

COLWALL PARISH COUNCIL

The minutes of the meeting of Colwall Parish Council held in the Jean Simon Room Colwall Village Hall, Mill Lane, Colwall at 7.30 pm on Wednesday 24th January 2018.

Present: Councillors: Allen, Bridges, Butler, Carless, Cottam, Daniels, Haynes, James, Kendrick, Rees, Stock, Taylor, Trafford-Roberts.and the Clerk.

1. Welcome and Apologies:

The Chairman welcomed those present and new Councillor Bridges.
Apologies were received and accepted from Councillors Beard and Burston.

2. Declarations of Interests:

The Chairman reminded Councillors of the need to declare any Interests in items on the agenda.

None were declared.

3. Minutes:

The minutes of the last meeting of the Parish Council held on the 13th December 2017 were agreed as a correct record and signed by the Chairman.

4 Progress Reports –

i) Neighbourhood Development Plan

Councillor Stock advised that the draft presentation for the launch of the Regulation 14 Consultation had been held on Wednesday 17th January 2018.

The public meeting for the launch will be held on Wednesday 31st January 2018.

5. Financial Matters.

i) Colwall Parish Council considered the Income and Expenditure for January 2018, as per the list circulated at the meeting.

IT WAS RESOLVED that the payments should be authorised.

6. Closure of Colwall Railway Station during recent snowfall.

Following concern that the station had been closed whilst it is believed the line remained open. IT WAS AGREED that Clerk would contact the new rail operator to ascertain if this could be avoided in the future and also regarding the ticket machine which is frequently out of service.

7. Colwall Library

The report of the Millennium Room Trust and Colwall Parish Council Working Party dated 22nd November 2017 had been circulated to the Councillors prior to the meeting along with a request from the Millennium Room Trust to consider the impact their proposed dissolution could have on the current tri party arrangement for Colwall Library. Below is a copy of the report in its entirety

“Report of Millennium Room Trust and Parish Council Working Party dated 22nd November 2017”

Introduction

In May 2016 the Parish Council undertook a survey that identified a variety of issues in relation to the development of library services. The main themes were:

- Overwhelming support for keeping the Library as it is or improving in other ways
- Identification that there was little use of the Millennium Room or understanding of its reason for being

As a result the Parish Council formed a group to look at the future of the Library with the following remit:

- That the Parish Council formally review the governance of the library
- That a specification for the delivery of library services be developed for discussion and negotiation with Herefordshire (or if necessary other library providers)
- That the future use of the Millennium Room be reviewed
- That consideration be given for the development of a variety of local services that can be focused on or delivered from the library building
- That a volunteer strategy be considered

At the Millennium Room AGM In December 2016 the Parish Council Working Party met with the Millennium Room Trustees. A discussion took place on whether it was thought desirable to merge the Millennium Room Trust and the Walwyn Meadow Charity. To take this forward a working party was formed consisting of Paul Butler, Wendy Cottam and Phil Kendrick from the Parish Council (Walwyn Meadow Charity) and Susan Bond, Neil Bowring and John Harradence from the Millennium Room Trust to consider the detail behind a possible merger. The group examined the constitution and other documents relating to charities, the Charity Commission guidance for mergers and the current management of the Millennium Room and library. This report sets out the progress made and a suggested way forward.

Background – The Charities and the Lease

The Walwyn Meadow Charity was established in 1991 under a Charity Commission Scheme. The Walwyn Meadow land and buildings are vested in the Parish Council, and held in trust for the Charity.

Objects of the charity: The provision and maintenance of land and buildings ... to improve the conditions of life of the inhabitants ... to be used in all or any of the following ways: as a recreation ground, as a public library, and as a war memorial.
Governance /Trustees: Colwall Parish Council is the sole Trustee.

Colwall Millennium Room Trust was established by Deed of Trust in 1999, initially to apply the funds raised to build the extension to the library. The Charity Commission ruled that it should continue to exist to manage the Millennium Room, to ensure that it is used for the purpose the donors intended.

Objects: To advance the education of the residents ... by providing a space for educational facilities, including, but not exclusively, a local history archive and access to information technology equipment. *Governance/Trustees:* At least 9 Trustees. Future Trustees to be appointed by a resolution of the Trustees at a special meeting.

The lease of the building enables both charities to fulfil their objects. The Parish Council leases the whole building to Herefordshire Council to use as a library. The Millennium Room Trust holds a sub-lease from Herefordshire Council which secures rights of access to the extension outside library opening hours, for educational and community activities. The sub-lease is vested in the Official Custodian.

Discussion

The existence of two charities has caused some confusion. For example, when the need for volunteers to help in the library was recognised the Millennium Room Trust was in a position to advertise and manage the process. However once completed there was no facility for the volunteers to be supported. The divided responsibility for the Millennium Room and the library obscured this need, to the detriment of the current volunteers. The situation would be clarified if there were just a single charity. Two possible options for achieving this were considered.

