

NEWENT RECREATION GROUND TRUST

(Charity Number 301585)

Minutes of the Newent Recreation Ground Trust meeting on:

Tuesday 18th October 2022 Meeting Start 6pm.

Held at Newent Town Council Offices, Rear annexe, Newent Community Centre, Ross Road, Newent, GL18 1BD

Present: Mrs J Gooch (Chairman), Gill Moseley, Mrs C Howley, Mrs M Duffield, Mrs R Wadley, Mrs S Marcovecchio and Mr E Wood (arrived 6.03pm).

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1. To elect a Chairman for the meeting

Mrs J Gooch was unanimously elected to Chair the meeting.

2. To accept apologies for absence

Apologies were accepted from Mrs K Draper, Mr R Beard and Mrs W Odhiambo.

3. Declarations of Interest on items on the agenda

Mrs J Gooch declared interests as follows:

- Business relationship with Newent RFC.
- Item 6. A distant relative has a relationship with Newent RFC, as they sponsor an advertising board at the recreation ground.

4. To approve Minutes of the meeting held on Monday 14th February 2022

The Trustees by majority decision agreed that the Minutes were a true and accurate summary of the meeting and were duly signed by the Chairman.

5. To consider and decide on the requests from Newent Town Council:

5.1 That the Recreation Trust be requested to follow the recommendations (16,17,18,19) provided by the Parkinson Partnership, in consideration of the construction of a new community build, receive and make payments accordingly.

5.2 That the Regeneration Committee recommends that any donations made to the building of this new build be made to the Recreation Trust and held in their bank account.

A discussion occurred regarding 5.1 & 5.2 alongside the legal documents of the Trust.

Newent Town Council are the sole Trustees of the land.

As sole Trustee the council is registered as the proprietor of the land and buildings.

The Charity Commission legal documents are the Indentures dated 20.01.1899 & 10.06.1918 and were registered with the Commission on 24.09.1962.

No further Trust documents are registered with the Charity Commission. As such those documents are the governing body of the Trust.

Charitable objects are listed as a recreation ground for the purposes of:

- Operating as set out in its governing documents (20.01.1899 & 10.06.1918)
- For the Parish of Newent
- For Amateur sport
- To provide buildings/open spaces

It was agreed that the Land Registry documents are correct.

The Fields in Trust document is not registered with the Charity Commission and is therefore not part of the governing body documents.

It was commented that clarification is needed from the Charity Commission regarding the Fields in Trust document.

Action: The Trust Secretary to contact the Charity Commission to find out:-

- a. should the Fields in Trust document be registered with the Commission, as it was registered with the Town Council and not the Recreation Trust?
- b. Is the document still valid for the Recreation Trust?

It could be that the Fields in Trust document is rescinded.

It was commented that the Trust have no policies in place.

This includes:

- Complaints Handling, Conflict of Interest, Risk Management, Code of Conduct.
- Role of Chairperson, Role of Secretary.
- Training Policy.
- Registering with HMRC for 'Gift Aid'.

It was commented that there are 'Model Documents' on the Charity Commission website.

An alternative proposal was submitted:

Proposal:

5.1. The Trust undertakes a review of all documentation held by Newent Town Council pertaining to the community building.

5.12. The Trust undertakes its own business plan taking account of its governing documents.

Identifies and consults with potential users, shows how the building will be promoted and managed by whom, with a Risk Management Plan.

The Secretary identified additional information provided by The Parkinson Partnership LLP, on 13th October 2022, as follows:

As recommended in paragraph 16 of my report, if the charity Trustee commissions a “village hall” type building, available for hire to all the community, it will be entitled to issue a zero-rating certificate (see paragraph 10a) and no VAT will be charged on the construction, so there isn’t anything to reclaim. VAT would still be chargeable on professional fees and the council would commission these directly, at its own expense (not as Trustee) and reclaim the VAT as non-business.

If the building is not used as a “village hall” (see the link in paragraph 11 for a definition) and ends up as just a clubhouse for two sports clubs, the construction isn’t entitled to zero rating and if the charity wrongly issues a zero-rating certificate, it will be liable to pay VAT on the construction cost (as described in paragraph 18). If this happens, the VAT will not be reclaimable.

