

CHARFIELD PARISH COUNCIL

Minutes of the Extra Ordinary Meeting of the Parish Council held on Thursday 30th August 2018 commencing at 7.30pm in the Sportsman's Lounge, Memorial Hall, Charfield

PRESENT

Parish Councillors: Mr. M. Rosher, Mr. M. Cheskin, Mrs. V. Roberts, Mrs. N. Newns, Mr. A. Parker, Mr. A. Threlfall, Mr. P. Garside

Clerk: Mrs. Paula Evans

SGC Ward Member: Cllr. J. O'Neill

Public: 21 members of the public were present.

11349/18 To note Apologies for Absence and Acceptance of Reasons

Apologies were received and noted from Cllrs. Law and Rawlings.

11350/18 Declarations of Interest in items on the Agenda

Cllr. Cheskin volunteered a declaration of interest in the agenda items as members of the Hall Committee were family members. After due consideration Parish Councillors considered that Cllr. Cheskin would be able to provide an unbiased contribution to the discussions and therefore saw no requirement for a declaration of interest.

11351/18 Public Participation

The following were pertinent bullet points of the discussions during Public Participation:-

- The current Schedule of Management is a fifty year old document and not relevant to how a charity is run in modern times.
- The Trustees provided a list of the sequence of events relating to this issue.
- The Trustees have had meetings with CVS and WERN representatives who have suggested that a Charitable Incorporated Organisation (CIO) was the best way forward.
- In order to satisfy the Charity Commission requirements to set up a CIO, the ownership of the land needed to be established.
- The Trustees had sought legal advice from Stone King and a letter dated 2nd August 2018 was read out to the meeting. A summary of the letter suggested that the role of the Parish Council, as Custodian Trustee was simply to hold the title deeds on behalf of the Charity. When the new CIO was established there would be no requirement for a Custodian Trustee.
- The Parish Council confirmed they were of the opinion they held 'absolute' title to the land according to documents obtained from Land Registry.
- Two parcels of land had been purchased by the Parish Council with the third parcel (The Quarry) being conveyed to the Parish Council from the now defunct Red Triangle Club.
- The Stone King letter of 2nd August suggests that the Parish Council include the value of the land in their Annual Return. The Clerk confirmed this was not the case. The land appears on the Parish Council's asset register with a nil value (as is required under Local Government financial regulations). This is the same for other parcels of land within the Parish.
- The need for clarity was essential. Both sides want the facility to continue into the future for forthcoming generations. This is an extremely important issue – regardless of whether the Trustees establish as a CIO, or another scheme, they cannot continue to exist in limbo and need to have a clear understanding of who owns what.
- It was confirmed there was no reason why a CIO has to own land.
- In the interim and until ownership is clarified, the Trustees can continue to function.
- Once ownership had been established, the Parish Council and the Hall Management Committee would meet to discuss the findings and move forward.

Action

11352/18 Memorial Hall & Playing Fields Charitable Trust

- To note receipt of the invitation to the AGM of Charfield Memorial Hall Management Committee and the intention to establish a Charitable Incorporated Organisation (CIO)

Charfield Parish Council noted receipt of the invitation to the AGM of the Charfield Memorial Hall Management Committee on Tuesday 4th September 2018. The Parish Council also noted the resolution on the agenda to establish a Charitable Incorporated Organisation (CIO) and, following the establishment of a CIO that the trustees enter into a pre-merger vesting declaration to transfer the assets of the Charity to the new CIO and appoint the CIO as sole corporate trustee of the Charity's permanent endowment.

- To resolve the appointment of a Parish Council Representative as required by the new CIO Constitution

This resolution was amended to read "... Representative Member under the 1965 governing document". Cllr. Rosher proposed, Cllr. Parker seconded and it was **resolved** that Cllr. Threlfall would be appointed as Representative Member for the Parish Council. **All Agreed.**

- To note receipt of external legal advice regarding ownership of the land that forms the Memorial Hall & Playing Fields Charitable Trust

The Parish Council noted the legal advice (dated 5th June 2018) received from the National Association of Local Councils (NALC). NALC were of the opinion that Charfield Parish Council was the legal owner of the land in question. The Parish Councillors directed the Clerk to forward a copy of this letter to the Memorial Hall Management Committee.

Clerk

- To resolve appropriate action following receipt of external legal advice

Cllr. Cheskin proposed, Cllr. Threlfall seconded and it was **resolved** that Charfield Parish Council would accept the fixed price quote as advised in an email of 30th August 2018 from Veale Wasborough Vizard for £1,230 (plus VAT) for legal advice relating to the ownership of the land comprising the hall and playing fields. **All Agreed.**

Clerk

This concluded the business of the meeting which closed at approximately 9.05pm.

Next meeting of full council is to be held on Tuesday 11th September 2018 at 7:30pm in the Sportsman's Lounge.

Chairman

11th September 2018