

HOLME VALLEY PARISH COUNCIL (GRAVESHIP OF HOLME) LAND CHARITY

MINUTES OF THE CHARITY COMMITTEE HELD ON WEDNESDAY 02 DECEMBER 2009

Those present :

Chairman : Cllr C M Kaye

Vice-Chairman : Cllr P Robinson

Councillors : Cllr Mrs R Bratt, Cllr G Cropper

Officers : Mrs S S Barber, Mrs M A Bewick

09 54 To accept apologies for absence

An apology was accepted from Cllr B A Smith.

Mr R P Dixon, representing Wm Sykes & Sons, the appointed Auctioneers, was in attendance to address Members on item 6 (Auction) on the Agenda.

09 55 To consider whether items on the agenda should be discussed in private session

It was agreed that items 6 (Auction), 7 (To consider action in relation to specific sites) and 8 (Action Plan) be discussed in private, on the grounds that the matters to be considered are of a confidential nature.

09 56 To receive Members' declarations of interest in items on the agenda

None were given.

09 57 Exclusion of Public and Press

RESOLVED: That the business of this Committee now to be transacted be not open to the public or press on the grounds that the matters to be considered are of a confidential nature.

09 58 Auctions

It was agreed that item 6 on the Agenda be taken first in priority order, to allow Mr R P Dixon, representing the appointed Auctioneers, Wm Sykes & Sons, to address Members on the auction which had been held the previous evening.

(1) First auction of sites held on 1 December 2009:

(i) Members considered correspondence received from the appointed Solicitor regarding arrangements for the auction.

(ii) Members noted information from a local resident concerned about a right of access over one of the plots of land to be auctioned.

(iii) Members considered correspondence from a local resident and Yorkshire Water re registered title. On the advice of the Solicitor and Auctioneer, and following a subsequent meeting with Yorkshire Water (as reported below), Members had agreed to withdraw a number of plots from the first auction.

RESOLVED: That the above be noted and the actions to withdraw a number of plots from the auction be approved.

(2) Enquiries from interested parties re sites to be auctioned: Members noted that the enquirers had been advised to contact the Auctioneers, who would be able to address their queries.

RESOLVED: That the above be noted.

(3) Meeting with representatives of Yorkshire Water held on 26 November 2009: The Officer circulated the notes of the meeting with Mr R Howson of Yorkshire Water, to discuss a number of issues regarding registered title on a number of plots.

RESOLVED: That Wm Sykes & Son be requested to negotiate with Yorkshire Water to resolve the issues regarding registered title on a number of areas, and to report back to the Charity Committee in due course.

(4) Further advice sought from the Solicitor and the Charity Commission: Members noted the advice provided before the auction, by the Solicitor and the Charity Commission, on points of law relating to the Charities Act 1993, Section 36.

RESOLVED: That the advice be noted and the actions of the Officer be approved.

(5) Final arrangements for auction as agreed with Solicitor at meeting on 23 November 2009: The Officer circulated the notes of the meeting with the Solicitor, also attended by the Auctioneer, to finalise arrangements for the auction and the content of the Sales Contracts.

RESOLVED: That the above be noted and the final versions of the proposed Sales Contracts be approved.

(6) Actions required following first auction: The Chairman of the Committee reported that all nine plots had sold.

RESOLVED: That it be recommended to the Council (as Trustee), at its next meeting, that the Auctioneers, Wm Sykes & Son, and the Solicitors, Ramsdens Solicitors, be thanked formally for their assistance in making the auction such a success.

(7) Plots of land withdrawn from the first auction: Members noted the correspondence received on a number of plots now withdrawn from the first auction, but it was agreed to defer the items to the next Charity Committee meeting, pending receipt of recommendations from the Auctioneer on the matters involving Yorkshire Water, and advice to be sought from the Land Registry.

RESOLVED: That this item be deferred to the next Charity Committee meeting.

ACTIONS ON OTHER SITES:

Before Mr. Dixon left the meeting, the Committee asked him to make certain enquiries on behalf of the Charity about a number of the remaining sites. Terms of reference and points to be considered were discussed and agreed.

RESOLVED: That Wm Sykes & Son be requested to undertake these investigations as agreed above.

