

**MINUTES OF THE MEETING OF GREAT SOMERFORD FREE GARDEN TRUSTEES HELD IN THE GREAT SOMERFORD JUBILEE GARDENS ON SUNDAY 6<sup>th</sup> SEPTEMBER 2020 at 15.15 Hrs.**

**PRESENT:** Trustees S. Mansfield-Chairman, H. Cole, D. Butcher, S. Binstead, M. Griffiths, A. Gravell, C. Blount, F. Hyde.

**IN ATTENDANCE:** T. Chapman

**MINUTES**

1.9.20	<p><b>Apologies for Absence</b> – M Hourigan</p> <p><b>NOTE</b> Mel had left his choices regarding the new constitution with the Chairman prior to the meeting.</p>
2.9.20	<p><b>Minutes</b></p> <p>It was proposed by Chris Blount and seconded by Fuchsia Hyde that the Minutes of the previous Trustees meeting held on 11<sup>th</sup> August 2020 be adopted as a true record. This was approved unanimously; the minutes were then signed by the chairman as a true record.</p>
3.9.20	<p><b>Somerford’s Free Garden Constitution – Proposals for an updated structure</b></p> <p>The Parish Clerk took the Chair for this item</p>
3.1	<p><i>Startley</i></p> <p><b>Objects of the new CIO</b></p> <p>The Trustees considered three alternatives:</p> <p><b>Option A – Agreed at the Trustees meeting on 11 August</b></p> <p>The promotion of community health and wellbeing primarily for the benefit of the inhabitants of Great Somerford and Startley by provision of land primarily for the cultivation of allotments but also for other leisure activities.</p> <p><b>Option B – Included in draft constitution circulated</b></p> <p>The promotion of community health and wellbeing for the benefit of the inhabitants of Great Somerford and Startley by provision of land for the cultivation of allotments.</p> <p>Land surplus to the requirement for such allotments may, at the absolute discretion of the trustees, be used for other leisure activities to benefit the inhabitants of Great Somerford and Startley and / or be let as allotments to persons residing elsewhere.</p> <p><b>Option C – Suggested by the Chair</b></p> <p>The promotion of community health and wellbeing primarily for the benefit of the inhabitants of Great Somerford and Startley by provision of land primarily for the cultivation of allotments but also for other leisure activities.</p> <p>Land surplus to the requirement for such allotments may, at the absolute discretion of the trustees, be used for other leisure activities to benefit the inhabitants of Great Somerford and Startley and / or be let as allotments to persons residing elsewhere.</p> <p>All three options omitted the original “relief of poverty” purpose whereby allotments were for the poor cottagers to help them feed their families.</p> <p>Option A was felt to be somewhat clumsy in the wording with “primarily” used twice and there were concerns that “primarily” might mandate &gt;51% of land must be used for the prime objective of allotments for villagers.</p> <p>Option B stated the original purpose of the charity (allotments for residents of the village) except for the “relief of poverty” with the second sentence outlining how land not required for village allotments would be used. The order of the words put “leisure activities” for residents of the village before allotments for non-residents but these two clauses could be reversed.</p> <p>Option C was effectively Option A with the second statement of Option B added to clarify the non-prime uses of the land.</p> <p>The trustees discounted Option C and it was proposed (SM) and seconded (SB) that <b>Option B as written be the version adopted</b>. This was passed by a majority of 8 to 1.</p>



	<p>This was <b>agreed unanimously</b>.</p> <p>It was further agreed unanimously that the non-allotment holder trustee (the 5<sup>th</sup> trustee) should be appointed for an initial term of 3 years (not 2 as per the August minutes).</p>
3.4	<p><b>Skill set of trustees / delegation</b></p> <p>The trustees were mindful that the 5 First Trustees will need either personally to fulfil the roles below or to be responsible for managing a.n.other who carries out the function.</p> <ul style="list-style-type: none"> <li>- Chair</li> <li>- Secretary</li> <li>- Treasurer</li> <li>- Allotment administration</li> <li>- Allotment site operation/maintenance</li> </ul>
3.5	<p><b>Charging non-residents</b></p> <p>The current trustees felt it would be inappropriate at this juncture to implement any change to the custom and practice of not charging even though the existing constitution said non-residents should have been being charged. They agreed unanimously that this decision should be left to the incoming trustees of the CIO.</p>
3.6	<p><b>Legal fees to consult with lawyer to finalise the constitution</b></p> <p>The Trustees approved this expenditure unanimously and tasked CB to update the draft constitution in line with the decisions above, circulate to all for approval and aim to get the draft to the lawyer (Tessa Hennessy) for 11 September, her return from holiday.</p> <p style="text-align: right;"><b>Action: CB</b></p>
3.7	<p><b>Legal fees to register the Free Gardens land with the Land Registry</b></p> <p>The Trustees <b>approved</b> this expenditure unanimously. It was further felt that the registration should be carried out as soon as possible. MH is dealing with this.</p> <p style="text-align: right;"><b>Action: MH</b></p>
3.8	<p><b>Start date for the CIO to go live</b></p> <p>It was agreed by all present that the incorporation date should be 1 May 2021 with the new Trustees being appointed after the May 2021 Council elections.</p>
3.9	<p><b>Arrangements for Public Consultation re land transfer to the CIO to be an agenda item</b></p> <p>It was agreed to defer any decision on this until the lawyer had agreed the draft constitution and was able to clarify whether the new format constituted such a material change that the trustees would have to consult with residents about the CIO being set up as well as about the formality of transferring the land, subject to the same restrictions as to use, from the unregistered charity to the new CIO.</p> <p>Notwithstanding the agreed delay in organising a public constitution it was thought sensible to appraise the Allotment Holders Group of the direction of travel, i.e. the plans to incorporate and set up a CIO. It was <b>agreed</b> that the Chair should write to them.</p> <p style="text-align: right;"><b>Action: SM</b></p>
4.9.20	<p><b>Next Meeting – To be determined.</b></p>

**Meeting closed 16.45 Hrs.**

*S. T. Mansfield*

*12/10/20*