

**MINUTES OF THE MEETING OF GREAT SOMERFORD FREE GARDEN TRUSTEES HELD ON ZOOM ON
MONDAY 11TH NOVEMBER 2020 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

1.11.20	<p>Apologies for Absence D. Butcher was unavoidably absent</p>
2.11.20	<p>Minutes It was proposed by Mel Hourigan and seconded by Chris Blount that the Minutes of the previous Trustees meeting held on 12th October 2020 be adopted as a true record. This was approved unanimously; the minutes were then signed by the chairman as a true record.</p>
3.11.20	<p>Actions arising from Minutes</p> <p>Publication of Minutes Minutes of recent Free Gardens meetings from Jan 2018 are now displayed on the PC web-site.</p> <p>Amazon Smile Set up but PIE not yet sent. It was agreed to add a Facebook entry – Action M. Griffiths.</p> <p>Who are the Trustees A formal request was sent to the CC to clarify this. Their response is that it is the councillors from time to time who are the trustees, not the Parish Council (as a corporate trustee).</p>
4.11.20	<p>Powers of Trustees vs. Parish Councillors</p> <p>If the PC turns out to be the sole trustee, it has been asked if decisions made by the trustees have to be referred back to the PC. Professional Legal opinion has been received:</p> <p><i>“If the Parish Council is a corporate trustee of the Free Gardens charity, then any decision it makes in its capacity as trustee stands and should not be subject to ratification by the Council acting in a non-trustee capacity. It’s really important to keep the business of the charity apart from the business of the Parish Council. The Charity Commission would expect this and would have serious concerns if charity decisions were subject to ratification in this way. In terms of how a decision is reached, the usual rules about how decisions are reached by the Council in its corporate capacity would apply here, so if they are usually reached by a majority vote, that would apply in relation to a vote by the Council as trustee.”</i></p> <p>This is not really relevant now that the CC has determined that the PC (as a body corporate) is NOT the trustee</p>
5.11.20	<p>Waste Plant Material</p> <p>There is an accumulation of waste in the South-East of the Free Gardens. We have received a quote for its removal from Crapper & Sons for £1,200 + VAT. It was agreed to accept – Action M. Hourigan.</p> <p>It was further agreed to send to the tenants (via the Allotment Holders association) an e-mail mentioning the waste removal and that we ask tenants not to dump waste there any more but to compost/burn it on their own plots. The Trustees are looking into the provision of compost bins for the use of all tenants. - Action S. Mansfield</p>

6.11.20	<p>Possible siting of Adult Gym Equipment</p> <p>The Parish Council are looking into the possibility of providing Adult Gym Equipment but has nowhere to put it. It has been suggested we could accommodate it by the fence on the Dauntsey Road.</p> <p>The idea is accepted in principle but, until we are incorporated as a CIO, the constitution prevents us from doing so. The decision whether to allow this and where to site it shall rest with the Trustees of the new charity.</p>
7.11.20	<p>The Somerford Free Gardens Constitution</p> <p>Since the last meeting, two items require re-attention :-</p> <ol style="list-style-type: none"> 1. Clause relating to prohibition of sale of land – the Solicitor had recommended NOT to include such a clause as :- <ol style="list-style-type: none"> a) The right to sell land by the Trustees has been in existence since 1960 b) The right to sell is a standard clause in the CC’s CIO template and they may very well refuse the addition of such a clause <p>It was agreed that the clause prohibiting the sale of land be included in the draft CIO constitution but that it would be removed if the CC objected</p> <ol style="list-style-type: none"> 2. The number of Trustees to be nominated by the PC (Currently agreed to be five). <p>As the term of trustees is limited to two successive terms of 4 years then, if the original 5 nominated Parish Councillors remain as Trustees for 8 years then there will not be five Councillors left who are eligible to sit as Trustees. since the Parish Council consists of maximum 9 Councillors. Notwithstanding this difficulty the majority agreed that the number of Parish Councillor Trustees should remain at 5 and that the Parish Council would have to manage the situation by making some of the 5 original Councillor Trustees stand down 4 years in to ensure there were enough Councillors able to serve.</p> <p>It was further agreed that the term of office for the first trustees on the CIO be from the date of incorporation until the date of the next Parish Council elections in 2025.</p> <p>There was discussion about Land Registry – it was agreed that there is no longer a great urgency for doing so immediately as Backhouse Construction have agreed that the boundary is where we have always believed it to be (and now staked) - on our side of the ditch. It was agreed that registry take place after incorporation.</p> <p>One Trustee queried whether the Diocese still owns the land as opposed to the Free Gardens charity. It was agreed that the Official Custodian of Charities, with whom the land is vested, be asked to clarify ownership. Action – S. Mansfield</p>
8.11.20	<p>Finance Report</p> <p>Current state of Treasurers account and CCLA Investment attached. CCLA investment down slightly – probably due to COVID effect. It is, however, still significantly greater than when invested 2 years ago</p> <p>S Binstead has been added as a signatory to the Treasurers account – both she and S. Mansfield are also registered for online banking</p>

