

HVPC Land Charity

HOLME VALLEY PARISH COUNCIL (GRAVESHIP OF HOLME) LAND CHARITY

MINUTES OF THE CHARITY COMMITTEE HELD ON WEDNESDAY 03 FEBRUARY 2010

Those present :

Chairman : Cllr C M Kaye

Councillors : Cllr Mrs R Bratt, Cllr G Cropper, Cllr C R Greaves, Cllr B A Smith

Officers : Mrs S S Barber

09 68 To accept apologies for absence

None received.

Cllr C R Greaves was present as an observer.

Mr R P Dixon, representing the appointed advisors, Wm Sykes & Son, was in attendance to address Members on item 4 on the Agenda, regarding discussions with Yorkshire Water.

Three members of the public were present.

09 69 To consider whether items on the agenda should be discussed in private session

It was agreed that items 4 (Advisors), 8 (To consider action in relation to specific sites), 9 (Action Plan) and 10 (Administrative Matters) be discussed in private, on the grounds that the matters to be considered are of a confidential nature.

It was proposed and seconded that items 3, 5, 6 and 7 on the Agenda be taken first, in priority order. This was so RESOLVED.

09 70 To receive Members' declarations of interest in items on the agenda

None were given.

09 71 To confirm the Minutes of the Previous Meeting

RESOLVED: (1) That the Minutes of the meeting held on 2 December 2009 numbered 09 54 - 09 67 inclusive be confirmed.

(2) That the Officer's actions to cancel meetings originally scheduled for 6 January 2010 and rescheduled to 13 January 2010, due to adverse weather conditions, be approved and the website to be updated accordingly.

09 72 Correspondence arising from the Minutes

Nothing to report.

09 73 Auctions

First auction of sites held on 1 December 2009: Members noted correspondence from Ramsdens Solicitors on the sale of 9 lots and the respective costs incurred.

RESOLVED: (1) That the information be noted and the discharge of payment to cover the auctioneer's costs (including advertising) be approved.

(2) That a list of sites sold at the first auction be published on the Charity website.

The Officer reported on a letter received from the purchaser of the site at Swindon Knowle, Knoll Lane, Honley, requesting that the public seat, sign and waste bin be removed. The Officer had instructed the Council's contractor to remove the public seat and sign, and Kirklees Council had been asked to remove the waste bin.

RESOLVED: (1) That the Officer's actions be approved.

(2) That the Officer should write to the purchaser, to inform him of the actions taken.

09 74 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 transacted are of a confidential nature.

09 75 Advisors

Mr R P Dixon, representing the appointed advisors, Wm Sykes & Son, addressed Members on the proposed discussions with representatives of Yorkshire Water regarding various sites where they have an interest. However, due to the adverse weather conditions and ill-health, a meeting had not yet taken place with Yorkshire Water.

RESOLVED: That Wm Sykes & Son be requested to continue these negotiations, on revised terms of reference to be issued by the Officer.

In respect of Minute No. 09 58(7), Mr Dixon reported on enquiries made on behalf of the Charity about a number of the remaining sites. Members noted an informal offer made by Solicitors on behalf of their client relating to an encroachment issue, and the terms of reference and other points to be considered were discussed and agreed, to enable Mr Dixon to continue the negotiations.

RESOLVED: (1) That Wm Sykes & Son's interim verbal report be received and accepted.
(2) That Wm Sykes & Son be instructed and authorised to act as discussed and agreed in respect of the encroachment issue.
(3) That Wm Sykes & Son should submit a more formal written recommendation to the Charity in due course, after continued negotiations as agreed above.

Mr R P Dixon was thanked for the information he had provided, and then left the meeting.

09 76 To consider action in relation to specific sites

(1) Wm Sykes & Son recommendations following discussions with Yorkshire Water (as above): As discussions had not yet taken place with Yorkshire Water (as mentioned above), there were no recommendations to consider. However, Members considered correspondence from Ramsdens Solicitors and Yorkshire Water regarding various sites and the (Graveship of Holme) deed documents. It was agreed that information currently in secure storage at the Solicitors in Leeds should be retrieved and returned to the Council, for subsequent storage with Ramsdens Solicitors in due course.

RESOLVED: That the Officer should arrange for all documents in secure storage to be returned to the Council as soon as possible, and to arrange more longer term storage through Ramsdens Solicitors in due course.

(2) Cowcliff Hill Road, Strines Moor re registered title:

(a) Members considered correspondence received from the Land Registry regarding the request for further photographic evidence to be submitted, and that no further information had been received from Solicitors acting on behalf of the Charity on this matter.

(b) Members considered costs incurred to date, but agreed that further photographic evidence should be supplied direct to Land Registry, and an enquiry sent to the Solicitors expressing Members' concerns on how this matter had been handled to date.

RESOLVED: (i) That the actions taken by the Officer relating to the Solicitors and in reply to correspondence from the Land Registry be authorised.

(ii) That the Officer should provide further photographic evidence to the Land Registry.

(iii) That the Officer should write a formal letter of complaint to the Solicitors, expressing Members' concerns as agreed above.

(c) Further invoice submitted by solicitors: Members noted the receipt of an invoice for the final submission by them to Land Registry.

