



HALE PARISH COUNCIL

of the Halton Borough in the County of Cheshire



MINUTES of the **EXTRA ORDINARY PARISH COUNCIL MEETING** held on

Thursday the 9th January 2020 in Hale Village Hall commencing at 6.30pm.

Present: Cllrs Trevaskis, Williams, Kierman, Wright, Spargo, Hunter, Anderson, Cleary and Mitchell
There were 21 members of the public present

1. To receive Apologies

Cllrs Healey.

2. To consider resolution to exclude the public and press under the Public Bodies (Admission to Meetings Act) 1960 on the grounds of the confidential nature of the business to be transacted.

A recorded vote was requested:

Those in favour: Cllrs Trevaskis, Spargo, Kierman, Wright, Williamson and Anderson

Those against: Cllrs Cleary, Mitchell and Hunter

3. To receive Declarations of Interest

None

4. To adjourn the meeting for a period of public participation

Notwithstanding a vote to exclude the public a discussion took place regarding the management of the Village Hall and the considerations later to be resolved by the Parish Council. A summary of the statement and responses made by the Chairman is attached.

The Chairman explained that in July of 2013 Hale Parish Council were approached by the Chair and Vice Chair of the Parish Council at the time advising that the previous Hale Village Hall Management Committee, after the resignation of a number of volunteers, had had no luck finding anyone to take on the responsibility of the bookings and finances. From that date onwards, the minutes recorded that the Parish Council were to manage the Hall, and there is clear indication that the Parish Council has done so ever since.

For the past seven years, the minutes clearly record all the decisions made by Hale Parish Council regarding the management of Hale Village Hall, including the application for grants, the decision to demolish the previous building, and the reconstruction of the new building as it stands today.

For a number of years, it was explained to the previous Hale Village Hall Management Committee that it was not possible to simultaneously have two separate corporate bodies managing Hale Village Hall and in 2017 the previous Hale Village Hall Management Committee disbanded.

Whilst there is clear indication that Hale Parish Council have been acting as sole trustee, the Trust Deed was not amended by the disbanded Hale Village Hall Management Committee and it had not been minuted that Hale Parish Council had agreed to act as sole trustee, therefore the legal documentation to enable Hale Parish Council to have managed the hall for the past seven years was never updated.

In recent years, Hale Parish Council have made decisions that could have a number of legal implications if it did not have the legal power to do so, such as accepting money for grants, submitting VAT reclaims, and managing the ongoing functions of Hale Village Hall. If it was to be decided that Hale Parish Council was not acting as the sole trustee, the Parish Council would have to resolve these issues, which could have financial consequences, and would not have any lawful power to continue managing Hale Village Hall.

The grant applications submitted to the National Lottery clearly outline the intent for the new village hall to be managed by the Parish Council, and the grant was awarded on this basis, however the term 'sole trustee' was not mentioned.

A meeting was called in 2019 to see if there were any existing members/trustees of the Hale Village Hall Management Committee who wished to continue in an official capacity and no attendees expressed an intent to take on the liability of a trusteeship.

Hale Parish Council have contacted ACRE, an advisory body, to assist in recent months in resolving these issues. ACRE recommended the Parish Council approach the Charity Commission and ask for a special resolution to amend the Trust Deed. The Charity Commission have replied and advised they will not meet with us to resolve this issue and very rarely investigate matters concerning trusteeships, unless some misappropriation had taken place.

It was confirmed that Hale Village Hall Charity was still being run as a charity, with a separate bank account and that the building had not at any point been used to generate any revenue for Hale Parish Council.

A meeting was held with a previous trustee the same day of this meeting, who wrote a report that was unanimously approved in 2017 by the previous Hale Village Hall Management Committee for Hale Parish Council to form a new Committee made up of members of the Parish Council and members of groups within Hale. This is also within the advice received from ACRE.

The Clerk also explained in detail the legal significance of the Trusteeship of the Village Hall and reiterated that it was important to remember that the Trustee was a separate entity to the Parish Council. Should the appropriate resolutions be passed later at the meeting then the PC would seek to correct documentation that should have been completed several years ago by the previous Trustees before handing over management to the PC in line with the business plan upon which grant funding for the new VH had been obtained. He went on to state that once the documentation was complete then the PC as the sole Trustee of Hale Village Hall would create a new VHMC which would include resident membership and that from then on, that VHMC would undertake the routine day to day business of the VH. Meetings would be completely separate to those of the PC and not Committee Meetings of the PC. The Trustee (being the PC) would of course have overall responsibility and would be expected to undertake its responsibility in line with ACRE guidelines. At any point in the future the position could be reviewed and if appropriate changes made that would return the management to the control of individual named Trustees who would then take full personal responsibility for and full personal liability for the VH in its entirety without any day to day support from the PC.

At this point the public left the meeting and the PC continued the business as set out on the agenda.

5. To ratify and resolve that Hale Parish Council took on the management of Hale Village Hall Charity as Sole Trustee in 2017 in accordance with the business plan submitted to the National Lottery on which grant funding for the building of a new VH was based and agreed.

A recorded vote was requested:

Those in favour: Cllrs Trevaskis, Spargo, Kierman, Wright, Williamson and Anderson
Those against: None

Abstentions: Cllrs Mitchell, Cleary and Hunter

It was resolved to ratify that Hale Parish Council took on the management of Hale Village Hall Charity as Sole Trustee in 2017 in accordance with the business plan submitted to the National Lottery on which grant funding for the building of a new VH was based and agreed.

6. To arrange for and amend the 1974 Trust Deed of Hale Village Hall Charity so as to replace the clauses covering appointment of a management committee of Trustees with a clause or other required documentation appointing Hale Parish Council, as a separate corporate entity as the Sole Trustee of Hale Village Hall - this to be achieved through ACRE at a cost of approximately £300.

It was resolved that this Council should seek to amend the 1974 Trust Deed of Hale Village Hall Charity so as to replace the clauses covering appointment of a management committee of Trustees with a clause or other required documentation appointing Hale Parish Council, as a separate corporate entity as the Sole Trustee of Hale Village Hall - this to be achieved through ACRE at a cost of approximately £300.

7. To remove the names of the disbanded Trustees from the Charity Commission's website and replace with Hale Parish Council as the Sole Trustee.

It was resolved that changes to the website should not be made until the documentation referred to in item 6 had been completed and signed off.

8. To authorise the Trustee of Hale Village Hall Charity, once the above documentation has been completed, to establish a new Hale Village Hall Management Committee in line with the business plan submitted to the National Lottery and in accordance with ACRE guidelines governing the management of a Village Hall managed by a Sole Trustee.

It was resolved to authorise the Trustee of Hale Village Hall Charity, once the above documentation has been completed, to establish a new Hale Village Hall Management Committee in line with the business plan submitted to the National Lottery and in accordance with ACRE guidelines governing the management of a Village Hall managed by a Sole Trustee.

A recorded vote was requested:

Those in favour: Cllrs Trevaskis, Williams, Kierman, Wright, Spargo, Hunter, Anderson, and Cleary.

Those against: None

Abstentions: Cllr Mitchell

9. To consider approaching National Lottery to request an extension to the project and ask that the remaining revenue grant money be spent on the recruitment of a bookings officer for Hale Village Hall to assist with the open/closes and ensure correct management of all bookings.

It was resolved that the above extension and change of use for the remaining revenue grant monies should be requested from the National Lottery.