

**MINUTES OF THE MEETING OF GREAT SOMERFORD FREE GARDEN TRUSTEES HELD ON
ZOOM ON MONDAY 11th JANUARY 2021 AT 19.30 HRS.**

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

IN ATTENDANCE: T. Chapman

MINUTES

1.1.21	<p>Apologies for Absence.</p> <p>None – all present</p>
2.1.21	<p>Minutes</p> <p>It was proposed by Chris Blount and seconded by Mel Hourigan that the Minutes of the previous Trustees meeting held on 11th November 2020 be adopted as a true record. This was approved unanimously; the minutes were then signed by the chairman as a true record.</p>
3.1.21	<p>Nomination of Initial Trustees for CIO</p> <p>The trustees agreed to formally request that the Parish Council nominate 5 members to be trustees of the new CIO.</p>
4.1.21	<p>Draft CIO</p> <p>Before proceeding with the business of the CIO it was noted that all Trustees had received a letter from a concerned resident who mistakenly thought that this proposed move to a CIO was being managed by the Parish Council as opposed to by the Trustees of the Free Gardens registered charity. It was agreed that the Chair should respond.</p> <p align="center">-----</p> <p>i) Notwithstanding the solicitor’s strong recommendation that the Trustees remove clause 4.4 prohibiting the right to “lease, sell, mortgage or otherwise dispose of” the land, the Trustees’ minute 5.11.20 is clear that they want this to remain. It was proposed that words “leaseor otherwise dispose of” be removed from the restriction lest it cause any future problems with the issuing of tenancy/licence agreements for allotment holders being the “disposal of an interest” in the land. This was agreed.</p> <p>ii) To agree to amended wording re (a) the actual mechanism of appointing trustees as being the Board of Trustees appoints having received recommendations from the Parish Council and a nomination from the Allotment Holders because otherwise, allowing the Parish Council & the Allotment Holders to appoint/nominate 6 of the 7 trustees effectively gives a large dose of control to external bodies and removes trustees’ discretion; (b) tying residence eligibility in with parish boundaries. This was agreed subject to an amendment to the words “Parish of Great Somerford and Startley” which should be “Parish of Great Somerford incorporating Startley” with the same wording being used in the name of the Parish Council.</p> <p>iii) Points Considered</p> <p>a) Clause 9.3(a) Five Parish Councillors or “up to five” Up to five was agreed.</p>

	<p>b) Clause 9.3(a) Definition of the "other Trustee": The Solicitor proposed adding the words "who is neither an Allotment Holder nor a Parish Councillor". It was agreed to include the prohibition on the village trustee as not being a Parish Councillor but not to exclude the possibility of them also being an allotment holder.</p> <p>c) Clause 9.4 Terms of Office of first trustees to be amended so as no longer to be until after Local Government Elections in May 2025 lest the Pandemic put everything back a year but to use the words "Local Government elections held more than 3 years after incorporation". Note: If the trustees said "next elections after incorporation" those might be in May 2022 which would give the first trustees a very short term of office. (NB trustees limited to two consecutive terms of office of which this is the first). This was agreed.</p> <p>d) Clause 10.1.b Suggest remove from constitution the requirement for one of the Councillor trustees to be the Chair or Vice Chair of the PC as the PC can change these post-holders each year which could force more frequent rotations of trustees than intended. Not having it in the constitution would not impact the Free Gardens CIO in its operation but the PC could still have this intention in its mind when it puts forward the names of 5 Councillors to serve. It was agreed to remove this criterion. It was agreed to submit the constitution (with any amendments from this meeting) to the Charity Commission and not delay till after the Local Government elections in May.</p>
5	<p>Land Transfer</p> <p>To note the solicitor's advice that no public consultation is required re land transfer from the registered charity to the CIO as the trustees have the power to do this. Notification only is required. It was suggested this be via a notice advising residents of the trustees' intent to transfer the land from the unincorporated charity to the FG CIO with similar objects including the prime purpose being the provision of allotments. This notification to residents will be done via notice(s)</p> <ul style="list-style-type: none"> - On the gates of the Free Gardens x 3 - On village noticeboards x 2 - In a Parish Information E-Mail - On the Great Somerford Facebook page - In the Signpost (which will still be hand delivered to all residents who cannot access it online) - A notice outside the Shop and in shop window - E-mail to the Allotment Holders Group <p>In other words, not seeking "permission" but simply inviting any questions. A one month window will be allowed for any representations. This was agreed but the notification will also include an explanation of why the trustees are setting up a CIO and want to do this. It was noted that the Trustees need to register the CIO with the Charity Commission before this can be done. It was agreed to appoint a Property Lawyer to undertake the land transfer - Chris Blount is to contact Nick Wykeham again – if this is unsuccessful another lawyer to be found. Mel Hourigan suggested Forresters in Malmesbury who undertook work on the Free Gardens in 19th Century.</p>
6	<p>Items for the next agenda.</p> <p>Next meeting to be Monday 25th January 2021 at 19.30 hrs. on Zoom.</p>

S. T. Mansfield

25/1/21