

## **Berwick Bassett and Winterbourne Monkton Parish Council**

Minutes of the meeting of the council held on Wednesday 23rd March 2022 at 7.30pm.at St Mary Magdalene Church Winterbourne Monkton

Present: Cllr Saunders (chair), Cllr George-Perutz ,Cllr Colin Pattison, Cllr Ben Woodward, Cllr Neil Kirk, Cllr Simon Petchey

Mrs Janice Pattison (clerk)

8 members of the public

1. Apologies for absence

County Cllr Jane Davies, Cllr Helen Ramsay

2. Declaration of Interests

There were no declarations of interest not specified under individual items

3. The Queens Platinum Jubilee

The final event of the Jubilee weekend is proposed to be a party event on Sunday June 5<sup>th</sup>. Cllr Pattison had delivered a survey to every household in both of the villages. The clerk circulated the survey using the council email list and Cllr Woodward gathered information at The New Inn. The most popular location, by a significant margin, was in the garden at The New Inn. People surveyed had suggested that the council hires a marquee and that the proprietors of The New Inn close the pub so that they and their family can join in the celebrations. Some funding may be available from the Parish Council. There were lots of offers to help with baking, setting up and taking down and organising games.

It was suggested on a survey return that a charity auction be held with the proceeds to help the people of Ukraine.

Cllr Petchey asked if the Parish Council would provide a glass of Prosecco for each person attending

Cllr Woodward agreed to host the event in the garden of The New Inn. Proposed Cllr George-Perutz and seconded Cllr Petchey. Cllr Pattison and Cllr Woodward will liaise and organise. Cllr Woodward is also the proprietor of The New Inn

4. Community Building

(Cllr Saunders is the chair of the Village Halls Advisory Group and Cllr George-Perutz is a member of the Village Halls Advisory Group proposed to be the founding body of the Community Hall Charitable Trust)

Cllr Saunders summarised the history of the Community Building so far. His proposal is that the Ownership of the Community Building be passed direct to the Community Hall Charity and not to the Parish Council. The charity will be a Charitable Incorporated Organisation.

Resident 1 asked if the Parish Council had been offered the hall by Wiltshire Council, Cllr Saunders confirmed that a side agreement to the section 106 agreement had been received, outlining transfer to the Parish Council, and been passed to a solicitor for approval.

Cllr Pattison asked if the charity existed yet. Cllr Saunders confirmed that an application had been made but that a letter had been received from the Charities Commission asking for more details.

Cllr Petchey asked whether the application to be a charity had stated that the Charity had assets. Cllr Saunders said not

A representative of the Community Hall Advisory Group informed the meeting that a resident of the village had used his experience and guidance from ACRE to produce the application. The Wiltshire Village Halls Association had not been used.

A second representative of the Community Hall Advisory Group said that the application had specified trustees with additional lay members. He considered that this might cause delay and suggested that the charity start with only trustees and add additional members as required. Cllr Saunders offered to look into this.

Cllr Petchey advised that very few Community Halls are run by organisations other than Charitable Trusts. Cllr George-Perutz advised that there were financial advantages to the Community Hall being managed by a registered charity. More grants will be available as well as reductions in costs such as Business Rates

The clerk enquired whether conditions were to be included in the constitution of the Charitable Trust for disposal of assets should the charity fold, for example for the Community Building to be first offered to another similar group, such as another charity, The Parish Council or other authority. This would be at the same zero cost as the building would be transferred to the charity rather than being sold, for example to a developer. The aim would be to retain the Hall for Community Use. Cllr Saunders confirmed that no clause existed. Cllr Petchey advised that it was not possible to restrict the actions of trustees. If the charity had built up debts the trustees would be obliged to dispose of assets to the highest bidder whatever the outcome. Funds remaining after paying the debts of the charity would be donated to another charity which may be Avebury Village Hall for example.

The clerk suggested that if it wasn't possible to retain the building as a community asset through the ownership by the Charitable Trust then an alternative could be that the Charitable Trust could manage all aspects of the running of the Community Hall with the Parish Council retaining ownership thus the hall would not be an asset of the trust should it need to fold. The model would be similar to a business full repair lease which is a model many village hall charities use. Cllr George-Perutz confirmed that no trustee would hold a personal financial liability should the charity fail He also maintained that should the hall be managed by the Parish Council instead of the charity and the hall could not be made to support itself then the Parish Council would be liable for the debts. The clerk suggested that if the Charity was closed and it did not own the hall but leased it then the Community Hall would be retained by its owner and not required to be sold. The owner would then be responsible for any repairs needed if there was no money left in the charity but not for the debts of the charity.

There was a discussion about the current ownership of the Community Building. The clerk confirmed that the building had not been transferred to Wiltshire Council and believed it still to be in the ownership of Rivar, the developers. The associated section 106 finance has already been transferred to Wiltshire Council. Councillor Petchey suggested that the land may still be in the ownership of the original family owners. Cllr Petchey suggested verifying the Land Registry registration. Cllr Saunders agreed to ask the solicitor to confirm current ownership and also whether the property including hall and car park would be transferred leasehold or freehold.