RESOLVED: That the Solicitors should be informed that the invoice would not be authorised for payment until the Council's complaint (at 2(b)(ii) above) had been addressed satisfactorily.

(3) Minute no. 09 63(2) refers - White Wells/Chapelgate, Scholes - Cllr Mrs R Bratt reported on a meeting with a representative from Kirklees Neighbourhood Housing (KNH) regarding encroachments at this site involving tenanted properties owned by KNH. KNH will take legal advice on the

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tenancies/encroachments and pursue matters direct with the tenants concerned, reporting back to the Council in due course.

RESOLVED: (i) That the Officer should write to KNH, to confirm the above and to request details of the timescales involved.

(ii) That the Officer should write to the Youth Club tenant, to advise her of the discussions currently being held with KNH, in an attempt to remove the encroachments.

(4) Minute no. 09 63(3) refers - White Wells/Dean Bridge: Cllr C M Kaye reported that he had visited site with a view to checking the neighbouring resident's access arrangements.

RESOLVED: That the Officer should write to the resident requesting further information about past access across this land.

(5) Cliff:

(a) Landslip to rear of properties on Cliff Road: Members considered a letter from Kirklees Council regarding a landslip to the rear of properties on Cliff Road, but agreed that the matter could not be considered further until the addresses of the specific properties affected by the landslip could be provided by Kirklees Council.

RESOLVED: That the Officer should respond to Kirklees Council and request specific address details.

(b) Other enquiries from interested parties re future use of the site: Members noted correspondence received from a local resident specifically interested in the future use of the site at Cliff; members of the public attending the meeting had also spoken informally to the Committee about this site.

RESOLVED: (i) That the Officer should write to the resident, to inform him that the Charity Committee would propose to hold a public meeting in the future, at which residents would be invited to attend. Details would be published on the website in due course.

(ii) That the Officer should write to the British Mountaineering Council to invite them to the above public meeting, once a date has been finalised.

Due to the lack of time remaining at this meeting, it was agreed that an additional Charity Committee meeting be arranged, to be held on Wednesday 24 February, at 5pm, in the Council Chamber.

RESOLVED: That the Officer be requested to make the necessary arrangements for the additional meeting, to be publicised on the website.

09 77 Action Plan

(1) To consider tenancy fees for the year from 1 April 2010:

RESOLVED: To be deferred to next Charity Committee meeting.

(2) Future use of other sites held by the Charity:

RESOLVED: To be deferred to next Charity Committee meeting.

(3) Consideration of timescale for holding a Public Meeting to hear residents' and interested parties views about the future use of the site at Cliff:

RESOLVED: To be deferred to next Charity Committee meeting.

09 78 Administrative Matters

(1) Members' declarations of personal or prejudicial interests: Members considered correspondence from a local resident querying Members' declarations of personal or prejudicial interest, following his recent conversation and subsequent emails with Ward Councillors regarding the site at Cliff. The resident had subsequently emailed the Officers querying matters relating to the Council's Standing Orders.

Ward Councillors were concerned by the contents of the resident's email and wished the Council to respond on their behalf. The content of a draft letter was approved, in answer to the points raised.

RESOLVED: That the letter should be sent to the resident as drafted.

(2) Accounting procedures - The Officer reported on the Clerk's suggestions for classifications/headings

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in the receipts/payments accounts to be set up on the Edge Accounting Module.

RESOLVED: That the Officer be delegated to liaise with the Chairman of the Committee and the Clerk, to set up the appropriate headings in the Accounting software.

(3) Edge Module - To approve renewal cost of software module:

RESOLVED: To be deferred to next Charity Committee meeting.

(4) Officer time spent on Charity administration - To review temporary contract to end of March 2010 and consider working hours (September to December 2009 inclusive) and estimate of workload demands to end of temporary contract (31 March 2010):

RESOLVED: To be deferred to next Charity Committee meeting.

(5) To consider recharge of Officer time and oncosts for year 2010-2011:

RESOLVED: To be deferred to next Charity Committee meeting.

(6) Amount(s) and frequency of payments to pay back to Council: Members agreed that £25,000 should be included in the Council's budget (2010-2011) to be recharged to the Charity for past years' Officer time and oncosts. Further consideration of this item to be deferred to next meeting, pending provision by Officer of detailed accounts and costs incurred to date.

RESOLVED: (i) That £25,000 be included in the Council's budget for 2010-2011, for recharge of Officer time and oncosts for past years.

(ii) That the Officer should provide detailed accounts of Officer time and oncosts to date, for further consideration at the next Charity Committee meeting.

(7) To consider temporary investment of balance of income generated from first auction:

RESOLVED: To be deferred to next Charity Committee meeting.

(8) Fees for survey work: Members considered the payment of an invoice relating to the survey work carried out by the approved Planning Consultant on a number of sites. It was agreed that Cllr Cropper should be authorised to contact the Planning Consultant to request any further information yet to be supplied.

RESOLVED: That the payment of the invoice relating to survey work on two sites be approved.

(9) Larger Councils' Conference - Clerk to facilitate session on 'Issues facing your council' on 'Acting as sole trustee of a charity' - To consider aspects to be raised:

RESOLVED: To be deferred to next Charity Committee meeting.

09 79 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 Council (as Trustee).

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Chairman