Mr R P Dixon was thanked for the advice and assistance he had provided before, during and after the auction, and he then left the meeting.

09 59 Re-admittance of Public and Press

RESOLVED: That the public and press be re-admitted to the Meeting.

09 60 To confirm the Minutes of the Previous Meeting

RESOLVED: That the Minutes of the Meeting held on 4 November 2009 numbered 09 44 - 09 53 inclusive be confirmed.

09 61 Correspondence arising from the Minutes

Nothing to report.

09 62 Exclusion of Public and Press

RESOLVED: That the business of the Committee now to be transacted be not open to the public or press on the grounds that the matters to be considered are of a confidential nature.

09 63 To consider action in relation to specific sites

(1) Cowcliff Hill Road, Strines Moor re registered title: Members noted the correspondence from the Solicitors, confirming the submission to the Land Registry made on behalf of the Council (as Trustee). The Land Registry's decisions were awaited. Members also noted that the Solicitor had not yet submitted an invoice for the fees to provide this further submission.

(2) White Wells/Chapelgate, Scholes:

(a) Members agreed that the Chairman of the Committee should attend a meeting with the tenant, to

discuss the Pre-School's plans to extend the outdoor play area. Members further agreed that Cllr Mrs Bratt should be authorised to investigate the encroachment issues on this site, through the Land Registry and third parties.

RESOLVED: (i) That the Chairman of the Committee should attend a meeting with the tenant and report back to the Committee at its next meeting.

(ii) That Cllr Mrs Bratt be authorised to expend up to a maximum of £50, to obtain copies of appropriate Land Registry title documents for the encroaching properties, and to investigate the encroachments and make recommendations to the Charity Committee, for consideration at the next meeting.

(b) Property on land adjacent: Members agreed that a further encroachment issue should now be pursued more actively, and that Wm Sykes & Son and Ramsdens Solicitors (both of whom had already quoted for such further advice) should be asked to pursue this matter directly with the particular individuals. Members agreed some general conditions for such negotiations.

RESOLVED: That the Officer should write to Wm Sykes & Son to request that this matter be pursued directly with the owners of the property and with a report back to the Committee at its January meeting.

(3) White Wells/Dean Bridge: Members noted the correspondence and copy title deed from a local resident who had expressed concern about access arrangements over this site. It was agreed that the Chairman of the Committee would visit site, to assess the access in relation to the Council's registered title, and report back to the next Committee meeting.

RESOLVED: That the Chairman of the Committee be authorised to visit the site as agreed, and report back to the next Charity Committee meeting, for further consideration.

4) Cliff: Members noted the correspondence from a local resident requesting a tenancy of a garage site. Members agreed that all existing tenancies were due for renewal on 1 April 2010 and it would therefore be more appropriate to review the future of this particular garage site nearer then. In the meantime, the Officer should write to the resident, to acknowledge the request, and advise that the Council (as Trustee) would respond more fully in due course. The Officer was also asked to clarify that all rentals for 2009 had been paid.

RESOLVED: That the Officer should write to the resident accordingly and to make relevant enquiries about the current year's rentals.

09 64 Action Plan

(1) Administrative arrangements: It was agreed that accounts would be prepared by the Clerk and the Officer in time for the meeting to be held in February 2010. It was agreed in this respect that accounts would be prepared on a receipts and payments basis and monitoring reports would be produced quarterly.

It was also agreed that the Charity should now register for VAT, and that its insurance position should be reviewed and separate cover arranged as necessary.

RESOLVED: That the Officer and the Clerk be asked to undertake the above actions.

(2) Members noted the unauthorised dumping of building materials at one site and would continue to monitor the situation.

It was agreed that all other matters relating to the Action Plan be deferred to a future meeting.

09 65 Re-admittance of Public and Press

RESOLVED: That the public and press be re-admitted to the Meeting.

09 66 Charity Commission

RESOLVED: That the Charity Commission News - Autumn 2009 edition be noted.

09 67 Freedom of Information Act 2000 - to agree what information will be made available to the public

RESOLVED: That, under the Council's Publication Scheme, supporting papers for any item within the public session of the meeting be made available, if requested, after confirmation of the Minutes by the full Council (as Trustee).

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Chairman