

Banwell Recreation Ground Charity No. 304472

Minutes of the Annual General Meeting of the Trust held at 7.00 pm on Monday, 12th June, 2017 at Banwell Village Hall

PRESENT: Jo Arnold, Paul Blatchford, Steve Davies, Angela Haden, Phil Hale, Paul Harding, Dawn Parry and Jim Weston.

8/17 Apologies for Absence (agenda item 1)

Apologies had been received from Cllr Paul Bateman

9/17 To Receive any Declarations of Interest (agenda item 2)

None received.

10/17 Appointment of Chair (agenda item 3)

Resolved – That Cllr Hale be appointed Chair of the Trustees for 2017/18

The resolution was correctly proposed and seconded (unanimous).

11/17 Appointment of Vice-Chair (agenda item 4)

Resolved – That Cllr Harding be appointed Vice-Chair of the Trustees for 2017/18

The resolution was correctly proposed and seconded (unanimous).

12/17 Minutes of the Meeting of the Trustees held on 13th March, 2017 (agenda item 4)

Resolved – That the minutes be approved as a correct record of the meeting.

The resolution was correctly proposed and seconded (6 in favour with 2 abstentions due to absence).

13/17 To review and agree Banwell Recreation Ground Trustees Standing orders (agenda item 4)

Resolved – To approve the Banwell Recreation Ground Trustees Standing Orders with amendments.

The resolution was correctly proposed and seconded (unanimous).

14/17 To Approve the Accounts for 2016/2017 (agenda item 4)

The audited accounts for 2016/17 were received, it being noted that there was a balance of £10,279.13 in the Trust's funds on 31st March 2016.

Resolved – To approve the Banwell Recreation Ground Trust accounts for the year 2016/2017.

The resolution was correctly proposed and seconded (unanimous).

15/17 To Consider Any Other Urgent Other Issues Relating to the Recreation Ground

Play Equipment – The T Bar on the teen zone has been broken and the other T bar is wobbly so two have been ordered. One of the rings on the teen zone is also split and so a replacement has been ordered. Unfortunately, the suppliers, Sutcliffe, are not fulfilling orders very quickly.

Elm Tree – During the recent high winds a 12ft branch from the Elm Tree on the recreation ground snapped off. This was removed by the village orderly and the Parish Councils tree surgeon was contacted. He is away at the moment and suggested contacting a local firm to have a look. Fountain Tree works will be looking at it in the next 24hours and will make a recommendation as to the work which needs to be undertaken.

The Chair closed the meeting at 7.20 p.m.

.....Chair

.....Date

BANWELL RECREATION GROUND TRUST
(Charity No. 304472)

Bank balance as at 1st April 2016 **£10,279.13**

Expenditure 2016/17

Total expenditure **£00.00**

Income 2016/17

Total income **£00.00**

Bank balance as at 31st March 2017 **£10, 279.13**

STANDING ORDERS FOR
BANWELL RECREATION GROUND TRUSTEES

General

1. No decision shall be taken by the Trustees except at a properly convened and constituted meeting in accordance with these standing orders.
2. All Trustees shall be governed by Banwell Parish Council's code of conduct in their role as Trustees.

Procedure for calling meetings

3. Except for the annual general meeting, meetings shall be held as and when required.
4. All meetings shall be called by the issuing of a formal agenda including details of the date, time and venue of the meeting, and listing the items to be considered, which will be sent by the Clerk to all Trustees. The agenda shall be issued at least three clear days before the date of the meeting and shall be posted on at least one public notice board in the village.
5. No decisions shall be taken by the Trustees unless proper notice of the item has been given on the agenda.
6. In addition to ordinary meetings, an annual general meeting of the Trustees shall be held in April, May or June to appoint a Chairman and Vice-Chairman for the coming year and to approve the accounts for the previous financial year.

Quorum

7. The quorum for meetings of the Trustees shall be one third of the total membership (i.e. four). However, where there are nine or less Trustees appointed, the quorum shall be three.
8. If a quorum is not present at the start of the meeting or at any time during the course of the meeting, the meeting shall be adjourned.

