

Minutes of the Annual Meeting of the Parish

held on Monday 16th May 2016 at 8pm, in Clavering Village Hall.

Present: Cllrs Stephanie Gill (Chairman), Rebecca Stanford, Ron Couchman, Richard Carter, Michael Patmore, Brian Barrow, Lisa Williams, Robert Clayton and Conrad Smith. Essex County Councillor Ray Gooding, District Councillor Edward Oliver, Kevin Money (Clavering Clerk) and twenty four Members of the Public.

Speakers - Sue Shepherd and Ed Rigby from RCCE

1. Apologies – None Received.

2. Welcome by Chairman & introduction of the Councillors

The Chairman introduced herself, welcomed all attending, then asked the Councillors present to introduce themselves and detail any specific responsibilities on the Council.

3. To approve the Minutes of the last meeting of Clavering APM held on Monday 1st. June 2015

Proposed by Peter Walters. Seconded by Mr. Laing Unanimously agreed

4. Talks by Sue Shepherd and Ed Rigby of RCCE

- i) Trust Deeds of Clavering Village Hall and Jubilee Field in 2016 in light of changes to the laws on trusts.
- ii) Roles and responsibilities of the Trustees for the Village Hall and the Jubilee Field with reference to their Governing Deeds
- iii) Rural Housing Needs Survey - Clavering to carry out one in 2016 - Why is this? How will this be done?

Sue Shepherd informed the meeting that she would set out the legal standing of both the Clavering Village Hall Charity and Jubilee Field Charity.

The document showing how the Clavering Village Hall came into existence is the Legal Conveyance giving title from the Lukies family over to Clavering Parish Council for the land to be held in Trust for the Villagers.

This document also sets out the clauses and how the Village Hall Management Committee should be formed and details the powers of the Village Hall Management Committee.

The Jubilee Field's Legal Conveyance documents the sale of the land to Clavering Parish Council then contains a declaration of the Trust which includes how the Jubilee Field Charity should be run.

Both the Clavering Village Hall Committee of Management and the Jubilee Field Committee are registered with the Charities Commission, with accounts filed on the government website.

The committees have no legal identity of their own and are unincorporated trusts so Clavering Parish Council, as it has a legal identity, is the Custodian Trustee.

The role and responsibility of a Custodian Trustee is to act only on the lawful instructions from the relative committee. It has no role in the day-to-day running of the committee.

So as an example, if the Charity determines to purchase another piece of land, the Parish Council would be instructed to sign the relative conveyance after an ordinary meeting of the charity has met and voted on this action and its instruction in accordance with the Trust Deed.

The role and responsibilities of Management Trustee for both charities are set out in the relative deeds.

Providing the Management Committee act legally there is no reason for Clavering Parish Council to interfere.

If either charity gets into difficulties (e.g. not enough trustees, cannot cope with demands, financial), its running cannot be passed to Clavering Parish Council for it to take over. The Charity Commissioners take control. They then may approach a Parish Council to take on the running of the hall/playing fields, but the Parish Council must agree to become Management Trustees.

The make-up of each Management Committee is set out in its relative Trust Deeds.

The Village Hall Committee allows for a total of 30 people from named organisations, including three from Clavering Parish Council, or as co-opted trustees.

The Jubilee Field Charity states that the Chairman of the Parish Council is an ex-officio trustee and also allows for two further parish Councillors on the Committee plus two members from named organisations plus co-opted Trustees.

All Members of both Committees of Management are Charity Trustees, with roles, responsibilities and obligations defined under Charity Law. The Charity Commission has issued guidance on being this, being *CC3 The Essential Trustee*.

Trustees must always act in best interest of charity, act with care and prudence, and act together.

There is a General Power that Trustees must insure Charity Assets at recent valuation levels.

Sue Sheppard invited questions and comments from Electors.

Questions:

Q Is RCCE only a consultative body or has it legal status?

A: RCCE has the ability to act as both as they are under AGAR as a governing body.

Q: Can both charities be merged?

A: Yes but costs are involved.

The benefits would be purely practical – there are no legal benefits as the Villagers are the beneficiary of both charities

Q: Any drawbacks to merging?

