

**MINUTES OF THE MEETING OF THE VISCOUNTESS BARRINGTON'S MEMORIAL
HALL AND RECREATION GROUND TRUST
HELD IN THE MEMORIAL HALL, SHRIVENHAM ON MONDAY 3rd DECEMBER 2007**

PRESENT: Councillor R Bartle
Councillor Mrs C Dawson
Councillor Mrs S Day
Councillor K Downton
Councillor C Holman
Councillor S Howell
Councillor Mrs P Mullin
Councillor P Saunders (Chairman)
Councillor S Spencer
Councillor B Watson

In attendance Mr D Pratt

APOLOGIES: Councillor G Tidmarsh,

846 MINUTES OF THE PREVIOUS MEETING

The minutes of the Meeting of 5th November were approved and signed, with amendment to:

Minute 818/788/778 Shrivenham Book from Cllr Tidmarsh. *Corrected date to read 17th November.* Both Cllr Holman and Cllr Saunders believed that the original date was correct but in the absence of Cllr Tidmarsh the date has been corrected on the signed copy.

818/798 Benches in Recreation Ground Cllr Tidmarsh had requested that a substantial amendment be made to this minute and the signed copy has been duly amended.

847 MATTERS ARISING

836/820 Chairman's Announcements (Damage by Trees): The Chairman read out a letter from one of the affected residents of Manor Close requesting the Trust to reconsider making an insurance claim for damage to her property. Trustees were sympathetic but sure that the household insurance should cover this occurrence.

841 Car Park The Secretary informed Trustees that the remedial works to the car park would take place on 4th and 5th December.

842 Tree Replacement Programme The Secretary had met with Westwood Tree Surgeons asking for a revised estimate to fell the trees and had been informed that the stump grinding was the most expensive element of this operation. Trustees **agreed** that it was important to ensure the ground was level and instructed the Secretary to proceed with the revised estimate from the contractor.

843 Football Club The potholes in the access road will be filled with hardcore within the next week, pending further details on the proposed new access road.

848 ACCOUNTS

The accounts paid in October and for payment were approved.

849 CHAIRMAN'S ANNOUNCEMENTS

There were none.

850 STAFF MATTERS

The Chairman reported that he had completed negotiations with the caretakers, who had agreed to cease work and vacate the flat on 31st January 2008. Trustees thanked both the Chairman and Vice Chairman for their work on this sensitive matter.

851 RECREATION GROUND EXTENSION

The Chairman reported that there had been no movement since the agent had written stating that the land in Dr Hickson's ownership was being registered. The Secretary was instructed to write to the agent requesting an indication of the amount of time this process would require.

852 WEBSITE

Cllr Howell presented the report on his negotiations with the successful Website designers and this is attached at ANNEXE 1. The amended specification did not include the on-line booking system as in his opinion the priority was to refresh the site. With regard to marketing and selling space, the designers would spend four hours to call on potential advertisers to provide links to their personal sites and advertising space. Thereafter, the cost would be £100 per month. Cllr Downton believed that the Hall Booking System was a priority but understood that recent calls on the Trust's resources precluded this option. Cllr Spencer agreed stating that a staged approach to the website, perhaps in two stages, would be the best way forward. He acknowledged that more people were buying on line and it was important that the Hall should move with the times as and when resources allowed. Cllr Howell suggested obtaining a further quote for this service so that the Hall would be ready for the new system once resources allowed. Cllr Spencer thanked Cllr Howell for his efforts on the Trust's behalf but believed that four hours space-selling would not be sufficient to provide the required number of advertisers. Cllr Howell suggested a 50/50 share of the sales income to encourage the designers to spend more time in selling the space. The Chairman was prepared in the first year for the Trust to consider a greater split in order to sign up as many customers as possible. Cllr Dawson wondered whether for the first year the proceeds from sales could go as an added incentive to the designers. The Chairman proposed that negotiations continue through Cllr Howell with the designers, to a maximum of an 80/20 split.

853 INVOICING

The Trustees were circulated with a report concerning a new system for Hall invoicing which could be integrated into the existing accounts package. Trustees liked the idea but felt it was not appropriate at the present time, bearing in mind the additional expenditure recently experienced.

MEMORIAL HALL MATTERS

854 STAGE CURTAINS

Shrivenham Amateur Dramatic Society had obtained estimates for new replacement stage curtains and Cllr Downton informed the Trustees that the best quote was for £1,100. The Society were able to purchase the curtains from their own resources but as the curtains were a Hall asset, some members felt the Trust should bear the cost. However, in the light of the Trust's recent expenditure, it precluded the Trust from purchasing the curtains at the moment. A compromise was agreed by the Trustees whereby the Society would not be charged for rehearsal time for this year's pantomime.

RECREATION GROUND MATTERS

855 Manor Lane Entrance

Mr Muir, the Contractor retained to erect the refurbished gates, had suggested that the two trees on either side of the entrance be felled and that the position of the gates be moved forward towards Manor Lane. This would enable the Trust to replace the existing chain link and barbed wire fences with a single post and rail fence similar to the car park. Cllr Mrs Day proposed, and it was agreed, that the two trees be felled but the gate left in the previous position.

