

EASTHAM PARISH COUNCIL

Minutes of the Extraordinary Parish Council Meeting of Eastham Parish Council
held in Eastham Memorial Hall at 7.30pm
on Monday 13th November 2017

Present: Cllr Arnold (Chairman), Cllr Adams,
Cllr Horsfall, Cllr Jones, Cllr Ward, Cllr Matravers, Cllr Worsley

In Attendance: Clerk, 14 Members of Public, Dist Cllr Caroline Palethorpe

1. **Apologies:** None.
2. **Declaration of Interest:**
 - a. **Register of Interests** – Cllrs reminded to keep register updated.
 - b. **Disclosable Pecuniary Interests** – All Cllrs Items 7 Eastham Memorial Hall issues.
 - c. **Other Disclosable Interests** – As (b) above.
3. **Dispensations** - To consider written requests from councillors for the council to grant a dispensation (S33 of the Localism Act 2011) –
Dispensations requested – All Cllrs requested a Dispensation for item 7 – Eastham Memorial Hall, it was agreed by all at previous meetings Cllrs can speak and vote on this matter until May 2019.
4. **Public Question Time** – See notes at end of minutes.
5. **Date of next meeting: Tuesday 28th NOVEMBER 2017 at 7.30pm**
6. **Cllrs agreed to close meeting to the Public due to the confidential nature of the business to be discussed.**
7. **Lease with Eastham Memorial Hall** - Hall Solicitor stated they would contact the PC Solicitor week commencing 6th November. No communication has been received from Hall Solicitor so nothing to discuss.
 - a. **To discuss correspondence received on this matter which will be available at this meeting if not circulated before.** PC Solicitor had emailed details/dates of his actions, he has been trying to engage with Hall Solicitors but no communication has yet taken place so no matters to discuss. Cllrs are concerned that the QS Report has not yet been sent to PC. A joint meeting was suggested by PC on 30th October but EMH stated they were waiting for QS Report so did not feel a meeting would be of benefit to the project. PC need to show due diligence on project to ensure preferred Contractor can fulfil the contract, all funding is in place and there are no risks to public money. PC Solicitor will need proof of Hall finances as Stage 3 progresses. Dist Cllr suggested a list of Contractors may be on BLF website but thorough checks on preferred Contractor would be undertaken by BLF. BLF may contact PC to ask questions on the application so it is important all Stage 3 papers are copied to PC.
Hall letter dated 13th October 2017 - Hall have been advised the letter has been passed to PC Solicitor so he is aware of legal issues, financial issues will be discussed at full PC meeting on 28th November 2017.
8. **Meeting Closed – 9.30pm**

Signed----- Date 28th November 2017
Chairman

Query – why has this Extraordinary Meeting been called by PC.

Answer - Clerk explained the PC were expecting a re-drafted Lease for discussion at this meeting. Hall Solicitors had emailed PC Solicitors to say contact would be made w/c 6th November but this had not happened. PC Solicitor has listed his actions to PC, delays are not due to PC Solicitor.

Q- Eastham Memorial Hall (EMH) Committee were present and voiced concerns regarding the cost of Solicitors. EMH do not want to enter into a Lease until they need to (after Lottery decision on Stage 3), they do not feel a Lease is necessary. PC should have met with EMH before Solicitors got involved. Tripartite Agreement and Deed of Dedication should be signed by PC, these are the only two documents EMH need, why

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can PC not sign the documents BLF require. When Stage 3 approved these will need to be signed then PC and EMH can work on other legal issues. Have Cllrs seen Lease. EMH do not wish to sign the Agreement to Lease.
A - PC cannot sign legal papers without taking legal advice. PC Solicitor has advised the two documents cannot be signed now, there is a correct procedure to follow. PC wish to have best agreement in place for both parties, documents to be fair. Clerk confirmed the draft Lease was discussed at PC Working Party Meeting and then circulated to all Cllrs after Clerk and a Cllr had read the Lease and made comments to ensure it was what the PC had agreed. Clerk stated Lease should be in place as advised by PC advisors. EMH advised the PC the Charity Commission has not accepted the 1973 document as a Constitution. PC Solicitor is awaiting instructions from EMH Solicitors. EMH have confirmed they will send tender details to PC when available.

Q - EMH stated they wish to become Incorporated before they sign the legal papers, this will take 8-10 weeks.

A - Clerk advised she had emailed Chair of EMH and suggested she contact the Plunkett Foundation who can help with this, grants may be available. EMH do not need PC agreement to do this.

Q - Chair of EMH suggested PC build Hall, she is happy to fund raise.

A - Dist Cllr advised EMH to speak to Lottery about this suggestion. EMH would need to formally ask BLF. It may save on some legal fees.

Q - Could PC pay Charity legal fees of £11000.00, was there enough money in PC Accounts.

A - This is to be discussed at PC meeting to be held on 28th November. Clerk stated it is unlikely funds are available in PC Accounts to pay this amount of money.

Q - Could Working Party be formed to sort out difficulties of Lease – main issues being rent, market value, limited liability clause. Why are PC not prepared to accept liability of building new Hall.

A - PC stressed how important it was for EMH to instruct their Solicitor regarding legal issues raised tonight. PC cannot get into communication with EMH on legal matters. EMH to speak to their Solicitors tomorrow.

Other comments

Resident felt the £15000.00 on legal fees was a waste for both parties.

EMH stated 51% of residents had contributed to Hall after seeing plans and presentation by Architect

Dist Cllr suggested a joint working party be set up. This has been suggested in the past, several joint meetings have been held.

Lottery update from EMH

EMH stated they will submit Stage 3 of the Lottery papers w/c 20th November. This will need to show value for money from nominated Contractor, decision expected in 6 weeks after papers submitted. If approved work needs to commence within 6 months.

Tenders have been sent to QS, he will review them and give a report to EMH this week. QS will advise EMH of Contractor he feels is most capable of doing the work. PC to see Tender Report from QS before end of week PC and EMH to aim for Lease that is acceptable to both parties, PC are protecting rate payers, EMH to protect Trustees. It is for Solicitors to advise both parties best way forward after taking instruction from their clients. Once Stage 3 is approved PC and EMH can work through the legal issues of Lease.

It was appreciated by all the amount of work Treasurer of EMH had put into getting this far with the BLF. Concerns by all present if deadline not reached BLF may withdraw their offer of funding.