



**MINUTES OF THE 798th MEETING OF BUDOCK PARISH COUNCIL,
HELD AT BUDOCK VILLAGE HALL, ON MONDAY 9th JULY 2007**

PRESENT : Cllrs Bastin (Chairman), Tim McCabe, Trevor McCabe, Fairbank, Fryer, Gibson (arrived late), Gifford, Mrs J Pengelly, Miss R Pengelly and Tape.

There were no comments from the public on matters on the agenda.

C2600 TO ACCEPT APOLOGIES FOR ABSENCE

Cllr Gibson submitted his apology for late arrival, which he anticipated being around 7.45pm.

C2601 DECLARATIONS OF INTEREST

a) In Items on the Agenda

All councillors expressed a personal, but not prejudicial, interest in all items on the agenda, as the items concerned Budock Water Childrens' Playing Field and Budock Water & Treverva Village Halls.

b) Of gifts of a value of more than £25

There were no declarations of gifts of a value of more than £25.

C2602 AGENDA ITEMS

a) To consider taking legal advice regarding the Parish Council's possible ownership of Budock Water & Treverva Village Halls, and Budock Water Children's Playing Field

The Chairman explained the background to the Extraordinary Meeting, as certain issues had arisen which needed to be addressed prior to 30th July 2007. Councillors were thanked for attending the meeting at relatively short notice.

The original reason for convening the meeting was that the Budock Playing Field Committee, having secured grant funding from Cory Environmental Trust, plus a number of donations, wished to order additional equipment for the playing field. It had asked the council for a deposit cheque, to confirm the order, and wanted the equipment to be installed as early as possible, with the summer holidays due.

Also, the Village Hall Committee wished to replace the central heating boiler in the hall, and had requested financial assistance from the council. It was hoped that the replacement boiler could be installed over the summer, with early placement of an order for its supply.

Finally, the internal audit of the Parish Council's accounts for 2006/07 had taken place since the previous council meeting. A potential issue concerning the recovery of VAT, for items funded by donations, had been raised by the internal auditor. The Clerk had submitted a request for clarification to the Local Government Policy Section, within HM Revenue & Customs (HMRC), and was awaiting a response back.

Collectively, these issues had caused the Clerk to start to check the formal "ownership" relationship between the Parish Council and the Playing Field & Village Halls. There were quite a number of old legal documents involved for each one, which were very difficult to unravel. It was considered important that the council understood its position in regard to ownership and trusteeship of each one of them, and the Clerk had suggested that the council seek legal clarification.

Standing Orders were suspended to allow two members of the public, who were Trustees of Treverva Village Hall, to speak. They stated that they, too, would like to understand their potential liabilities as Trustees. Standing orders were then reinstated.

Following a lengthy discussion, it was considered important to put the series of relationships onto a firm footing, documented in modern, understandable English. It was also considered that Hine Downing Solicitors were probably in the best position to supply advice, as they held the master copies of the relevant documents, they had acted on behalf of the Playing Field Committee, when its charitable status had been established. However, it might be possible that the Legal Departments of the District or County Council could help.

It was proposed by Cllr Trevor McCabe, seconded by Cllr Tape and

RESOLVED that the Clerk should contact District and County Councils, and also Hine Downing, and obtain an estimate for giving the necessary legal advice.

b) To consider a request from Budock Water Village Hall Committee for financial assistance towards the cost of a new central heating boiler

The Chairman repeated that the Village Hall Committee had asked for financial assistance with the replacement of the boiler.

As Parish Council representative on the Village Hall Committee, Cllr Mrs Pengelly explained that the cost was estimated at £3,600 plus VAT, a total of over £4,200, which was greater than the current reserves of the Village Hall. She estimated the annual operating costs of the Village Hall to be approximately £2,000, and stated that the Village Hall Committee wished to retain at least that amount in reserves.

The Clerk stated that, when the 2007/08 Budget & Precept was determined, the Parish Council had budgeted £1,000 for possible financial assistance to both Budock Water and Treverva Village Halls. There was no statutory limit on financial assistance that could be offered to the provision of village halls, for which the council had powers under Section 133 of the Local Government Act (1972). However, assistance above and beyond that budgeted would utilise the council's contingency reserves, which were projected to be approximately £5,000 at the end of 2007/08.

Following discussion, it was proposed by Cllr Trevor McCabe, seconded by Cllr Tim McCabe and

RESOLVED that the Parish Council should offer financial assistance of 50% of the cost of replacing the boiler, up to a ceiling of £2,500.

c) To consider funding arrangements for equipment to be purchased for the Childrens' Playing Field

The Chairman explained that the position with relation to ownership of the Playing Field was more clear than that of the Village Halls, following a "tidying up" exercise in 2004. There was a document which stated that the Parish Council owned the Playing Field, with the Playing Field Committee carrying out fund-raising and day-to-day operation of it.

Therefore, the order for equipment needed to be placed by the Parish Council, with the equipment becoming an asset of the council on installation. Clarification had been sought on the potential VAT reclaim issue, but the final response had not been received.

The Clerk stated that, VAT apart, the order was 100% funded by the grant and donations. He added that the worst case scenario (no VAT recoverable), which was unlikely, would result, however, in the equipment being under funded by approximately £1,900. When the 2007/08 Budget & Precept was determined, the Parish Council had budgeted £2,000 for possible financial expenditure on the Playing Field.

Cllr Tim McCabe, as the Parish Council representative on the Playing Field Committee, stated that, if that was the case, then the committee did not have reserves to meet this shortfall. The Playing Field Committee had already deposited donations of £2,357 with the Parish Council, and requested that the 25% deposit cheque of £3,189.24 be raised, so the equipment could be installed as soon as possible. He also requested, if the worst case scenario did occur, that the Parish Council consider a request for financial assistance for the £1,900 deficit.

There followed a lengthy discussion, in which it was clear that all councillors considered that the deposit cheque should be raised, with the method of possible financial assistance being considered after the HMRC ruling had been received.

It was proposed by Cllr Trevor McCabe, seconded by Cllr Fairbank and

RESOLVED that the deposit cheque be raised and authorised, and the order confirmed with the equipment supplier.

It was further proposed by Cllr Fairbank, seconded by Cllr Gifford and

RESOLVED that the council should offer a loan of £1,900 to the Playing Field Committee, should the worst case scenario occur.

The Clerk stated that the insurance of all play equipment was also an issue. It was owned by the Parish Council, which was potentially liable in the case of an accident, but presently insured by the Playing Field Committee, which really had no liability. The Clerk was instructed to liaise with the Treasurer of the Playing Field Committee, to regularise this situation as quickly as possible.

C2603 PLANNING APPLICATIONS

a) To Consider Planning Applications Received From the District Authority

i) **PA07/00733/LBC – Mrs F Harris, Tregedna Farm, Maenporth, Falmouth – Listed Building Consent to replacement of roof to dwelling**
OBSERVATIONS : No objections.

ii) **PA07/01036/F – Mr & Mrs White, 2 Treverva Cottages, Treverva – Erection of an extension with balcony to dwelling**
OBSERVATIONS : The Clerk was asked to organise a site visit.

iii) **PA07/01108/F – Mr & Mrs M Webster, Tresooth Farm Cottage, Penwarne – Erection of extensions to dwelling**
OBSERVATIONS : The Clerk was asked to organise a site visit.

C2604 DATE AND TIME OF NEXT MEETING

The next meeting of Budock Parish Council will be held on Monday, 30th July 2007, commencing at 7.30pm, in Budock Water Village Hall.

COMMENTS FROM THE PUBLIC

There were no other comments from the public.

Signed : 30th July 2007

Chairman