

**Draft Minutes of the Finance and Strategic Planning Committee Meeting held on Thursday
13th June 2019 in The Old Court House, Bridge Street at 7.00pm**

1.Apologies:

None, all present.

Present:

Cllr P Collins, Cllr C Eastwood, Cllr S Garrett, Cllr G Kitching, Cllr J Jones (Chair) and Cllr P Wraight

In attendance:

Mrs E Coe (Town Clerk/RFO) and four members of St Michael's PCC: Rev Canon Mark Sanders, Jeremy Schofield, Adrian Morgan and Peter Smith invited to attend for item 11.

2. Declarations of Interest:

Cllr Collins declared an Interest in item 7 Correspondence 2/6 and signed the Interest Book.

3. Minutes of previous meeting:

313619 Cllr Jones proposed approval of the minutes of the meeting held on Thursday 11th April (previously circulated in draft form) as an accurate record, which was seconded by Cllr Collins with all in favour.

Cllr Jones then signed the minutes.

4. Public Comment:

None.

11113619 The Chairman proposed to re-order the meeting to consider item 11 first which was agreed

11. St Michaels Rooms:

Cllr Kitching gave an update and information on legal advice received, which had been circulated to committee members prior to the meeting.

Cllr Kitching welcomed members of the PCC to the meeting

Rev Sanders advised that the PCC is excited by the possibilities that a renewed St Michael's Rooms offers the whole community. The present buildings have served the town well for 100 years on a unique site. The PCC are grateful for the reflection and assistance that has gone into the Memorandum of Understanding and the Business Plan and present them tonight with confidence that they are a good way to answer some of the community needs in the town and meet the purpose of CIL grants. The PCC members present welcome questions on them and can consider necessary clarifications. The aims remain those of the Town Council's SMR working group, the PCC continue to work with the same architect and embrace the aspirations and hopes of that group. Rev Sanders noted that if this evening goes well they would be able to start making things public and that will be a huge relief everyone. The PCC would do this by:

1. As soon as possible the Business Case would be published on the Church website – and with Town Council consent on www.framlingham.com This will be a shorter resume than the full confidential document and without the sensitive commercial information
2. Rev Sanders would seek the views of the members of the former St Michael's Rooms Working Group, as well as current users.
3. Publish an article in the July edition of Framfare
4. A Presentation at the Town Council meeting on 4th July, this would cover the following topics:
 - Information relating to the design and appearance
 - Looking at what we think are the important features for the community– namely – a hall of about the same size, a smaller room for about 20 people, kitchen and storage
 - That it is open for use by residents' and of course by community groups, organisations and groups with particular needs. 85% or more of use will be community use
 - Outline parts of the business plan and Memorandum of Understanding

5. If the Town Council agree and if East Suffolk Council go on to confirm their CIL grants then the architect and PCC will have the chance to work further together having the assurance that the project is likely to go ahead. Then on September 28th there will be a public exhibition of the developed design.

Rev Sanders concluded by saying he hoped that this background is useful and noted that Mr Morgan who had worked on the Business Case and Mr Schofield who had worked on the MOU would answer any questions.

- Cllr Garrett asked what would the use of excess funds if any be used for?

Mr Schofield advised that the PCC would cover any losses and take any profit which would be put in the PCC general fund and this money could be used for the benefit of St Michael's Church, but the management committee would make these decisions.

Cllr Jones suggested that the PCC considers a policy that any excess funds should be used for the hall first and the needs of the community before anything else.

Cllr Garrett noted the Local Government (Miscellaneous Provisions) Act of 1976 and the legal advice received regarding the giving of a grant to the PCC.

Mr Smith advised that if a substantial profit was made then the PCC may decide to reduce the charges in some cases.

A draft letter to ESC had been circulated with the agenda and as there were no further amendments suggested, it was agreed for the Town Clerk/RFO to send the letter to ESC.

Following discussion with regard to the previous CIL allocation Cllr Jones noted that the £140k was made up of £126K plus £14k from another source.

The draft PCC Business Plan had been circulated to members with the agenda and three typos were noted. It was confirmed that there would be identifiable audited accounts for the community rooms separate from the general PCC accounts.

