS MOVED ON NOTICE – STANDING ORDER NO. 19

None were received.

41.07 GLOUCESTERSHIRE COUNTY COUNCIL

No questions were asked of this authority.

42.07 COTSWOLD DISTRICT COUNCIL

No questions were asked of this authority.

43.7 NORMAN ARCH

Members received a report from the Clerk (a copy of which is appended to the signed Minutes), so that Members had all the facts when making a determination in respect of the proposed viable alternative to the sale as presented by and on behalf of the Norman Arch Working Group.

The Clerk outlined his report, which comprised the following information: -

Appendix "A1" - Report from the Norman Arch Working Group, together with The Vivat Trust proposal.

Appendix "A2" – Report from the Clerk presenting observations with regard to the Norman Arch Working Group's Report. (The report was originally intended to incorporate comments and legal guidance relating to disposals at "undervalue" and the EU State Aid rules, but in the light of The Vivat Trust's proposal and the need for clarification, this aspect of the report was deferred.)

Appendix "B1" – Reports and Minutes of the open Meetings that have taken place in respect of this matter.

Appendix "B2" - Reports that were presented in Confidential Session and the Minutes arising therefrom. This information was only made available to Members.

Appendix "C" - History and facts relating to information that has been collated both prior to these previous Meetings and subsequent thereto, together with relevant documents.

Appendix "D" – Report from the Clerk identifying the legal arguments. These were presented to Members only in order that they may address the threats that have been made through the press about legal action.

The Clerk also drew attention to an email which he had received from Mr M Harris, dated, 6th July 2006, which identified "that due to the potential cost to the community, NAG (Norman Arch Group) has no intention of taking any legal action against the Town Council with regards to the Norman Arch regardless of the outcome of your vote at that meeting."

The Clerk also advised that he had been informed this evening that this decision was made at a meeting on the 3rd July 2006 and that those present at the meeting were Mark Harris, Tim Charsley, Joanna Walker, Martin Portus and Megan Barber.

The Clerk stated that the office had also received a letter of opposition to the sale from the Corinium Gate Residents Association, which was circulated to Members and a faxed letter to the Mayor from The Principal Private Secretary to TRH The Prince of Wales and The Duchess of Cornwall, Sir Michael Peat. The letter identified that The Prince of Wales had been reading the reports in his local paper about the plans and understood "that Cotswold District Council is about to embark on a major consultation exercise in Cirencester to build a vision for the future of the Town and I wondered whether it might make sense to consider the best future use – and ownership – of the Norman Arch as part of that process. The Prince's Foundation for the Built Environment would be delighted to advise if you thought that it might help".

A member queried whether there were still two offers on the table with regard to the purchase of the Norman Arch and Cottage. The Clerk advised that there was now one interested party as the previous tenant had withdrawn her offer on the property.

It was noted by the Members that it was clear that the proposal presented by The Vivat Trust required clarification and raised the following queries: -

1. The proposal does not refer to the refurbishment costs that will be required to bring the Norman Arch and Cottage up to their high standards. These costs will need to be offset with the level of grant support the Trust might be able to obtain. If there is a disparity, how will the refurbishment costs be funded?
2. Maintenance Provision/Council Tax – Are the figures realistic?
3. Water/Sewerage Rates – Should this figure be incorporated?
4. Property Inspection – Missing figure.
5. Recommendations from other organisations – Could the Council have evidence of their experience?
6. Housekeeper/Gardener – Query the fact that the gardener is paid more than the housekeeper.

The Clerk advised that he had spoken with West Dorset District Council regarding The Vivat Trust and that he hoped to have more information available for 8th August 2006.

Councillor Dr P A Hedges, Chairman of the Norman Arch Working Group, outlined his report at Appendix "A1", which incorporated the proposal by The Vivat Trust to manage the property. The proposal offered two alternatives, namely freehold (their preferred option) and leasehold.

A recorded vote was taken on the following resolution: -

FOR

AGAINST

Councillors: G T Adams
Mrs S A Alexander
R Bourne
Mrs M T Eccles
Dr P A Hedges
B D Hudson
R G Lock
Mrs S A le Noury
D J Nash
Mrs B A Potter
Mrs M S Rickman
N E Whereat – Mayor

RESOLVED that the Council: -

- a) **defers the final determination of the decision to sell the Norman Arch until its meeting on 8th August 2006;**
- b) **seeks additional information from The Vivat Trust and any external advice as necessary, in order that a fully informed debate of the merits of their proposal can be held on 8th August 2006.**

PART TWO
CONFIDENTIAL

C44.07 MINUTES
C45.07 NORMAN ARCH
C46.07 CHARTER MARKET
C47.07 ACCOUNTING STRUCTURE

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 8.45 p.m.

Councillor N E Whereat
Mayor