

## **Knightwick and Doddenham Parish Council**

### **Minutes of the Meeting of the Council held at 7:30pm on Monday 18th January 2016 in the Village Hall, Knightwick.**

#### **Present;**

Cllrs: Ms G Evans, Ms M Horton,

Messrs; F Budden, P Edwards, P Tuthill County Cllr. Ms S Rouse Dist Cllr. A Warburton Dist. Cllr.

G M Brewin (Clerk)

**Apologies:** Cllr B Munt, Cllr Ms K L Parkinson,

**Visitors** - None

#### **In the absence of the Chair the vice-chair Cllr Ms G Evans took the chair.**

**Public Question Time prior to the formal meeting;** None

#### **Reports; County Councillor, District Councillors, Parish Footpath's Warden et al.**

Cllr P Tuthill reported on WCC matters including expenditure reductions at WCC, the work of the Fire and Rescue Services and the progress of the Waste Incinerator at Hartlebury.

Cllr. S Rouse reported on the changes to the management structure at MHDC and the problems associated with the South Worcestershire Development Plan.

The formal meeting began at 8:10pm

#### **Agenda**

1.

##### **Apologies for absence and members' declarations of interest.**

The apologies from Cllr B Munt and Cllr Ms K L Parkinson, were accepted.

2.

##### **Confirm the minutes of the Meeting of the Council - 16th November 2015, circulated in advance.**

These were agreed as a true record and signed by the chair.

3.

##### **Financial Matters;**

a) Decide the Precept for 2016-17 - ( *note 2015-16 £4725* )

The clerk noted that the bank account stood at £4559 at the end of December and recommended the council to consider increasing the precept.

After a discussion it was agreed to request a precept of £5000 for the coming year.

b) Note Clerk's delegated payment, E.ON, V/Hall electricity £54.93 inc VAT - Noted

c) This council is entitled to opt out of the new audit arrangements with the Sector Led Body.

The council is asked to decide to opt out and appoint its own auditor from 2017.

The clerk explained that although exempted councils ie turnover less than £25000, would not be required to have an external audit, it was necessary formally to designate an auditor to whom queries on financial matters could be addressed. He advised that the existing 'internal auditor' was willing to be so designated and it was agreed to appoint Dr Linda Cotterill (FCA) as the council's auditor for these purposes.

4.

##### **Planning Matters;**

Note Clerk's delegated response to **15/01463/HOU** - Domestic extensions and alterations.

Tower Cottage, Ankerdine Hill, Knightwick, Worcestershire, WR6 5PR. - No comment returned

Noted

5.

##### **Possible Sale of the Village Hall**

Clerk to advise on progress re Charity Commission.

The clerk had written to the Charity Commission as follows:

In the matter of Charity 518966 - KNIGHTWICK AND DODDENHAM VILLAGE HALL

This charity is governed by a trust deed dated 28 July 1986.

The Knightwick and Doddenham Village Hall is little used and expensive to maintain. The Parish Council has advised the trustees of the Village Hall that the council could no longer continue to support the maintenance of the Village Hall from March 2017.

The trustees have therefore decided, subject to the requirements of the Trust Deed, to sell the Village Hall and apply the income from the investment of the funds of the sale to other charitable purposes.

The Charity Commission responded on 15th January;

*Dear Mr Brewin KNIGHTWICK AND DODDENHAM VILLAGE HALL: 518966 Thank you for your email of 10 January with attachment regarding the above named charity. We note the trustees are proposing to sell the village hall and apply the proceeds of sale to charitable purposes within the parishes of Knightwick and Doddenham. The charity is governed by CONVEYANCE AND TRUST DEED DATED 28 JULY 1986. Clause 1 (1) of the Schedule says 'the property hereby conveyed (hereinafter called the Trust property) shall be held upon trust for the purposes of a village hall for the use of the inhabitants of the Parish of Knightwick and Doddenham in the County of Hereford and Worcester...'. Therefore the land in question is designated. However it appears clause 18 provides a power of sale to dispose of the village hall provided that on the grounds of expense or otherwise the committee decide it is necessary or advisable to dispose of the trusts property. We also note the trustees have received the required consents to the disposal from inhabitants of the area of benefit. Provided the trustees can comply with the statutory requirements of sections 117-123 of the Charities Act 2011 and in accordance with the charity's governing document our consent should not be necessary. Our online publications Sales leases transfers or mortgages: what trustees need to know about disposing of charity land (CC28) and OG548 Disposal of charity land may provide you with further help and guidance. However if the trustees cannot comply with sections 117-123 of the Charities Act an order would be required. If the trustees consider an order is necessary, they can apply for one by completing our online form providing the reasons for which they believe an order is required. If the trustees remain in any doubt we would suggest that you also obtain the appropriate legal advice in taking this process forward: I hope this has been of some assistance to you. Yours sincerely Laura Wainwright Charity Commission*