There were no further questions regarding the MOU and/or Business Plan.

It was agreed to circulate all documents to all Councillors but they would not be public at this stage. The PCC Business Plan would also be circulated when the final draft was available, as some small amendments were required and the PCC would draft a resume for the public.

The legal advice received from Pretty's was discussed and Cllr Wraight requested that it be minuted that the Town Council will not be providing any loans to the PCC in addition to the local £70k CIL funding allocation.

Cllr Wraight then asked the following questions:

- What are the restrictions of use?

It was noted by PCC representatives that the restrictions had not been finalised yet but some of the earlier restrictions had been removed. There was no policy at the moment, but political or spiritualist meetings would not be permitted.

It was noted that community use would be maximised and any conflict would be managed between the PCC and the Management Committee.

- Are there new layout plans available?

Not yet.

- Have the restrictions of use been discussed with the District Council, Solicitors and other Town Councillors as there is no mention of them in the MOU or the BP? They may have a bearing on advice given for the grant from Town Council to the PCC.

Not yet, but when they are finalised they will be considered

- Will all Town Councillors have the opportunity to see the written funding agreement with explicit terms when it is drawn up?

Funding agreement with terms will be made available.

- As the Secretary of State has confirmed that the 1894 prohibition for funding property relating to the affairs of the church is still in force and auditors, other Parish Councils and NALC etc. are of this opinion, should we not be more cautious and get further clarification for Town Councillors before they vote on the decision? The sheer fact that SLCC and NALC are pushing Government for clarity and feel that Section 8 of the 1894 Act should be repealed casts doubt on whether we should proceed with the grant proposal in its present form.

As there is uncertainty, the Town Council will require advice that any payment by FTC CIL money to the PCC is legal, and that advice is being sought. The Committee will recommend that the Town Council proceed only if robust advice is received that the action is legal and the risk of a legal challenge is low.

- If the Town Council were to proceed, who is responsible and what will the consequences be if a test case were to be brought before the Courts? What implications would it have on Town Councillors?

Recommendation to proceed will not happen unless legal advice is received that the risk to the Town Council is low, and that we are advised that Town Councillors would be acting with due diligence in doing so

- Have the restrictions been discussed with ESC and does this have any bearing on the advice given for the grant in relation to the 1894 law and funding church activities.

It was noted that the 1894 Act does not apply to District Councils.

Cllr Wright felt the public should be consulted first before a decision on the £70k is made.

Cllr Jones noted that the money is local CIL and not precept and elected members could make the decision.

11113619 It was agreed to seek further legal advice from Pretty's the cost of which had been estimated at £1,000 - £1500. The Town Clerk/RFO advised of the Financial Regulations and it was agreed for Cllr Kitching and Cllr Garrett to draft an email and for the Town Clerk to clarify the costs and if within the permitted £1,000 spend to proceed, if not then a proposal for approval of the cost would be presented to Full Council on 4th July.

It was agreed for the PCC to make a presentation to Full Council on 4th July.

11213619 Legal costs amounting to £275 from the current allocated budget were retrospectively approved.

Recommendations to Full Council on 4th July

11313619 Cllr Kitching proposed to recommend to Full Council that the Town Council supports both the PCC in its work to redevelop St Michaels Rooms and the allocation of £700k of District CIL funds for the project, which was seconded by Cllr Jones with all in favour.

11413619 Cllr Kitching proposed to recommend to Full Council that subject to receiving legal advice the Town Council approves the allocation of local CIL funds for the redevelopment of St Michaels Rooms up to the sum of £70K subject to match funding from the PCC, which was seconded by Cllr Collins, with all in favour.

11513619 Cllr Jones proposed to recommend to Full Council that the Town Council approves the legal agreement between FTC and PCC relating to the allocation of £70k of Local CIL funds, which was seconded by Cllr Kitching, with all in favour.

5. Financial Matters:

Alpha Finance Report of Income and Expenditure to date:

The Town Clerk/RFO provided the Alpha Report of Income and Expenditure to date which was considered and the detail including transfers to Ear Marked Reserves and payments awaiting invoices noted, and a copy attached to the file copy of these minutes.

