

ST CLEER PARISH COUNCIL

MINUTES of an Extraordinary Meeting of St Cleer Parish Council held on Wednesday 3 January 2018 at 7.30pm in the Council Sports Pavilion, Hockings House, St Cleer.

PRESENT: - Councillors: Mrs R S Dickson (Chairman), Mrs S D Harbord (Vice Chairman), Mrs S E Horsfield, Mrs D R Watson, K Johnson MBE, D L Price, M Shead, C R Sargeant, R A Turton, K Buckley and A Webb.

No Clerk to the Council in post - minutes recorded by K Johnson.

Also present: - Cornwall Councillor P M Eddy.

The Chair opened the meeting at 19:30, with a welcome address to the public, an admin brief and a description of the procedure for a council meeting prior to inviting 30 minutes of contribution from the public including the farm shop business owner and a number of members of the community.

Agenda Item	Action
<p>1-18 Abridged Agenda</p> <p>Due to the short notice meeting and absence of a Clerk an abridged agenda was issued by email from the Chair 07:59 31 Dec 17:</p> <p>Apologies Declarations of interest Consideration of PC input into retaining village shop for St Cleer Consideration of issue of further public statement</p>	
<p>2-18 Apologies for Absence</p> <p>Apologies for absence were submitted by Councillor(s): Lockley</p>	
<p>3-18 Declarations of Interest relating to items on the agenda</p> <p>Declarations of interest were submitted by Councillor(s): None</p>	

Agenda Item	Action
<p>4-18 St Cleer Farm and Grocery Store (refer to 96-17. b) St Cleer Shop - Request to register the Shop as an Asset of Community Value)</p> <p>Following a Social Media post at <u>St.Cleer Farm and Grocery Stores December 28, 2017 at 3:51pm</u> which announced the imminent closure of the business and the subsequent weight of public opinion expressed therein, the Chair to the PC convened an Extraordinary Meeting to clarify and reiterate the position of the PC and to address public concern over the closure of a prominent local business.</p> <p>Councillors were invited to submit written statements in advance of the meeting detailing their position on the matter. These may be found, along with the PC press release dated 30 Dec 17, at the Annexes A-H. Councillors delivered verbal briefing of their written submissions or spoke freely on the subject.</p> <p>The Chair acknowledged the unanimous position of councillors that the PC recognised the significant contribution made by the retail business to the community and that it would be a notable loss of a valuable facility. It was clearly articulated by councillors that it is not within the remit of the PC to become engaged in the business affairs of a private enterprise. Councillors rejected the notion that registration under the “Asset of Community Value” mechanism could have influenced the business proprietor or the land owner in what was clearly shown to be an acrimonious business relationship between private parties. There was no evidence of any intention by the land owner to seek a change of ‘use classification’ which might present a threat to future retail business from the site.</p> <p>The Chair undertook to write to the landowner to seek an indication of future intentions with a response requested by 22nd January 2018. The PC would provide administrative support and guidance to a suitable community interest group should the need arise.</p> <p>A public statement will be issued by the Chair to the PC 5 January 18.</p>	<p>Chair</p>
<p>5-18 Urgent Business (i) Advertising expenditure for the Clerk position and the payment of the CALC membership were agreed. (ii) Deadlines for co-option were agreed as closing date 20 January 2018 for consideration by PC 24 January 2018.</p>	
<p>6-18 Accounts for payment Cornwall ALC Ltd. (membership Jan-Mar 18) Invoice No. 1718-443 dtd 27 Dec 17 £214.59</p>	<p>Chair F&GP Cmmt</p>

The meeting was closed at 20:40

Signed.....

Rebecca Dickson 2nd January 2018

. I am really sorry to hear that the shop is closing. As a regular user I will miss the convenience on a personal level. The effect is already being felt by members of my wider family who live in the parish without transport, and will now have to either get lifts or take the bus to town for essentials such as electric top up or basic provisions.

.When I heard through the Facebook page conversation that the decisions of the parish council had not been relayed in a timely manner to Gary I went to see him in person to apologise. Regardless of the decision made, it should have been relayed and although this was due in part to the resignation of the clerk, it was not acceptable. I am sorry for the extra distress that this caused.

. The Parish Council consists of a small group of unpaid volunteers, the majority of whom also volunteer across a wide range of other projects within the parish. Work this year has been hampered to an extent as it has been challenging to recruit additional volunteers onto the Council when vacancies have arisen. It is my wish that the Parish Council do more to try to engage with the community and I hope that this will happen in the coming year.