Option 1 – Merger

The charities largely satisfy the Charity Commission criteria for merger. They have the same beneficiaries and are compatible in strategic vision, culture and values. Their objects are different but complementary. The chief incompatibility is in governance. Under the Millennium Room Trust constitution the Trustees are responsible as individuals and are a self-selecting group. This is inappropriate for a charity serving the community. In contrast, the Trustee of the Walwyn Meadow Charity is the Parish Council as a corporate body. It is democratically elected, open and accountable. It operates within the infrastructure of Parish Council procedures, with high standards of accounting and public conduct. A form of merger in which the Walwyn Meadow Charity would assume control of the Millennium Room Trust would thus seem the best way to meet beneficiaries needs. Advice from the

Charity Commission could be sought on how the objects might be combined. After the merger the Millennium Room Trust would be closed.

The benefits of such a merger would be:

- An appropriate governance model
- Simplified organisation in one charity instead of two.
- The library building would come under a single management
- Any confusion in the responsibility for Library services would reduce and support to the local volunteers would become clearer.
- There would be better use of resources and improved quality of service

Potential risks:

- Costs of the merger, the financial sustainability of the merged charity, legal requirements.

Option 2 – Closure of the Millennium Room Trust

The Millennium Room Trust could decide it had a reason to wind up. The Trust would spend its remaining funds on its objects, transfer its assets to an appropriate charity and terminate the sub-lease. The advice of the Charity Commission would be needed as there is no provision for dissolution in the Deed of Trust, and the sub-lease is vested in the Official Custodian.

The consequences and risks of closure would be

- The Millennium Room would no longer be designated specifically for educational facilities
- Its use for the local history archive and IT facilities would no longer be protected
- On termination of the sub-lease the Room would revert to Herefordshire Libraries
- There would be no right of access for the community outside library opening hours. Under the current head-lease the Parish Council/Landlord has no general right of access.

Proposed way forward

- That the Millennium Room Trust consider the options of merger or closure and investigate the formal procedures and legal requirements as necessary.
- In the meantime, the Trust and the Parish Council adopt a mode of collaborative working in which the Parish Council (Walwyn Meadow Charity) takes responsibility for the volunteers and managing the Millennium Room for the community within library opening hours, while the Millennium Room Trust keeps its responsibility for managing the room outside library opening hours.

The next element lies outside the scope of the Millennium Room Trust, but is included in order that the complete strategy and intention is clear.

It is proposed that the Amenities Committee of the Parish Council becomes the ongoing working group that focuses on Library issues within its other responsibilities which already include the Library building and the maintenance of the Walwyn Meadow, and that this committee involves a representative of the Library volunteers. The community can therefore hold both the Parish Council and Herefordshire Council Library services to account in a public forum with more transparency in relation to the additional precept raised to deliver a library in Colwall.

Additional information

Running in parallel to this has been a series of meetings with Herefordshire Library services and the local library volunteers. This has achieved several positive outcomes. The relationship with Herefordshire library services is much closer, the delivery of some small but useful services from the library is in place (eg Malvern Hills Trust car park passes will be available from the library for the 2018 season, improved wi-fi inside and outside the building with further plans to improve this as a “blueprint” for rural library development, free poo bags currently available) along with agreed changes to Saturday opening hours in 2018/19, agreement to display a range of Malvern Hills Trust leaflets as a precursor to a wider tourist information display and a plan to increase the volunteer numbers with better regular support.

A memorandum of understanding will be developed between the Parish Council (Walwyn Meadow Charity) and Herefordshire Library services to ensure local planning is paramount in library service development”.

Following an extended period of debate

IT WAS RESOLVED that following the recent resolution of the Millennium Room Trustees to consider winding up their Trust, that a specification for the delivery of library services (which would encompass the Millennium Room) be developed by the Library Working Group for discussion and negotiation with Herefordshire Council, for approval by the Full Council of Colwall Parish Council and that the Millennium Room Trustees be advised of this accordingly.”

6. Correspondence for Processing

i) Colwall Ale House Festival 2018

The clerk had circulated this item prior to the meeting. Any Councillors who wish to volunteer for this event are to contact the organisers direct. Councillor Carless volunteered to be the point of liaison with the co-ordinators of the Festival and the Parish Council.

7. Correspondence for Information.

None.

8. Reports of Committees.

i) **IT WAS RESOLVED** that the report from the Planning & Development Committee meetings held on the 13th December 2017 and the 10th January 2018 be received, approved and adopted.

10. Representatives on Outside Bodies.

To receive reports from Councillors who have represented Council at meetings since the last Full Council meeting.

i) Malvern Hills Trust – Councillor Rees reported that the replanting of trees at “Thirds Wood” along Jubilee Drive has commenced in early 2018.

11. Date of next meeting:

To confirm the date of the next Full Council meeting, this will be held on Wednesday 28th February 2018 at the Jean Simon Room of Colwall Village Hall

The Chairman closed the meeting at 8.58 pm.

Signed: **Date:**