

CODDENHAM PARISH COUNCIL

Agenda Paper



Tuesday 19th February 2019

Report to Council

Item 11. To **RECEIVE** a report on a meeting between Cllr Fawdry, Cllr Peacock and Cllr Fowler and to **CONSIDER** a proposal to purchase a Charitable Incorporated Organisation Module from Community Action Suffolk.

This report provides the notes of a meeting between Jan Fawdry(JF) John Peacock (JP) And Allan Fowler (AF) held on 7th February 2019.

Proposal: That Council **RESOLVES** to purchase of a copy of the Charitable Incorporated Organisation module from Community Action Suffolk at a cost of £35.

Following investigations it transpires that the proposed constitution of the CIO module agreed by the Charity Commission (CC) is the copyright of ACRE (Action with Communities with Rural England).

In establishing contact with ACRE it transpires that they have a dedicated Village Hall consultant in each area. The Suffolk representative is Jon Eaton. In conversation with JP he has offered to assist.

In working through the application we need to address certain items prior to submission.

1. The copyright of the module needs to be purchased from Acre at a cost of £35 plus VAT
2. To progress matters the initial Trustees will be Andrew MacPherson, Ray Collins, Angela Thompson and Mitch Lock. All future applications for the position of Trustee to be addressed to the Charity, after authorisation by the CC, in accordance with the governing document.

In the interim period the Council recognises Andrew MacPherson as the Lead Prospective Trustee.

3. Confirmation is required that the PWLB loan is not conditional on the freehold of the Hall land being retained in the name of the Council. The original loan documentation needs to be examined. Subject to this qualification it is recommended that the Land Title be transferred to the Charity in accordance with the original CC requirement. Legal assistance will be required. This should be the first step.

4. Legal ownership of the Recreational Ground (Rec) needs to be resolved. This should not hold up the first step.

5. FINANCES.

It is thought that the Charity will require continuing financial support until they achieve sustainability. Support in the first year should follow the Council's precept receipt, pro rata from inception of the Charity, under the Halls budget headings. Continuing payments should follow the procedure adopted by the Day Foundation in awarding its grant to Council. The procedure should be monitored until sustainability is achieved when the Council can review its support.

Discussions should take place with the Trustees on their view of their financial requirements. This should include lump sums from the council's ring fenced reserves.

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It is thought that Jon Eaton may be able to offer guidance in this area.

6. LEGAL.

It will be necessary for solicitors to be involved at least prior to the land transfer.

ACRE have a panel of solicitors who have specialist knowledge in Charity Commission submissions.

They make mention of Birketts with whom this Council has had previous dealings. Indeed their last communication was the 18th January 2012 when they reminded Council of their obligations to the CC.

Birketts now have a set fee for a package of services. JP is to contact Liz Brownhill of Birketts on a non-committed basis for a quotation.

7. Recommendation to the prospective Trustees. It is recommended that they open a bank account in the new name of the Charity. This is a requirement of the CC application.

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Peter Whitehouse

Parish Clerk