

Datchet Parish Council

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING HELD IN THE VILLAGE HALL, ALLEN WAY, DATCHET ON MONDAY 5TH MARCH 2018 AT 19:30

Present: Cllr's Mrs J. Stickland (Chairman), H. Clasper, P. Darban, Mrs M. Davies, Miss K. Fitzgerald, Mrs P. Barnes-Taylor, A. Verma, E. Larcombe, T. O'Flynn, Mrs L. O'Flynn, J. Grey, I. Thompson, and G. Muir.
Clerk to the Council – Mrs K. Jones,
Apologies: Cllr's Miss L. Darban and A. Clemens.

There were 7 members of the public present.

17.176 ANNOUNCEMENTS None

17.177 PUBLIC QUESTION TIME No questions.

17.178 DECLARATION OF INTERESTS

The Clerk advised members that in relation to item 4) on the agenda, any members who considered themselves Trustees of the DRCCT required a dispensation. She had prepared a block 'Dispensation Request Form', which was read out by the Chairman. Members were asked if they were happy for it to be signed by the Chairman. **AGREED** and **APPROVED** by the clerk

17.179 TO CONSIDER THE FOLLOWING MOTION BY CLLR. MRS. STICKLAND, CARRIED FORWARD FROM THE MEETING ON THE 13TH NOVEMBER 2017.

i) That this Parish Council gives the authority for the 'group of 4' to continue its work to resolve the required legal documents to put in place the following: -

1. Deed of Variation Reflecting Trustee roles and responsibilities
2. Governing Document for The Charity. Reflecting how the Trust is run & based on a model set of Articles
3. Letter of Agreement Reflecting the use of the land and buildings

AND

ii) That this Parish Council approves the following recommendations: -

1. Instruct Robert Craig of Howard Kennedy to carry out the legal work required
2. Split the costs between the DPC and the DRCCT, up to £10,000
3. Seek budget approval of up to £8,000 from DPC to complete the work.

The motion was **Proposed** by Cllr Mrs Stickland and **Seconded** by Cllr Miss K. Fitzgerald. Cllr Mrs L. O'Flynn stated that she would like more information on the roles of the trustees and the sharing of the legal costs first, and asked why, in particular, Robert Craig was being proposed when a fresh pair of eyes might be better.

Cllr Mrs Stickland explained that all councillors had already been given a complete pack of background and relevant information and that at least 3 different solicitors have been consulted to date on the matter, plus advice has been given by 'ACRE' who are a recognised arbitrator in similar cases.

Cllr T. O'Flynn felt that the issue had been going around in circles and it should be recognised that DPC are the trustees of the Village Hall and it should not transfer authority to anyone else. Cllr Mrs Stickland stated that the motion is not giving away authority it is only asking for approval for the finance to talk to a legal body to resolve the matter. She was happy to consider another solicitor if the council was not happy with going back to Robert Craig. All 3 of the previous solicitors consulted had come back with a similar response and DPC needs to put the situation into legal documents regarding the day to day running of the Hall.

Cllr Mrs Stickland proposed an amendment to her original motion above, suggesting members could vote for one or the other. The amendment was read out but as it varied too much from the original it could be seen as an entirely new motion. As such it was rejected and agreed that the original motion should stand.

Cllr Mrs Davies commented that, going back, this motion bears no resemblance to the motion passed on 16th November 2015 – minute ref: 15.105. She referred to the Chairman’s proposed resolution where the Managing Trustees are DPC, and an attachment naming 3 positions, so the original Trust Deed from 1967 is not altered. She referred to the document titled ‘The Way Forward’ dated 13 March 2017 which then sets this the other-way around where the Custodian Trustees are DPC and the Managing Trustees are the DVHMC. This splits the sole trusteeship. She was unhappy that herself and Cllr. Mrs Barnes-Taylor had been dropped from the working group after the 2015 motion and played no part until March 2017.

Cllr Mrs Stickland stated that the document dated 13 March 2017 was just notes from the working group and was never discussed at council as it was thrown out at the meeting on 13th March 2017 minute ref 16.199.

With regard to the working group being reduced from 8 to 4, this was agreed by the group. She stressed there is no hidden agenda, she just wanted to resolve the matter in the interest of the parishioners.

Cllr Larcombe asked who are the trustees? Cllr Mrs Stickland replied that in the original deed DPC are the sole trustees. Cllr Larcombe stated that DPC are responsible for the land and buildings and the DVHMC called themselves trustees and the number of parish councillors on the committee dwindled to 1. He asked if the DVHMC had proclaimed that they are Management? Cllr Mrs Stickland stated that still need a variation in place. Cllr Larcombe disagreed, it just needed determining that DPC are the sole trustees and the DVHMC are just managers. Cllr Mrs Davis stated that at the meeting with ACRE, they were given the wrong impression that the trust had already been split so had given the wrong advice.

Cllr Mrs Stickland stated the need to re-establish the rules and reporting system and to establish the costs associated with doing this.

Cllr Thompson made a **counter Proposal** that: -

The current arrangements remain as they are re the original trust deed, and there is no need to do a variation or pay any legal fees. DVHMC continue to work under DPC, as set out in the 1967 trust deed, and that DPC as the guardians of the fund oversee all monies going in and out of the trust and scrutinise this.

Cllr Larcombe added to this proposal to also: - correct the names on the Charity commission web site to DPC members. The counter motion and addition were **Seconded** by Cllr Mrs Davies.

The voting on the Counter motion took place first, the voting being: -

For; 6	Against; 7	Abstaining; 0
(EL, LO’F, TO’F, MD P.B-T, IT)	(KF, PD, HC, JS, GM AV, JG)	

The Counter Motion Fails

The voting on the Original motion took place next, the voting being: -

For; 7	Against; 6	Abstaining; 0
(KF, PD, HC, JS, GM AV, JG)	(EL, LO’F, TO’F, MD P.B-T, IT)	

The Original Motion Succeeds

Cllr Mrs Stickland to Action

17.180 PART II

It was proposed by Cllr Mrs Stickland and seconded by Cllr T. O’Flynn that the Press and the Public be excluded for the remainder of the meeting on the grounds that publicity would be prejudicial to the public interest by virtue of the confidential nature of the business to be transacted. All in Favour

AGREED that the meeting continue as a Part II

THIS PART OF THE MEETING CLOSED AT 20:45

CHAIRMAN

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