Clerk and Treasurer to the Trustees

9. The Clerk to Banwell Parish Council shall act as Clerk and Treasurer to the Trustees.

Chairman

10. The Chairman shall preside at all meetings at which he or she is present. In the absence of the Chairman the Vice-Chairman shall preside. In the absence of both, the Trustees present shall appoint a trustee to chair that meeting.
11. The Chairman may adjourn the meeting -
 - if the meeting becomes inquorate.
 - if the meeting becomes so unruly either as to make the situation dangerous to those attending or so that to continue the business of the meeting becomes impossible.
 - if the meeting resolves to adjourn.

Conflicts of interest

12. At the start of every meeting, Trustees must declare any private interest which he or she has in an item to be discussed. Trustees shall be guided by the Code of Conduct applying to membership of the Parish Council and shall remove themselves from a meeting in appropriate circumstances.

Minutes

13. The Clerk shall prepare formal minutes of every meeting which will be submitted to the next meeting for approval.

Voting at Meetings

14. All proposals for action or expenditure put to a meeting must be formally moved and seconded. All decisions taken shall be by a show of hands and on the basis of a simple majority.
15. In the case of a tied vote, the Chairman has a second or casting vote.

Press and Public

16. The public and press shall be admitted to all meetings of the Trustees. However, the Trustees may at any time temporarily exclude the press and public by means of the following resolution which shall be put to the meeting: -
“That in view of the confidential nature of the business about to be transacted, namely (reason to be stated), it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw.”

BANWELL RECREATION GROUND TRUST
(Charity No. 304472)

Bank balance as at 1st April 2017	<u>£10,279.13</u>
<u>Expenditure 2017/18</u>	
Total expenditure	<u>£00.00</u>
<u>Income 2017/18</u>	
Remains of PC Maintenance budget	£1386.52
Money raised from Parish Picnic	£59.00
Total income	<u>£1386.52</u>
Bank balance as at 31st March 2018	<u>£11, 665.65</u>

Banwell Parish Council
Listing of Payments in each Code for Cost Centre - Recreation Ground
(Between 01/04/2018 to 12/09/2018)

Cost Centre Recreation Ground**Code Number 601 Rec Grass Cutting**

Vchr.	Date	Minute	Bank	Cheq. No.	Description	Supplier	Vat Type	Net	Vat	Total
14	09/04/2018	91/18	Current account (5:	005293	Grass cutting	J K Gardening	X	141.75	0.00	141.75
40	21/05/2018	131/18	Current account (5:	005304	Grass cutting	J K Gardening	X	141.75	0.00	141.75
79	19/06/2018	156/18	Current account (5:	005321	Grass cutting	J K Gardening	X	141.75	0.00	141.75
103	16/07/2018	124/18	Current account (5:	005339	Grass cutting	J K Gardening	X	141.75	0.00	141.75
125	23/08/2018		Current account (5:	005346	Grass cutting	J K Gardening	X	141.75	0.00	141.75
Subtotal for Code: Rec Grass Cutting								£708.75	£0.00	£708.75

Code Number 602 Rec Maintenance

Vchr.	Date	Minute	Bank	Cheq. No.	Description	Supplier	Vat Type	Net	Vat	Total
54	21/05/2018	131/18	Current account (5:	005301	Recreation ground work	G.B. Sport & Leisure	S	350.00	70.00	420.00
Subtotal for Code: Rec Maintenance								£350.00	£70.00	£420.00

Code Number 603 Rec Tree and Fence Work

Vchr.	Date	Minute	Bank	Cheq. No.	Description	Supplier	Vat Type	Net	Vat	Total
18	09/04/2018	91/18	Current account (5:	005293	Hedge cutting	J K Gardening	X	206.67	0.00	206.67
29	21/05/2018	84/18	Current account (5:	005313	Tree cutting	Ward Tree Surgeons	S	620.00	124.00	744.00
Subtotal for Code: Rec Tree and Fence Work								£826.67	£124.00	£950.67
Subtotal for Cost Centre: Recreation Ground								1,885.42	194.00	2,079.42

TOTALS £1,885.42 £194.00 £2,079.42

Please see below a brief summary of what we covered at our meeting this morning, some further thoughts and the next steps I think it would be sensible to take.