SMS

9.11.20	<p>AOB</p> <p>Backhouse Construction will be sending a representative to meet with the trustees about details of how the boundary will be marked and how the hedge will be maintained. Their Arboriculturists have discovered evidence of Ash die-back in parts of the hedge which may necessitate reduction or felling and, because of the proximity to their building works, have asked if such items could be dropped on 'our' side of the ditch. It was agreed to accede to their request with the following caveats :-</p> <ol style="list-style-type: none"> 1) That we are informed beforehand which parts of the hedge/trees are affected and assured that any damage to plots will be kept to an absolute minimum 2) That we are informed of the exact date when such work would take place 3) That we ask that any areas of hedge that have to be removed be replaced with slow-growing hedging plants <p>Action - To inform Backhouse of our decision – S. Mansfield</p> <p>Trustees Mansfield and Cole are willing to discuss with Backhouse on-site (other trustees welcome of course)</p> <p>Backhouse Construction have further informed us that the construction of a 'gateway' between the Free Gardens and the site is not possible</p> <p>M. Hourigan reported that a Startley resident had expressed an interest in being considered for the position of a trustee in the new CIO</p> <p>It was agreed that, whilst D. Butcher is unwell, that M. Hourigan and S. Mansfield cover for his normal 'stewardship' activities on the Free Gardens</p>
10.11.20	<p>Items for the next agenda.</p> <p>To determine a policy for dealing with applicants for tenancies from people outside the Parish</p>

Meeting closed 20.45 Hrs.

S. Mansfield.

11/1/21

2020-21

Date	Description	FY Opening Balance	Inter-Acc Transfers	Income	Expenditure	FY Closing Balance
Free Gardens Treasurers Account						
06/04/19	Start of Year Balance	12,396.00				
28/04/20	Cheque No 0040 to J Derrick - Grass Cutting: Inv No 0420 †				-330.00	
29/05/20	Bank Giro Credit from COIF †			497.06		
29/05/20	Cheque No 0041 to J Derrick - Grass Cutting: Inv No 0520 †				-165.00	
30/05/20	Cheque No 0042 to BHIB – Public Liability Insurance †				-186.19	
27/06/20	Cheque No 0043 to Rob Griffith – Free Gardens sign †				-150.00	
06/07/20	Cheque No 0044 to J Derrick - Grass Cutting: Inv No 0620 †				-165.00	
01/08/20	Cheque No 0045 to J Derrick - Grass Cutting: Inv No 0720 †				-165.00	
25/08/20	Cheque No 0046 to B Roberts – Clearing Plot 21 †				-20.00	
28/08/20	Bank Giro Credit from COIF †			497.06		
04/09/20	Cheque No 0047 to J Derrick - Grass Cutting: Inv No 0820 †				-165.00	
30/09/20	Cheque No 0048 to J Derrick - Grass Cutting: Inv No 0920				-165.00	
07/10/20	Cheque No 0049 to B Roberts – Removing fallen tree †				-20.00	
01/11/20	Cheque No 0050 to J Derrick – Grass Cutting: Inv No 1020				-165.00	
01/11/20	Cheque No 0051 to T Hennessey – Legal Advice: Inv No 0013/2020				-693.00	
FY Totals		12,396.00	0.00	994.12	-2,389.19	11,000.93
Closing Balance less Opening Balance						-1,395.07
COIF Investment Fund						
06/04/19	Start of Year Value (actually e/o Feb 2020)	63,394.21				
17/07/20	Value at 17/07/2020	64,194.62				
4/11/20	Value at 4/11/2020 *	63,094.00				
05/04/21	End of Year Value					

Treasurers Acc. As of 4th November 2020

† - Indicates verified in Statement

* - CF £55,000 when invested in 2018