The clerk suggested that the council and trustees proceed by advising all parishioners of the situation by letter (see appendix a ) and instruct its solicitors Harrison Clark Rickerbys, and estate agents G Herbert Banks to draw up proposals for the sale of the hall.

After a discussion on a proposal by the chair this was agreed and the clerk was instructed to take such actions as required.

## **6.**

### **Neighbourhood Plan – Progress etc.**

Clerk to report.

Martley Parish Council and Knightwick and Doddenham Parish Council have produced a draft Neighbourhood Plan for public consultation. The plan will be available to view in the Village Hall Martley on Saturday 30th. This is for consultation to shape the Final Plan before being submitted for independent examination. The consultation period lasts for four weeks from Saturday 30th January 2016.

This information and a comments form would be sent to all parishioners by letter.

## **7.**

### **Clerk's Report,**

Lengthsman; the footpath on the B4197; A44 to the Talbot Hotel had been cleared.

He had instructed the Lengthsman on a round of roadside gutter clearing which was underway including the clearance of Rectory Lane and Highfields Lane where there were accumulations of mud in the centre of the road.

Footpath from Black's Well on the Knightwick - Alfrick Road to near the Old Rectory at Knightwick. a wooden bridge over a stream has been removed - cut up pieces left on the bank! He would contact the Parish Footpath Warden

All other items of correspondence have been forwarded by email in advance of the meeting.

## **8.**

### **Items for the next meeting**

Neighbourhood Plan

Sale of the Village Hall

## **9.**

### **Confirm the date of the next meeting:**

Monday 21st March 2016 – Agreed.

The meeting closed at 8:45pm

Minutes confirmed .....21/03/2016

## **Knightwick and Doddenham Parish Council.**

### **To all residents of Knightwick and Doddenham Parishes**

18/01/2016

#### **The future of the Village Hall**

The Parish Council holds the Village Hall in Trust for the benefit of the parishioners and is proposing to sell the Village Hall. Income from the investment of the proceeds of the sale would be applied to charitable purposes within the parishes of Knightwick and Doddenham not available from general taxation or other local funds at the discretion of the trustees.

The Management Deed of the Village Hall Trust sets out clearly that a three-quarters majority of those attending a meeting called of all inhabitants is required for the Trustees to dispose of the property. Subsequently the approval of the Charities Commission is also required. At the meeting on Monday 16th November 2015 in the Village Hall twenty-six parishioners attended to vote on the proposition that *'The Trustees of the Village Hall Charity may sell the the Village Hall, subject to the agreement of the Charity Commission.'* On a show of hands the resolution was carried; 21 in favour and 5 against, a majority of 80%

The Trustees and the Parish Council have consulted the Charity Commission who have responded that *'Provided the trustees can comply with the statutory requirements of sections 117-123 of the Charities Act 2011 and in accordance with the charity's governing document our consent should not be necessary.'*

At its meeting on 18th January 2016 the council and trustees agreed to proceed with the sale of the hall by placing the matter in the hands of its solicitors Harrison Clark Rickerbys, and estate agents G Herbert Banks.

Expressions of interest in the sale and any other queries should be addressed to;

Geoffrey M Brewin

Clerk to the Parish Council and Secretary to the Trustees of the Knightwick Village Hall

Whistlewood House, Lulsley,

Knightwick,

Worcester. WR6 5QT tel. 01886 821 386