A: No

Q: There is often an overlap of trustees sitting on both committees, people unwilling to commit and the active trustee number becomes smaller

A: Each Charity cannot force members of named organisations onto its committee.

Conflicts of interest could also arise and these need to be stated in meetings.

Best option is to have no set number of elected members and for these elected members to be any beneficiaries in the village, rather than organisations.

However, if decided to change to elected members only, the Charity Commission will not allow this as a simple replacement clause (date of AGM month is an accepted change as regarded as small admin change)

The changes to Powers of Organisations to appoint must have the agreement of all organisations listed on the Deeds and once this is in writing a resolution must go to the AGM to be voted on and then the Charity Commission is informed.

Q: What is the difference between the liabilities of trustees of unincorporated charities and those of incorporated charities.

A: For both Jubilee Field and the Village Hall Charities, the management trustees currently have unlimited personal liability.

Some people have trustee liability insurance as part of their personal insurance and it is possible for the charity to take out liability insurance but this is not unlimited, and will have a ceiling amount,

Liability can be managed by all decisions being taken correctly per the Deeds, correct records kept, and Charity Commission advice followed.

Currently most Village Hall Charities are, or are looking to be, incorporated (available for the last 2-3 years) as this limits the liability of trustee. The main liability of a Village Hall Trustee is employer's liability, building works and contents.

An Incorporated Charity (CIO) still has the support of the Charity Commission and must still be compliant with Charity Law – so breach of trust would occur if decisions not taken in accordance with trust deed. A CIO trustee's liability is limited to £1, however if due process is not engaged then the person is fully liable as an individual.

Cost of conversion to CIO is a drawback and accounting submissions must be made on an accruals basis.

Q: if the Parish Council pays for grasscutting on the Jubilee Field, does the Trust Deed state this should be reimbursed.

A: Yes, CPC can be re-imbursed for payment incurred. Better for the Parish Council to make a donation to the Jubilee Field.

Q: Are both documents fit for purpose in 2016.

A: Some amendments could be made during the year; they seem to work for the charities concerned but actions undertaken by the Management Committees must be in line with deeds.

RCCE can provide updated model documents and would be happy to meet with Trustees of both organisations to give further advice, provided they are members of RCCE in their own rights.

The Electors present expressed their appreciated the information given over on Trust Deeds

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Ed Rigby spoke on Clavering Parish Council's plans to carry out a Rural Housing Needs Survey

A survey had been carried out in Clavering in January 2012; it had a 34% return and identified 18 Affordable Dwellings required for local people.

This survey is regarded as having 5 year shelf life, hence to be an active council, Clavering will carry out a new survey.

The housing need survey is local and not at district level

The RCCE survey is for use of Clavering Parish Council, may be shared with UDC but can only be used by a developer if it is in the public domain.

The definition of Affordable Housing is one at 80% of market rental.

Sample questions for survey were left with the meeting

Electors present were asked if they were in favour of the new survey being carried out. It was agreed it was a good idea.

5. Chairman's Annual Meeting of the Parish Report on past year.

Last year, as in every year, the PC has continued to work with and for parishioners.

The 'Main News Item' of 2015 was of course the Planning Appeal made by Gladman Development. Many villagers rallied together to support the Hands off Clavering Group as it became a Rule 6 party at the Appeal; people were tireless in their fundraising and giving of their time and expertise. The work undertaken for this Appeal was undoubtedly a fantastic parishioner effort which the PC would like to now acknowledge (*applause*).

The PC funded part of the Planning Consultant's work and also offered help with information, reading and research - within its published objections to the development. It was also called upon by UDC for clarifications during the appeal.

The Inspector's findings at the Appeal were of great importance to both Clavering and UDC. As the Parish Council now sees more development applications coming through than in previous years, the Planning Inspector's comments can help us in our decision making as we wrestle with the UDC Local Plan of 2005 and the National Planning Policy Framework in order to make sound, fair and consistent comments.

Unfortunately the expected bus shelter at Hill Green did not materialize as permission for its siting was withdrawn by the landowner. The next best option - on Highways Land near the village hall - was considered too dangerous and thus the PC did not resolve for the works to go forward. Mention must be made, and thanks given over, to Colin Howland who had spent much time trying to bring this bus shelter to fruition.