You explained the background to the formation of the Charity and the current situation. We looked at the Charity's deed of variation, bank statements and minutes, and we discussed how the Charity's income and payments are recorded on the Charity Commission Annual Return. We also discussed how the Council records the Charities bank account on the Council's Annual Return.

In my view it is correct that the Charity has its own bank account, and on discussion we were confident that the money held in the bank account belongs to the Charity and no further Charity monies incorrectly are held in the Parish Council's bank account.

The Parish Council has correctly disclosed on its Annual Return that it is a sole managing trustee and it has correctly excluded the Recreation Ground bank balance from its reserves and bank balances in Boxes 7 and 8 on the Annual Return.

We discussed the payments made by the Council to maintain the Recreation Ground. These are some repairs, grass cutting and a portion of the public liability insurance. These payments are currently recorded under the Environment Cost Centre. These payments are not currently included as grant income and expenditure on the Charity's Annual Return to the Charity Commission.

You have a good understanding of when expenditure should be authorised by the trustees in the future, that is any expenditure from the Charity's bank own account. And you also have a good understanding of the restrictions over the spending of the Charity's money to capital expenditure, because it arose from the sale of land many years ago.

The Charity trustees meet at least once a year as required.

I've done a bit of research this afternoon and submitted an email enquiry to the Charity Commission about whether the payments made on behalf of the Charity by the Council should be included on the Charity Commission Annual Return. Calling the Charity Commission did not seem to be an option! I will let you know when I have a reply.

However, on reading the guidance available on line I think that the answer may be that, as the Charity has income and expenditure of less than £25,000 and therefore only needs to file an Annual Return and prepare accounts on a receipts and payments basis (that do not need to be submitted to the Charity Commission), it is correct to omit the Council's expenditure on behalf of the Charity from the Charity's Annual Return, as no actual payments have gone through the Charity's bank account. We will see if the Charity Commission agrees.

The Charity can continue to prepare accounts on a receipts and payments basis providing income does not exceed £250,000. So for the foreseeable future, accounts can always be on a receipts and payments basis. If income exceeds £25,000 then the accounts must be checked, either an through an independent examination or a full audit.

I now recommend that the Council:

- records all expenditure relating to the Recreation Ground under a separate cost heading.
- enquires of the Charity Commission whether the expenditure made by the Council on behalf of the Charity should be recorded as Charity spending on the Charity Commission Annual Return. And, whether this would be any different if income exceeded £250,000 (even though this is extremely unlikely).
- makes the same enquiry of NALC in relation to the recording of expenditure, and on reflection I think it would also be a good idea to ask NALC if the Council should authorise Recreation Ground expenditure as a grant to the Charity, and if this should be recorded in the Council minutes.

If you have any further queries please do not hesitate to contact me and I look forward to seeing you again on 24 April and with interest to the views of NALC and the Charity Commission.

Agenda Item 13

Response from Insurance Company

Further to our recent telephone conversation, I can confirm that the policy we arrange with Inspire provides Public Liability Insurance automatically in respect of the Parish Council's responsibilities towards either owning or maintaining any land. In the event of someone being injured due to a defect with the land for which the Parish Council is found to be legally liable, the policy we arrange will provide cover for any resultant claim.

As far as activities undertaken on the land by any individuals or commercial entities; these will not usually be the responsibility of the Parish Council and therefore, if the Council allows the landing of the helicopter on the recreation ground, it is the responsibility of the helicopter company / pilot to carry out an appropriate risk assessment to ensure the area is suitable and have relevant insurance in force. The Council must see sight of their insurance policy before allowing them to use the land. With regards to the wedding itself, it is recommended to check they have suitable insurance too.