The Town Clerk would publish a copy of the Summary Income and Expenditure Report to date on the www.framlingham.com website, which was noted and agreed.

Bank balances and bank reconciliations to date:

The Town Clerk/RFO provided an HSBC printed copy of the bank balances to date, which was noted and a copy attached to the file copy of these minutes.

The Town Clerk/RFO provided details of all the bank reconciliations to date, and it was noted that all the reconciliations were completed and up to date. The Town Clerk/RFO advised that all financial documents were available to Councillors to view during Office hours.

CIL (Community Infrastructure Levy)

The Town Clerk/RFO had provided an updated document highlighting the income received to date and the expenditure to date along with likely income for the future. Cllr Jones noted that the CIL 'Cap' would be exceeded this year as a result of what appears to be a change in date for receipt of CIL funds, the reason for this was unknown but would result in a loss of approx. £30k income to the Town Council. Cllr Jones would look into the matter further and agreed to draft a letter to ESC for members approval.

The total CIL funds including investments held by the Town Council was noted and Cllr Jones suggested that if funds were not currently needed for projects, then a short term investment should be considered.

11413619 Cllr Jones proposed to invest £100,000 of CIL income for 6 months which was seconded by Cllr Garrett with all in favour.

6. Draft Policy

A draft policy for dealing with habitual or vexatious complainants was circulated prior to the meeting. – Deferred to next meeting due to time restraints.

7. Correspondence:

1/6 Suffolk Coastal District Council

Response to further email agreed and sent to SCDC on 11/4/19 requesting clarification on the timing and asking if the Regulation 123 list would be reviewed before any new applications were submitted this year as it was felt that a consultation and review needs to be carried out and completed prior to this year's requests for CIL funding and assuming from the email, due to the elections, new Councillors and other pressures this probably will not be possible.

Mr Ridley had responded advising that the assumptions on the timings of the review were correct and he could not guarantee when it will be concluded to be implemented.

2/6 Framlingham Scout and Guides

Letter regarding the exploration of an opportunity to extend and improve the facilities at the Framlingham Scout and Guide HQ, including draft plans and a request for S106 and/or Local CIL funding and support for making a CIL bid to ESC.

It was agreed to acknowledge the letter and advise that the committee is positive towards the project and that the project falls within the remit of both S106 and CIL funding.

To be discussed further as an agenda item at the next meeting.

3/6 Saxtead Parish Council

Request for a contribution from local CIL funds towards the extension of a footpath leading from Framlingham to Saxtead but within the Framlingham boundary.

The members raised several questions on the proposal and it was agreed for Cllr Garrett, Cllr Eastwood and the Town Clerk to meet with SPC to discuss and report back to the next meeting.

8. Square/Cashless devices

To consider opportunity offered by Framlingham Business Association and funded by East Suffolk Council – deferred from PR&Markets Committee

8113619 Cllr Jones proposed to recommend approval to proceed to Full Council which was seconded by Cllr Kitching with all in favour.

9. Future of Town Council Office:

Cllr Jones, Cllr Collins and the Town Clerk/RFO had accepted an opportunity to visit the Old Con Club with the new owners where a proposal for an exclusive Town Council Office, storage, toilet, kitchenette and meeting room within the old Conservative Club with a separate entrance, on a long term lease, had been explored.

It was noted that the current lease with Suffolk Libraries IPS expires on 31st March 2020 and the space is very limited with little possibility of expanding.

It was agreed to explore this opportunity further and then discuss a possible recommendation to Full Council. In the meantime it was agreed for the Town Clerk/RFO to write to Suffolk Libraries IPS to advise that the Town Council was exploring options for the future.

10. Action Plan:

Updates:

Identified CIL projects put forward by Committees:

Lands Committee- Floodlighting on the Skatepark - £11,500

12. Matters of report or items for next agenda:

- Letter from E-On Energy regarding renewal of fixed Business Plan and Contract which expires on 24th September – July Agenda
- Procedure to initiate new projects – Cllr Wraight – Agenda item next meeting

11. Date of next meeting:

Thursday 11th July 2019 at 7.00pm

Meeting closed at 21.33