. Given time and resource limitations, as an individual member of the Parish Council, I can't honestly commit to the additional work that it would take to set up a Parish Council driven community bid for retention of the shop. Obviously I can't speak for my fellow councillors in this matter.

. A shop for the village, either on the current site, or on another site within the Parish, would of course be of benefit, and I would wholeheartedly support a bid by an appropriate community group, if there is the will for such a group to be formed. I would do all that I could (within the limitations already stated) to assist.

Written submission to the Parish Council for the Extraordinary Meeting on 03/01/02.
Cllr Susan Harbord

I am very saddened by the closure of St Cleer Farm Shop. It will be a great loss to the community of St Cleer and for the owners and staff of the shop who have served us so well the last five years.

When the Parish Council was first approached about listing the building as an Asset of Community Value (ACV), I was initially very enthusiastic, until I became aware of the limitations of these orders. At the time of the request to apply for ACV there was no realistic prospect of a community group coming forward with a proposal to buy the shop (unlikely given the quoted price of £300k) Additionally the property is not currently on the market. There was little an ACV could achieve. These orders are time limited and the owner of the property still maintains the right to sell the property for however much and to whomever he chooses.

If the Council is approached by a community group with a detailed and feasible plan to establish a new shop I would personally support them in any way I can. A village shop whilst a convenience for many, is essential for those who do not have their own transport. In our increasingly digital age we must remember those who do not have the ability or finances to place an internet food order. Bringing home a weekly shop on the bus is not possible or practical for many.

The Parish Councillors work very hard on a strictly voluntary basis for the community we represent. In the May 2017 election only 11 people stood for the 13 seats on the Parish Council. Since then it has been a struggle to fill these vacancies especially as several other Councillors have either resigned or not taken up their positions on the Council. There is currently a vacancy on the Council. I would ask anyone who is willing to give up some of their free time, to try and better our community, to consider applying to become a councillor.

From: Suzanne Horsfield < >

Date: 1 January 2018 at 18:07:18 GMT

To:

Subject: Fwd: Farm shop

I feel that a village shop is of vital importance to the village, many people have no transport and rely on it. It is a life line for some people.

Can anyone confirm that the premises (farm shop) are for sale/lease?

I don't think that the Parish Council should get involved in disputes between the Owner/tenant.

Has a village group/community applied for the premises to be registered as a Community asset?

Has the Community contacted the owner?

Is there a Community group that would be willing to raise the money needed/volunteer to run a Community shop?

I would be happy to support a Community group should they decide to apply for a Community Asset Order.

Sent from my iPad

**Written Submission to St Cleer Parish Council Extraordinary Meeting 3
Jan 18**

Cllr K Johnson MBE

1. To the owners, all of the staff and all of the suppliers of St Cleer Farm shop business; thank you for the service you have collectively provided to the community, the surrounding areas and to valued visitors to the area throughout the period of your business operation.

2. The closure of your business will leave a considerable gap in the daily routines of a great many people from the youngest that visit the shop after school for a treat, to the eldest who may enjoy the social interaction and friendliness combined with the provision of essential services, and all those in between, like myself who greatly appreciated a hot pasty on a cold day at work. The employment loss to the staff is particularly tragic news as we enter the New Year.

3. Some of the difficulties recently alluded to on social media appear to indicate significant challenges in establishing and maintaining a mutually beneficial and harmonious relationship between tenant and landlord. That these difficulties have, on the whole, not been apparent to the customer is a testament to the management and staff of the shop.

4. To clarify for those that have commented on social media that the Parish Council may perhaps not have given the matter due consideration and the attention it deserved, I would submit that:

(a) Since this is a private commercial matter between 2 parties, and that the decision to cease trading rests solely with the proprietor, there is very limited room for manoeuvre where Parish Council intervention might be appropriate.

(b) The property / land does not appear to have been placed on the open market for sale or application for change of use – the assumption that it has appears to emanate from the detail of a private discussion between the tenant and the landlord as posted on social media.

(c) For those with the most enthusiastic vitriol directed at the Parish Council, I would highlight:

(i) Parish Councilors are of, and from, the community they represent and are exposed to all of the 'highs and lows' within that community and that a great many hours of debate and discussion has taken place on this subject.

