

# Gainford & Langton

## MINUTES OF PARISH COUNCIL MEETING

**WEDNESDAY 3 FEBRUARY 2021 (Virtual platform)**

**COUNCILLORS:** L. Johnstone (Chair), S. Hannan, M. Charge,  
J. Grundy, J. Coomer, R. Roff (from item 4), S. Platten, R. Logan  
**Clerk:** M. Clark

**Visitors:** Teesdale Mercury

**1 Members of the public**

**Public Participation:**

No member of the public present wished to speak

### AGENDA

**1. APOLOGIES FOR ABSENCE:**

Apologies were submitted from Cllr Neville.

**Resolved** – That the apology be accepted.

**2. DECLARATION OF INTERESTS:**

**Resolved** - None declared

**3. MINUTES OF THE ORDINARY MEETING HELD ON 18 DECEMBER 2020:**

**Resolved** – That the minutes be approved as a correct record.

**4. PROGRESS REPORT:**

Reference was made to the damage to the island. Quotes for the work including the traffic management are awaited. On receipt a claim will be made to the council insurers.

Action in relation to the pre action protocol responses will be discussed under the exempt item.

Correspondence received from Ruttle Plant Ltd with an invoice for allotment land rent (under invoices for approval).

**Resolved** – That the information was noted.

**5. CHAIRS REPORT:**

A verbal report was given.

Liaising with the village hall committee on the issue of the CIO

Issues over the upkeep of the notice boards during lockdown was discussed, together with the state of repair of the Gainford board.

Attended a zoom meeting with the barrister.

**Resolved** – (a) that the information be noted; (b) Cllr Grundy will update the notice boards for the time being; and (c) consideration to be given in the future to replacing the main village notice board.

**6. FEBRUARY FINANCE REPORT:**

The Clerk referred to the invoice for £9500 received from Ruttle Plant Ltd in relation to past rent they had not invoiced the council for. Payment will be made for £9000 due to negotiated discount. The association will supply the council with the monies they are holding.

**Resolved** – (a) That the February Financial Report be approved and invoices for payment be approved.

#### **7. SLOW WAYS:**

Cllr Roff informed the meeting of Slow Ways, a project creating a network of walking routes that connect all of the towns and cities in the UK. Slow Ways used OS mapping platform to create the routes so far. People will be able to use the Slow Ways routes to walk between neighbouring settlements. <https://slowways.uk/>

**Resolved** - That the council support the project aims (proposed by Cllr Roff & seconded by Cllr Coomer)

#### **8. LOCAL MAINTENANCE/VILLAGE ISSUES REQUIRING ATTENTION:**

The Clerk referred to correspondence received from England & Lyle with regards a new proposed application for a development at St Peter's by Kebble, and a request to address a council meeting to answer any question it may have.

**Resolved** – That an invitation be extended to representatives of Kebble to attend the March council meeting.

Cllr Platten referred to the drainage ditch that has flooded behind the doctor's surgery footpath.

**Resolved** – The Clerk will ask Mr Ryman to look at the issue for the council.

Cllr Platten referred to a damaged road gully on the main road that requires attention. **Resolved:** The Clerk will report the issue to Durham County Highways.

#### **9. PARISH COUNCIL AS CUSTODIAN TRUSTEE OF VILLAGE HALL:**

Cllr Johnstone read out a prepared statement (Appendix A of minutes) in respect of the move by the Montablo Village Hall management committee to move toward a CIO.

**Resolved** – (a) That the information be noted; and  
(b) The village hall committee be invited to meet with the parish council.

#### **10. PLANNING:**

There were no new planning applications.

#### **11. EXCLUSION OF THE PRESS & PUBLIC:**

**Resolved** – That, under the provisions of the Public Bodies (Admission to Meetings) Act 1960 S1(2), the press and public be excluded from the meeting during the consideration of the matters referred to at item 12 below, due to the confidential nature of the business to be conducted.

#### **12. LEGAL ISSUES RELATING TO PRE-ACTION PROTOCOL LETTER RESPONSE AND NEXT STEPS:**

**Resolved** – That the council refer to the residents of the parish before deciding if it should continue with the legal challenge. An open letter to residents to go in the Parish News and on social media platforms.

**For news and council documents visit:**

<https://gainfordandlangtonparishcouncil.org.uk/>

Signed.....

Dated.....

## **Appendix A**

### **Statement - Agenda item 9.**

Statement regarding the future of Gainford Montalbo Village Hall. On 30th December the parish council received a letter from the Village Hall Management Committee advising of their decision to completely restructure the management committee of Gainford Village Hall in order to become a Charitable Incorporated Organization (CIO).

Charities are facing an increasingly difficult time due to loss of funds and revenue, difficulties which have been exacerbated by the current pandemic with a predicted £6.4bn\* loss in the 6 months to December. 1 in 10 charities faced bankruptcy in 2020 and local small charities are especially exposed to the crisis. The Parish Council support the aspiration of the Village Hall management committee to become a CIO. There are incontrovertible benefits in abolishing the current structure and converting to a CIO: limited liability for trustees; an easing of administrative burdens; tax breaks but it must be noted that a CIO is a corporate body with a legal personality; it can sue and be sued.

Whilst trustees of the CIO enjoy limited personal liability, assets of the CIO can be seized, sold, transferred or otherwise disposed of in a calamitous event. The residents of Gainford and Langton enjoy a unique and historic village hall bequeathed for the benefit of all residents by Ms Alice Edelston in 1960. Ms Edelston's wishes, outlined in the soon to be abolished trust deed, were that we all benefit from her kind generosity. And it is the role of the Parish Council as Custodian Trustee to ensure that the village hall remains an asset of each and every resident. The VHMC have indicated that they intend to transfer the freehold of the Village Hall to the newly incorporated CIO, thus removing a layer of protection which has been in place since 1960.

The PC has great confidence in the VHMC to manage our asset, namely the Village Hall and Tennis courts. However, our role is to ensure that future generations benefit from the village hall and in light of the difficulties being faced by so many charities, we question the need to remove this layer of security built into the original trust deed. We invite the VHMC to open and transparent discussion in order to secure the future of the village hall and tennis courts. Happily, the VHMC can convert to a CIO, enjoying all the benefits, whilst retaining the existing level of protection for the VH. The PC can retain the freehold document in its name, securing the VH 'in perpetuum' for every resident of Gainford and Langton, for our children and their children, as was the intention of Ms Edelston.

End

Gainford & Langton Parish Council