If the intention is just to provide a clubhouse for two clubs, then the council should consider the approach in paragraph 10b instead.

As mentioned in paragraph 17, the council really needs to develop a clear business plan for the use of the building.

The Secretary also commented an information received from Mr R Beard regarding parties that are interested in using the facilities, once it is build. Parties include:

NIT/Chilout

- Say 25 hires per year for an evening.
- Young people on Sundays (100 plus).
 - A letter has been sent to NTC. Say 25 hires per year.
- Young people group on Friday evenings.
 - This is a group that meets from around lake area and are taken to a safe place.
 - The Youth Co-ordinator has written already to NTC declaring his interest
 - Say 35 evening per year
- NTC instead of using school.
 - Say 18 rentals per year.
- Comprehensive school head indicated she could use such an integrated facility.
- OTHER potential :- Children’s party venue. Other sports groups

The Secretary also mentioned that Mr R Beard commented that no order will be placed until at least 100% funding is in place so that the Trust will not be exposed to financial risk.

5.1 The Trustees by unanimous decision agreed that the Trust undertakes a review of all documentation held by Newent Town Council pertaining to the community building.

5.12 The Trustees by unanimous decision agreed that the Trust undertakes its own business plan taking account of its governing documents. Identifies and consults with potential users, shows how the building will be promoted and managed by whom, with a Risk Management Plan.

5.2 The Trust to seek clarification from the Forest of Dean District Council that the Section 106 funds can be paid to the Trust bank accounts.

The Trustees by unanimous decision agreed that the Trust to seek clarification from the Forest of Dean District Council that the Section 106 funds can be paid to the Trust bank accounts.

6. Rugby Club Apology regarding metal barriers remaining in place

To decide if a response to the letter from the Newent Rugby FC, dated 30th August 2022, is required and to provide a response.

The Trustees discussed responding to the letter of apology. It was commented that there was a 'breach of contract' in relation to the licence agreement signed between the Town Council and Newent Rugby FC, dated 4th July 2018, page 6 (u).

It was also commented that there is a requirement to remove the barriers at the end of the rugby season, by 31st May each year.

6.1 The Trustees by unanimous decision agreed to respond to the letter from the Rugby Club, dated 30th August 2022, in relation to the licence agreement signed between the Town Council and Newent Rugby FC, dated 4th July 2018, page 6 (u).

7. Resident complaints and queries

To decide if a response is required and to provide the response.

The Trustees commented on the complaints and queries raised by members of the public and that the rugby club should be able to respond to the questions raised.

Mrs J Gooch did not vote on this item.

The Trustees by majority decision agreed to write to the Newent Rugby FC regarding the complaints and queries raised by members of the public.

8. Trust Bank Account

To note the funds in the bank account

The Secretary commented that at the end of each financial year the funds are transferred to the Town Council, except £1.00, for the work that the council undertakes on behalf of the Recreation Trust.

The Trustees noted the funds of £1,664.92 in the bank account, as of 14th August 2022.

9. Rugby Club Licence Agreement

To discuss the Rugby Club Licence Agreement

The Trustees commented that discussion is not required, at this time, as it is not relevant to the governing document of the Trust.

It was commented that this can be looked at if the new build is completed, as the licence is with the Town Council and not the Trust.

The Trustees commented on the Town Council and Newent Rugby FC licence, dated 4th July 2018 page 4 2.2 (D), and this could be interpreted by Newent Rugby FC as a building for their sole use.

It was discussed that a licence agreement is required between the Trust and the Newent Rugby FC.

It was identified that a Working Group is needed to address these and similar issues, as well as develop appropriate policies for the Trust.

10. To ask the council to provide a progress report, financial report and project plan for the community build project.

This was discussed in Item 5.

11. To ask the council to provide two benches on the recreation ground.

The Trustees by unanimous decision agreed to defer this item.

12. Any other urgent business.

The Trustees by unanimous decision agreed to organise a Working Group, before Christmas 2022, to address several issues identified in the meeting.

This includes:

- Complaints Handling, Conflict of Interest, Risk Management, Code of Conduct
- Role of Chairperson, Role of Secretary
- Training Policy
- Registering with HMRC for 'Gift Aid'
- Developing 'Model Documents' from the Charity Commission website.

The Chairman closed the meeting at 7.35pm