There is a sum of £21,000 which is to be used to help setting up and running costs of the hall. This will be transferred with the hall to whichever group receives ownership of the hall. This will be used also to pay the costs such as those of the solicitor. Cllr Saunders confirmed that the only costs to date were the purchase of £300 worth of preloved chairs which the Parish Council has paid for. This money would be refunded to the Parish Council from the commuted sum of £21,000. Cllr Saunders confirmed that the Parish Council would not be asked to provide any funding towards the setting up and running costs of the hall. Cllr Saunders said that the Charity Commission had been advised in the application for the charity that the charity would own the hall. Cllr Petchey asked if the cost of the installation of the photovoltaic cells will be taken from the £21,000. Cllr Saunders said not.

The clerk expressed concern that more work needed to be undertaken to ensure that the wording of the constitution of the Charitable Trust permitted the Community Hall to be passed to a similar group to be retained as a community resource should the Charity fold up. She recommended that further investigation be carried out and the Constitution of the Community Hall Charity be made available to Parish Councillors and the Village Hall Advisory Group before a decision is made. Cllr Petchey proposed a move to the vote directly.

Two proposals were made by Councillor Saunders for Councillors to vote on. These were taken as follows

1. The Transfer of the Community Hall should be made to the Parish Council.  
All councillors voted against
2. The Transfer of the Community Hall should be made to the Registered Charity under the current terms and conditions.  
Councillors in favour were Cllr Saunders, Cllr Petchey, Cllr George-Perutz, Cllr Woodward, Cllr Kirk and Cllr Ramsay (in a message sent to Cllr Kirk prior to the meeting)  
Councillor abstaining was Cllr Pattison

##### 5. Public Open Space Contribution

Cllr Saunders outlined the purpose of this section of the Section 106 Agreement attached to the development of the Old Dairy site. This money is an amount of £28,000 which is transferred to the Parish Council and is unconnected to the Community Hall. If not spent, this money must be returned to Wiltshire Council. The purpose of this inclusion in the Section 106 is to provide play or recreational facilities in the community. Traditionally this would be for the provision of a childrens' play park but may be used for other open space recreation. To date the three projects being investigated are Wildlife Hides or other natural based recreation in keeping with the farming landscape in Berwick Bassett, Personal exterior fitness equipment placed in the car park of the Community Hall and a Childrens Play Space sited in the grounds of The New Inn.

Cllr George-Perutz is currently in discussion with the 2 major landowners in Berwick Bassett about the possibilities for a space in Berwick Bassett either connected to the Wildlife Hides currently at Manor Farm or a natural recreation area in land by the junction of the footpath from Winterbourne Monkton to Berwick Bassett and the Byway to Yatesbury.

Cllr Woodward declared an interest in the proposal to site a playground at The New Inn as he is the owner of The New Inn.

Cllr Woodward outlined the plans to erect a large timber framed activity play structure incorporating swings, slide and climbing apparatus in the grounds of The New Inn. The cost for this is estimated at £35,000 to £40,000. The difference between what the Parish Council could contribute from the Open Space Grant and the cost would be filled by The New Inn. The area would be fenced and open to the public at set hours such as 9am to dusk. Users of the playground would not be required to be patrons of The New Inn. The running costs such as inspection, repair and insurance would be met by The New Inn. The play space would be the property of The New Inn

Cllr Petchey asked if the Parish Council could purchase the land from The New Inn and install play equipment themselves. Resident 1 asked if the Parish Council had investigated the purchase of the piece of land between School Lane Footpath kissing gate and Meadow Cottage bordered by the bourne and another private landowner. This piece of land is currently in private ownership of a non-resident. Cllr Saunders replied that access to this land would be investigated as it is believed it is only by public footpath. Representative 1 from the Village Hall Advisory Group suggested the Parish Council investigated long term lease from a landowner, preferably at nominal cost. In the case where the playground installation was on land owned or rented by the Parish Council the Parish Council would be responsible for all maintenance and liability with no income source other than resident parish rate.

Councillor Woodward was requested to prepare a firm quotation for the installation of play equipment and apply to the Parish Council for funding amount less than £28,000. It was also considered important that some facility be provided in Berwick Bassett

#### 6. Items not on the agenda

As there were many members of the public present some items not on the agenda were raised by them.

Cllr George-Perutz advised the meeting that the installation of the posts for the speed limit signs had started on the day of the meeting.

Resident 1 asked whether the eroded footpath by the School Land footpath kissing gate would be repaired. Cllr Saunders replied that the footpaths officer at Wiltshire Council had promised hard surfacing materials for all the footpaths by kissing gates but this must wait for drier weather. Resident 1 recommended that the Parish Council use a contractor with a large shredder to remove the debris from the fallen trees. She offered to send details of someone who does work locally.

The VHAG representative 1 asked if there had been any progression in the identification of the trees with Dutch Elm Trees and the treatment thereof. There may also be cases of Ash Die Back as in West Kennet. Cllr Kirk replied that Wiltshire Council would be felling or treating affected trees on their land. Other landowners were responsible for the trees on their land. Cllr Kirk and Cllr Woodward agreed to co-ordinate identification of affected trees and source advice in identification.

#### 7. Confirmation of items for press release

This item was not discussed

#### 8. Date of Next Meeting

The Annual Parish Meeting (Assembly) will be Wednesday 20<sup>th</sup> April. The Annual Meeting of the Council and next full Council meeting will be held on 4<sup>th</sup> May

The meeting closed at 9.00 pm