In the past year the Fox and Hounds PH and Upper Hill Green have been registered as Assets of Community Value. In essence this means that if the owners wish to sell them, a community group has six months to raise funds to purchase the asset. However, there is no compulsion on the owner to sell the asset to a community group.

Since January, the Council has been using a new dedicated website. There is still the village website, run by Corsto Group on a voluntary basis, which is a village information hub. The new Council-only website has come about due to the introduction of the Transparency Code for Councils. There is a requirement whereby agendas, minutes, finance reports, end of year accounts, lists of councilors with their responsibilities and their declared interests, Code of Conduct, standing orders and financial regulations must be published on a website. The Clerk has spent many hours in receiving training to run the website and then to post all the required information on it - information which must go back to 2014. A government grant was received for this, but the Parish Council must thank Kevin for his unfaltering work on this in the past few months.

I am obliged to remind you that any votes taken in the meeting tonight are not binding on the Council for action - although the Council may consider them at the next, appropriate, Parish Council meeting. In fact the Chairman can decide that the matter is not brought to the Council at all, but I do not think that is very fair on you; you have taken the time and effort to come to here tonight and to ignore what you may have to say would be quite rude really. Please remember we can only act if we are empowered to do so...some matters may be beyond our remit, but hopefully in those instances we can point you towards those who can help.

6. Essex County Councillor (ECC) Cllr Ray Gooding invited to speak.

As expected, Council tax went up this year

Budget in 2006 was 2.3bn: 800m for schools grant 1.5bn to spend on everything else

Budget in 2015 was 1.7bn: 930m schools grant 900m left

ECC is becoming more streamlined

Costs are rising all the time with an ageing population and less funding comes from Central Government

However it is not all bad news as there has been more efficient running of ECC

Youth services £17m reduced to £12m this year

Education portfolio is above national average

New schools been built to allow 90% of children in UDC take up their first choice.

5200 miles of main highways, 125000 street lights in Essex, there is a major problem as 280,000 drains but 90,000 are cleared each year (money allowing).

Cllr Gooding invited questions and comments from Electors:

Questions asked:

Q. What is the cost of repairing Cock Lane, which has subsided?

A. Estimation is £200,000 to repair

Q: Why does Essex Highways not call back? Highways officer is always out of office

A: 2,000 calls a day to ECC is about Highways. Budget £86m for highways maintenance this year

Q: How is best way to communicate with ECC Highways?

A: Report on website. This gives a tracking number and acknowledgement.

7. District Cllr Edward Oliver invited to speak.

He informed the meeting that it is expected that the Local Plan will be completed by March '17. Under the Plan, UDC is to provide 585,000 dwellings in next 5 years; business, gypsy and traveller's sites must also be provided for.

For Clavering, planners originally have looked further at 3 sites only – One site adjacent and opposite next to Oxleys Close

The call for sites is for sites for the next 20 years, possibility that the Gypsy & Traveller site at 5 acres will go ahead though there has been a change in definition of "traveller" – they have to convince an assessor that they travel.

UDC received a clean audit report

He stated he was pleased Gladman were 'seen off' but they may be back due to UDC 5-year land supply not being proved robust.

He understood that *Hands off Clavering* were undertaking a survey regarding need for new housing in the Village.

New Chief Executive of UDC had been brought to Clavering for a visit.

£3000 New Homes Grant given to Ward Councillors has been kept at the same level for the coming year.

8. Questions and comments from Electors

J. Cooper stated that the Clavering Landscape History Group had been promised a Listening Bench for 2017 by Essex Record Office & hoped to update Council at coming meetings.

This project is Lottery Funded and would be a fitting conclusion to the Oral History Project which has seen books published from transcriptions.

Plans are in hand for renewing of Information Board at Blacksmiths corner which has deteriorated in the sun.

The meeting was informed that the *Hands Off Clavering* Housing Survey had been issued, with 10-15% returned already and also the group has a facebook page.

There being no further business, the Chairman closed the meeting at 10pm and thanked everyone for attending.