

# **CHARFIELD PARISH COUNCIL**

Minutes of the Extra Ordinary Meeting of Charfield Parish Council held on  
Wednesday 5<sup>th</sup> December 2018  
commencing at 7.30pm in the Sportsman's Lounge, Memorial Hall, Charfield

## **PRESENT**

**Parish Councillors:** Mr. M. Rosher, Mr. M. Cheskin, Mrs. J. Law, Mrs. N. Newns, Mrs. V. Roberts, Mr. A. Parker, Mr. R. Rawlings, Mr. A. Threfall

**Clerk:** Mrs. Paula Evans

**SGC Ward Member:** Cllr. John O'Neill

**Public:** Eight members of the public were present

## **11427/18 To note Apologies for Absence and Acceptance of Reasons**

Apologies were received and noted from Cllr. Garside.

## **11428/18 Declarations of Interest in items on the Agenda**

No declarations of interest were received.

## **11429/18 Public Participation**

A resident asked if "rate-payers" money had been used in securing legal advice over the ownership of the Memorial Hall. The Chairman stated that legal expenses had been met from the Council budget and thus from the precept and in doing so the Council had carried out due diligence and had met its responsibilities in ensuring the legality of the ongoing transfer

## **11430/18 Matters Relating to Charfield Memorial Hall & Playing Fields Charity**

The Chairman of the Parish Council then invoked the Parish Council's Standing Order 62 to allow members of Charfield Memorial Hall & Playing Fields Management Committee to join discussions.

The Parish Council confirmed that from their perspective, in seeking legal advice they have conducted a due diligence exercise and considered it would have been negligent not to have done so. The Parish Council and Hall Committee were now in agreement as to where they stood in relation to ownership and responsibility of the playing fields in that the Parish Council was Custodian Trustee and as such were limited in what they were able to do.

The Hall Committee confirmed that from their perspective the main issue was to sort out responsibility for the play equipment and play area. The Hall Committee had considered the implications of taking back responsibility for the play area and equipment, with the main issue being the financial running costs. In essence the Hall Committee would consider the middle ground to be to make a 99-year Lease with a 1-year break clause. The Hall Committee is currently busy creating the new CIO, and understands that ultimately if the Parish Council said no to a 99-year Lease with a 1-year break clause, then the Hall Committee would have to take on the responsibility of the play area and make the best of the situation. The Hall Committee acknowledged that if a safe environment could not be maintained then the play area would have to be shut down.

Discussions then turned to the Parish Council's concern that if a 1-year break clause was included in the 99-year Lease that the land could be vended after the Parish Council had invested Precept money into replacement equipment etc. The Hall Committee gave verbal assurances that there were endowments on the land and that it had been left in perpetuity for the benefit of the parish of Charfield. There was other protection around the setting up of the new CIO – the model the Hall Committee had chosen as an 'association' one which meant that a decision as big as selling the land would have to go to the membership of the CIO. Ultimately the decision would rest with the Charity Commission

Action

Regarding the public conveniences the ownership of these would also revert to the charity, and the new CIO. The Parish Council confirmed that they would consider taking responsibility for them back as part of an agreed lease if such were negotiated

The meeting then moved on to consider the four resolutions on the agenda.

- *The procedure to transfer legal title of the Trust Premises from Charfield Parish Council to the new Charitable Incorporated Organisation (CIO) by way of a Vesting Declaration.*

It was acknowledged that the precise procedure was unknown. It was proposed by Cllr. Cheskin, seconded by Cllr. Rosher and **RESOLVED** that Charfield Parish Council would comply with the request from the Hall Committee to transfer the legal title of the Trust Premises from the Parish Council to the CIO. **All Agreed.**

- *The responsibility for legal costs incurred in relation to preparation and signing of the Vesting Declaration.*

It was proposed by Cllr. Rosher, seconded by Cllr. Cheskin and **RESOLVED** that the Parish Council and Hall Committee would share 50:50 the legal costs in relation to the preparation and signing of the Vesting Declaration, with the caveat of an upper limit of £1,000 contribution from the Parish Council. The Clerk would establish that it was legal for the Parish Council to do so. **All Agreed.**

Clerk

- *The future responsibility for the safety, maintenance and insurance of the Playing Field equipment comprising the children's Play Area, Skate Park, MUGA and Tennis Court.*

The Parish Council acknowledged they were currently acting in breach of the Public Trustees Act in that they were maintaining and managing the play area and play equipment. But this had been done in good faith and in order to ensure the continued safety of the public through the transition period the Parish Council would continue safety inspections and urgent remedial works to ensure the continued safety of the facilities for the benefit of Charfield residents until the CIO was established. Cllr. Rosher proposed, Cllr. Threlfall seconded and it was **RESOLVED** that the status quo would continue until 1<sup>st</sup> April 2019 and then to a point where the CIO was granted to the Hall. **All Agreed.**

There were then discussions regarding the future responsibility of the play area and equipment once the new CIO had been established and the possibility of entering into a Lease agreement. It was acknowledged that the Parish Council would need to conduct a due diligence exercise regarding entering into any such Lease. Cllr. Rosher proposed, Cllr. Threlfall seconded that in principle the Parish Council would consider entering into a Lease of the play area and play equipment, which was acceptable to both parties following the establishment of the new CIO, and was prepared to contribute towards the legal costs up to a maximum of £2,000. There was then a vote with four Councillors voting for the proposal and four Councillors voting against the proposal. As there was an equality of votes, the Chairman felt it prudent to withdraw the proposal which would be discussed and resolved at another Parish Council meeting once absolute clarity had been established in connection with any such Lease on offer. **All Agreed.**

- *The proposed wording of a joint statement from Charfield Parish Council and Charfield Memorial Hall & Playing Fields Management Committee to residents of Charfield Parish.*

Both the Parish Council and Hall Committee had reviewed the proposed wording of a joint statement to Charfield residents. Cllr. Rosher proposed, Cllr. Threlfall seconded and it was **RESOLVED** that the first three paragraphs remain unchanged and that the fourth paragraph be removed and replaced with "The Parish Council and CIO will move forward in this transition and we will keep you updated". **All Agreed.**

*This concluded the business of the meeting which closed at approximately 8.55pm.*

*Next meeting of Charfield Parish Council is to be held on Wednesday 9<sup>th</sup> January 2019 at 7:30pm in the Sportsman's Lounge, this being the Annual Budget Meeting.*

Chairman

15<sup>th</sup> January 2019

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