



HALE PARISH COUNCIL
of the Halton Borough in the County of
Cheshire
NEXT MEETING



Members of the Council are summoned to the **EXTRA ORDINARY PARISH COUNCIL MEETING** to be held on
Thursday the 3rd October 2019 at **HALE VILLAGE HALL, HIGH STREET, HALE VILLAGE, L24 4AE**
COMMENCING AT 7.30PM

Julia Trevasakis
Cllr L. Trevasakis (Chairman)

Note to Councillors:

If you are unable to attend the meeting, please notify the clerk of your apologies either by e-mail
clerk@haleparishcouncil.gov.uk or telephone 01772 733829

Note to Public:

Members of the public wishing to address the Council should note that they must advise the clerk before 10am on the day of the meeting both of their wish to participate in the public forum and their topic. If residents fail to inform the clerk prior to the meeting, permission to speak at the meeting will be at the discretion of the Council. All participants are restricted to a maximum of three minutes. If the public wish to ask the Council questions, please note that the Council may not be able to answer the question if the council has not considered or resolved the question on an agenda item at a prior meeting. Should this be the case, the Council will advise correspondence with the clerk to request the item be discussed at a future parish council meeting. If the question is considered outside the remit of Hale Parish Council, residents will be referred to Halton Borough Council.

MEETING AGENDA

1. To receive Apologies
2. To receive Declarations of Interest
3. To adjourn the meeting for a period of public participation
4. To consider the advice from ACRE (enclosed) and decide what (if any) action should be taken

Please note that ACRE have since apologised and stated that inadvertently they did not take into account the minutes of a meeting held on the 16th September 2017 (which they had in their possession) which indicated that the old VHM Committee had been dissolved. Their advice may change in the light of this.

5. To consider what (if any) representation should be made to the National Lottery following the correspondence received from ACRE
6. To consider what representation should be made to the Charity Commission and which documents should be submitted to them in order to obtain a ruling concerning the management of the Village Hall
7. To consider whether or not to acquire the services of a Vat specialist to provide indemnified advice on the reclaims made in relation to the Village Hall
8. To approve that the VH financial records on the Charity Commission web site should be updated as below;

2015 Opening Balance £11131.48 Receipts £15804.35 Payments £23022.43 Closing Balance £3913.40

2017 Opening Balance £2286.79 Receipts £60336.81 Payments £61184.18 Closing Balance £1439.42

Hale Village Hall Governance Advice

1. Based on the information received, it would appear that the two ladies named in the Deed of Appointment are the current charity (or managing) trustees, a position which they hold as individuals (unlike the position of a Parish Council as sole trustee bearing the Parish Council's corporate status). Hale Parish Council remains the Custodian Trustee, appointed under clause 2 of the 1974 constitution. The respective roles and responsibilities of a Custodian Trustee and Managing Trustees are set out in ACRE Village Halls Information Sheet 17. There is more information about liability issues for managing trustees of unincorporated village halls in ACRE Info Sheets 35 and 39. As this appears to be a modern hall which has had recent investment, the guidance in there about risk management and insurance will hopefully address any concerns on the part of these two ladies if they have not appreciated their position.
2. As the governing document is still the conveyance and Trust Deed of 1974 (which is not superseded, only amended, by the 2016 Deed of Appointment) the two ladies should be running the hall in accordance with that Deed in so far as they can (e.g. note clause 16). The Parish Council is not sole trustee. The appropriate way forward – assuming the two of them do not wish to remain in the position of being Managing Trustees ad infinitum - would therefore be for these ladies to call a General Meeting and see if a new committee can be appointed in accordance with the Deed. It is recommended that they write to each of the organisations listed (or minute that they no longer exist if that is the case) and ask them to confirm in writing if they wish to make an appointment in future or no longer wish to do so. They can also write to other voluntary organisations using the hall inviting them to make an appointment.
3. If insufficient people step forward to form a new committee (say a minimum of 6) then there are three alternatives:
 - a) For these ladies (and any others willing to stand in a temporary capacity) to form a committee and either resolve to change the committee structure slightly (e.g. having more elected and fewer appointed trustees) or ask the Parish Council if it will take over the management of the hall as Sole Trustee i.e. both Custodian and sole Managing Trustee, as per ACRE VH info sheet 36. If the PC agrees the ladies/committee take a resolution under s280 of the Charities Act 2011 to amend the current governing document by removing the clauses relating to the appointment of the committee and replacing them with the appointment of the PC as sole trustee. It would retain provisions such as the AGM, keeping minutes and accounts and procedure for letting and sale, which ensure public accountability, with appropriate renumbering. Louise Beaton (independent village hall governance specialist) could prepare this, along with the resultant new governing document. It may require up to a day's consultancy, owing to the to-ing and fro-ing inevitably required (circa £350). The resolution has to be lodged with the Charity Commission to take effect. The PC can appoint a committee to run the hall in accordance with PC Standing Orders, including non-councillors, but the sole trustee would need to meet at least twice a year, separately from PC meetings, and keep separate accounts and minutes. See Appendix 1 which sets out the advantages and disadvantages of the PC as trustee.

- b) The two ladies could approach the Charity Commission with an honest appraisal and ask them to use s80 of the Charities Act 2011 to appoint the pc as sole trustee. (No charge but can take a long time owing to delays at the CC). The CC will carry out this process only in exceptional circumstances.
 - c) If there is interest but liability concerns put people off becoming trustees, transfer to a Charitable Incorporated Organisation (CIO) might be considered but this could cost several thousand pounds.
4. In the meantime efforts need to be made to pull together accounts for the hall, if possible update the entry on the CC register, and ensure the bank account (which should be separate from that of the Parish Council) has up to date signatories.
 5. Discussion with the National Lottery would be advisable but it is hoped that with a proposal to *help re-establish the management on a permanent footing they will agree to a variation to a condition of their funding, if required.*
 6. It is preferable in these situations to avoid blame around past mistakes, bearing in mind people are usually serving as volunteers, and to focus on how to move forward onto a proper footing. ACRE documents such as the VH Good Management Checklist, Your Village Hall Management Committee should help to work out whether there are other issues (such as making sure there is an up to date Fire Risk Assessment) that need addressing. CCA can offer a free health check for the hall in this respect.

Claire Jones, Cheshire Community Action, Cheshire Community Buildings Network Manager
Louise Beaton, Community Halls Consultant and ex village halls adviser for Action in Rural Sussex
September 2019

APPENDIX 1

Advantages of the Parish Council as Sole Trustee

- Avoids the need to close the hall if it isn't possible to recruit sufficient volunteers to form a committee
- Individual councillors do not need to act in a personal capacity as they would if they were a parish council appointee to an independent village hall charity
- Entitled to reclaim VAT on any purchases made for the charity
- No need to recruit individual volunteers
- Can be used as a tool in the short-term until new volunteer trustees are found
- Opportunity to use parish council staff to manage the charity
- Meets the conditions set down by the National Lottery in the funding agreement for the new hall? (although they might agree to a variation to amend the governance arrangements)

Disadvantages of the Parish Council as Sole Trustee

- Fairly unusual (very few, if any, cases in Cheshire). Local councils are not in the business to run halls – Charity Commission outline that it should be seen a last resort
- Parish Council is required to wear two hats which can lead to confusion
- Individual councillors can be liable for any losses to the charity under local government law
- Conflicts of interest may arise between its role as a local authority and its duty to the charity's beneficiaries
- May have less chance of grant aid from sources which are not open to parish councils running halls in their statutory capacity (funders may not understand the difference)
- Council may not have the will or skills to manage the hall