(ii) Correspondence was received into the Parish Council from the business owner and, regrettably, a response was not formally returned in a timely manner; whilst not directly, and in isolation, relating to this matter, there has subsequently been a resignation of the Clerk and the direction that a review of processes be undertaken.

(iii) There is currently a vacancy on the Parish Council where those with something constructive to contribute might find their energy and skills are much appreciated amongst the existing volunteers.

(d) Perhaps, from within the most vocally enthusiastic commenters on social media, there may be found sufficient dedication to step out from behind the keyboard and establish the community interest group which could take forward ownership of potential fundraising should the facilities become available for sale in the future. As such, the Parish Council might be provided with the necessary evidence that consideration and efforts to apply for listing the building as an Asset of Community Value would not be a nugatory effort.

Submission to St Cleer Parish Council 3rd Jan '18 - Extraordinary Meeting by Councillor Lee Price

Having read the written submission by various councillors, I agree with the main issues that have been stated and I think there is no point typing it all out again as part of my response. But I would like to add the following.

As I am still unsure what the actual question parish council (PC) is actually being requested to decide in this situation, I can only assume it is one of the following

1, should a "Request to register the Shop as an Asset of Community Value" be put forward at this time, yes or no

2, does the PC have enough information to make a decision to support "Request to register the Shop as an Asset of Community Value" yes or no

3, does the PC still support original response from the meeting on the 22nd November and this should still stand, yes or no

So the first point I would like the chair to raise is an explanation to what power a "Request to register an Asset of Community Value" actually gives the community, as I'm not totally sure everyone involved, or will who will be attending the meeting, or who has added their opinion on social media, actually knows what powers it actually gives the parish and also what part of the building would it actually cover, the length of the order or the amount of times it can be issued.

The PC needs to act on facts, backed up with documentation, on issues like these otherwise the PC is leaving its self completely vulnerable to many forms of litigation.

In the meeting on the 22nd November 2017 it was stated that "e) St Cleer Shop– Request to register the Shop as an Asset of Community Value: - Pursuant to minute 96-17 (b) and on the verbal response from the land owner it was resolved not to pursue the suggestion to register the shop as an Asset of Community Value."

And this is what the decision of the PC made at this time as no formal evidence was presented by any party to support the community value order.

Also in this verbal communication it was reported that the landlord was happy for a shop to be on the site, as long as it was different tenant. This again points out that this is a dispute between and landlord and tenant and it is not an issue the PC should be involved in.

However there is no record of the request from the chair to send a reply to the original party, and this is something that needs to be address at the next full meeting, as well as putting procedures in place to assure that all important correspondence can be tracked as sent and delivered.

While addressing this point the PC needs to clarify if a letter was sent and by what format, and if not why not.

As we do not have any indication of the plans for the building or the site as yet, and we still have on evidence whatsoever to base a judgment on, It feels that we are showing our hand to early by issuing a "Request to register the Shop as an Asset of Community Value", and maybe adding fuel to an already volatile situation, and I would suggest that this request is looked at if, or when, a change of use or planning application is submitted.

At this time the building cannot be immediately sold as there is another tenant occupying a portion of the building and they are on a formal lease agreement, and he will have to be given formal notice to leave, so again let's look at Request to register the Shop as an Asset of Community Value at that point. Also how would the order effect this business.

In the time span between the closure of the shop and the Request to register the Shop as an Asset of Community Value I would suggest that the PC work with a community group to establish a viable community resource either at this location or another in the village, as at this time there are other business premises available. This would mean that if the situation did arise that the "Request to register the Shop as an Asset of Community Value" was enforced, then the community is prepared to step in with a immediate solution.

I would request that a transcript of all social media communications is collected and submitted to record as I believe that various comments have been made that could be classed as slanderous or constitute to a criminal act, and these may be needed at a later date if any party wishes to pursue an action and submit them to the appropriate authority's.

My thoughts on the questions surrounding St Cleer Farm Shop.

It is no business of the Parish Council to interfere in what is essentially a dispute between a landlord and his tenant.

A village shop is a valuable asset in any community.

It needs to be situated in the heart of the village to enable access on foot by those with limited mobility.

The Parish Council should not be involved in the direct provision of such a facility.

We do not know whether the shop is actually up for sale.

There is at present no application for any form of planning permission on the site.