856 Highworth Road Entrance

(a) The Chairman referred to the presentation made by Mr Green Chairman of the VBT Homes Trust) made at the start of the Council Meeting. Mr Green explained that he had received a letter from Cllr Spencer requesting a contribution from the proceeds of the sale of the land adjacent to the current access road. He explained why this was not possible as it was illegal for endowment Trusts to spend capital other than for specific purposes agreed by the Charity commission. He also pointed out that the Charity Commission would have to give permission for the disposal of assets. The proceeds must be spent on the residents of the Recreation Ground and he was sure that the developer would not find it possible to pay a contribution for the closure of existing access. He urged the Trust to complete the terms of easement onto the road in order for the sale to be completed. The residents of the Recreation Ground and the Football Club would be allowed access along the new road to be constructed by the developer. The existing track would be closed to vehicles but open to pedestrians. He was concerned that his Trust could be prosecuted if they ignored the Charity Commission rules. He asked the Trustees to reconsider their decision.

Cllr Saunders enquired who owned the current access track land was told it was VBTMHRGT. Mr Lloyd pointed out they needed to obtain easement onto this road, much in the same way as the current tenants had easement over the VBTMHRGT track. Cllr Holman enquired why this information had not been made sooner and why the County council required a different access road. Mr Green replied that Highways required an 80-metre visibility splay which was not currently available from the existing road without taking down a hedge and a tree. He also pointed out that if VBTMHRGT refuse this easement, there were other options to allow the development to go ahead.

857 FLOODLIGHTING (MUGA)

Postponed to next meeting.

The meeting closed at 10.35.

856 Highworth Road Entrance

(b) The Chairman did not believe that Mr Green's presentation had altered in any way the advice given by the surveyor engaged by the Trust. The proposed development was subject to the current access being closed and without this Trust's consent the VBT Disabled would need to reapply for a change in their planning permission. It was the duty of the Trustees to pursue a payment on the increased value of the development land. In his opinion, the other Trust had made the mistake and should have ensured that this Trust was agreeable to the proposal. Cllr Watson pointed out that the proposal demonstrated a loss of an asset owned by the VBTMHRGT. Cllr Holman believed that the differences between the Trusts could be settled by negotiation. The Chairman replied that the legal side of the sale should have been agreed before completion and that in his opinion the sale had been rushed through. Cllr Saunders believed that the District Council would not be involved on the civil side and that by blocking the current access there would be no difference to this Trust. He was concerned about the idea of one Trust charging another Trust for a right of access. Cllr Spencer pointed out that the VBTHomes had sold land for development without reference to this trust. Cllr Holman reminded Trustees that Mr Green had said that the developer did not need our entrance. Cllr Watson believed they did. Cllr Spencer related that he had phoned a Trustee one and half month's ago to be informed that the proceeds were earmarked to refurbish several of that Trust's properties. In his opinion, the Charity Commission would take proceeding against the Trust should we not ensure the best possible deal over this asset. Cllr Howell was concerned at the size of the proposed settlement sum and that the principle of this proposal would not be understood by most people. Cllr Saunders advised that the VBTHomes should go back to the District Council requesting that the blocking of the existing track be ameliorated. Cllr Bartle was concerned that there had been no negotiation with this Trust prior to the sale. The Chairman reminded members that they had received a professional opinion on the closure and asked whether we disregard this opinion to a decision taken at the last meeting. Cllr Mrs Dawson asked whether the developer would be prepared to pay for the proposed all weather footpath. Cllr Holman argued that if the Trust were to agree to the stopping up of the access, we would lose nothing. Cllr Spencer believed the Trust could be reported to the Charity Commission. Cllr Mrs Day proposed that Trustees contact the Charity Commission for an opinion. Cllr Howell suggested that a more nominal sum be negotiated with the VBHomes Trust. Cllr Watson asked if the VBHomes Trustees had the right to agree a sale which was dependent on this Trust's permission. Cllr Spencer agreed pointing out the sale could not go ahead without this Trust changing its view. Cllr Bartle asked that a joint meeting be held with the VBHomes Trust. Cllr Howell agreed and suggested that no contact be made with the Charity Commission until after that meeting. He also wondered whether we should wait and allow the developer and the VBHomes Trust to come to an agreement. Cllr Saunders supported the view that there should be a meeting between the Trusts as he believed the *sum involved* was morally wrong. Cllr Howell agreed but reminded Trustees they had a responsibility to ensure that the Trust's assets benefited the Trust's aims and objectives. Cllr Holman disagreed but also believed that the VBHomes Trust had been wrong in not informing this Trust of their intention. Cllr Holman asked that the VBHomes be reminded they had an obligation to negotiate with us. Cllr Bartle added the meeting should be kept to a small representative number with the objective of reaching a satisfactory conclusion. Cllr Holman pointed out that as Trustees they should put to one side any sympathy for the other Trust's views as our Trustees have an obligation to ensure the best possible deal. He did not believe that the Trustees on either side had enough

knowledge of the technicalities involved but urged that we write to the VB Homes Trust. Having read the reply from Mr Lloyd in reply to our original letter, he was surprised at the tone and of no mention of a negotiation. He urged Trustees not to be pressed to reach a decision within the two weeks as notified as the Trustees had a duty to pursue the matter on the basis of professional advice. He also felt that there should be a little more understanding of the other Trust's position even though he believed Mr Green's statement could be challenged. He suggested that Cllr Mrs Day be requested to look at the Charity commission website for information that could help in this situation. Cllr Bartle stressed that the VBHomes Trust had not gained any permission for the proposal from this Trust. Cllr Spencer agreed that there should be a meeting through the medium of either a phone call or a letter. The Trustees believed that a letter was the best form of contact and Cllr Watson summarised the position as he saw it.

1 Write a letter to the VBHomes Trust pointing out that the original demand was a starting figure only and that this Trust was bound by similar conditions as theirs regarding their assets.

2 Reiterate that at no time had this Trust been asked for its permission to close the existing access.

The Trustees requested that the Secretary draft a letter to the Chairman of the VBHomes Trust making these points.