If it should be decided to place a Community Asset right to bid it should also be clearly stated that the Parish Council have no intention of bidding for the property or of being the proprietors of any business carried on therein.

If it should be decided to place a Community right to bid on behalf of the community and on those terms, then I would support the decision of the council.

Submission to St Cleer Parish Council 3rd Jan '18 - Extraordinary Meeting by Councillor Andrew Webb

- 1) I am saddened to learn that the owners of St Cleer farm shop have taken the decision to close. This will not only mean the loss of 11 valuable jobs but leave the community lacking in a valuable asset as well as impacting on a number of local businesses. I have lived in the village for around 15 months, a councillor for the last 2 months and in that time have witnessed that this shop has been a vital place not just to buy supplies, top up electricity etc, it has become a place that people particularly the more elderly residents go to have a chat with the staff or just get out and meet people. I personally know of one elderly resident that goes up 2 or 3 times a day, what will that individual now do? The wider implications are clear in that a large proportion of the community will now have to get on a bus if they don't drive and go to Liskeard and I believe with the closure the whole community is being deprived of an asset that also drew holiday makers through the village.
- 2) It is evident that a number of people through social media are vocally blaming the Parish Council for its closure by not protecting the shop with an ACV. This was discussed at a Parish Council meeting where the Clerk was directed to formally respond to the owner of the shop, it appears that this did not happen. That was not acceptable and a robust review of the internal processes is currently taking place to prevent any repeat. I would like to apologise as a Parish Councillor to Garry as this was not acceptable.
- 3) I would respectively draw the communities attention to the fact that the order would only be effective if the current owner chose to sell the land and building and would have allowed a community group not the Parish Council up to 6 weeks to express an interest in purchasing it and another 4 ½ months to raise the funds. The owner at the end of that 6 month period could sell it to whoever they wished and at what price they choose. I would ask those that have very vocally criticised the Parish Council, that if they feel strongly enough that the AVC should be applied for then it requires 21 people and does not have to be applied for by the Parish Council. That would then enable a community group to be set up to try and purchase the shop if the will was there and the community were willing to step up.
- 4) The Parish Council are unable to and should not become involved in a commercial agreement between two individuals. It is unfortunate and I am saddened that the landlord and the owner of the shop are apparently unable to put their differences to one side and agree a mutually beneficial way of keeping this vital business open for the community.
- 5) I would add that if a group was to come forward from the community to apply for the AVC and commit the time to set a community group up then I would wholeheartedly support this and ask that we as a Parish Council we reconsider supporting the application.
- 6) Finally I would like to add that I joined the Parish Council to try and make a real difference to your and my community in whatever way I can. I am always open to discuss any concerns that a member of the community may have and commit to bringing these concerns to the Parish Council as your concern is also someone else's. However I would ask that the community is mindful that we are all unpaid volunteers that do have limited time available and that on occasions whilst it is not palatable there are some issues that we can't consider or are outside of our remit and we may have to say no. I firmly believe that our actions as a Parish Council

need to be completely transparent and we are currently working hard to ensure this happens as we are fully accountable to you as our Parishioners.

PC public statement 30 December 2017 (approved by Council members via email / issued by Chair to PC)

(email transcript - Thank you for your further comments. I will issue the following factual statement as a press release and in response to the comments on the facebook group shortly. Having taken advice, and as this is merely a statement of what has happened to date, we do not now need to hold an extraordinary meeting to agree the issue of the statement. This doesn't stop the issue of the shop closure being discussed as an agenda item in a future pc meeting if anyone would like to propose a further discussion.)

Parish Council statement as relates to the closure of St Cleer Farm and Grocery Store:

“...St Cleer Parish Council were contacted in writing by the owner of St Cleer Farm Shop with a request that the Council consider applying for a Community Asset Order in relation to the building. This was discussed in full meeting on the 25th October 2017 and a decision was taken to contact the landlord of the premises in order to obtain a rounded view of the situation. A verbal response was then received.

On the basis of the complex and uncertain legal background, the PC was content to provide advice and administrative support to any party wishing to register the building as a community asset but that direct intervention in a private commercial undertaking, mindful of the complex history, would not be appropriate.

The Parish Council are keen to see a shop retained within the village, and indeed wrote to the police as part of their enquiries in confirmation. We are saddened to see the potential loss of this valuable asset, and can confirm that we will be happy to discuss proposals with any appropriate group or individual in a bid to retain a shop for the Parish...”