

# Gwennap Parish Council

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## MINUTES OF THE SPECIAL MEETING HELD AT THE ROVA CABIN PULLA CROSS ON 9<sup>th</sup> June 2004

Those Present	Cllr. M.I.T. Herbert (Chairman) Cllr. C. Massie (Vice- Chairman) Cllr. D Lanyon Cllr R. Snell Cllr. M. Ivey
In attendance	Cllr. R. Hichens – CCC
Apologies	Cllr.F.R. Sisson Cllr. J.Whiteley – CDC
Parishioners	None

**04/022**

### **GWENNAP PARISH RECREATION ASSOCIATION**

Due to the confidentiality of the financial matters to be discussed this item was held in camera and Cllr Hichens left the room.

Following the receipt of the Minutes of the AGM of the GPRA and the controversial matters arising therein including the rejection of the draft Agreement prepared by the Clerk and the apparent winding up of the Association this session was to discuss the future relationship between the parties. Cllr Lanyon declared a non-fiduciary interest as Chairman of the GPRA and took no part in the discussion other than to voice the views of the GPRA. Cllr Lanyon suggested that the aggressive tone of the Minutes was consequent upon the long delay in the Clerk preparing the new agreement. The Clerk pointed out that the preparation of Legal Agreements is not part of his Job Description (or that of any other Clerk) and that he had volunteered to do it to save expense of external lawyers and had to fit it in with his other duties.

The Clerk produced a discussion document setting out the current legal position (including the terms of the Trust and the Lease between the parties) and a brief history of how matters had been conducted thus far. He also proposed five options:-

1. To do nothing
2. To enforce the Lease
3. To accept the surrender of the Lease and replace it with a form of management agreement with either all the receipts of the activities of the GPRA coming to the Council or part thereof with the rest being invested in the site
4. To wind up the GPRA and start afresh with a committee reporting direct to the Council and
5. To wind up the GPRA and operate direct

It was agreed that option 1 was not possible due to the substantial funds being in the hands of the GPRA and not being applied as required by the trust deed and that option 2 would only serve to antagonise the GPRA and alienate the able volunteers who run it. Option 5 was deemed impracticable.

The remaining options were discussed and it was agreed that the practices over the years had led to a substantial divergence of opinion between the parties as to what should happen (i.e. The Council believes that all funds should be applied towards the maintenance and development of the Playing Field and the GPRA believes that funds should only be expended on improvements and that maintenance of everything including improvements should be borne by the Council). In consequence the only way to ensure that the funds are applied as required by the Trust Deed and the Council is the adoption of option 4.

Cllr Lanyon felt that the GPRA would be amenable to the suggestion provided that the funds already to hand and those to come are not 'lost' in the Council's accounts. It was suggested that there be a joint account with two signatories from either side but the Clerk would have to investigate the statutory position of this as all the funds are nominally the funds of the Parish Council as such should be accounted for in accordance with the Accountancy Rules for Parish Councils. (for the record the Clerk believes that as the monies are a receipt of income generated by the Council's asset the sums must be in the books and accounts of the Council for the purposes of audit although there is no reason why new forms of entry should not be included in both the Receipts and Payments Accounts which will be open for inspection by those members of the new committee who are Parishioners)

**IT WAS RESOLVED** that Cllrs Herbert, Massie and Snell meet with three representatives of the GPRA (including Cllr Lanyon as its Chairman) to put forward this proposal and to discuss generally. The Clerk will sit in to take notes (if required) and to provide assistance generally.

**04/023**

**UNTED MINES**

Cllr Massie explained that Earthrights (Solicitors) were investigating the possibility of a legal challenge to the grant of the PPC Licence by the Environment Agency for the current and extended waste disposal facility and had instructed Counsel to provide an opinion. It was explained that to launch proceedings the Council would have to lead with named Parishioners as other parties and then drop out after the first stage. This would require a financial commitment from the Council. **IT WAS AGREED** that although the Council was not averse to such a commitment it would not commit itself until such time as it saw Counsel's Opinion and was able to judge the probability of success. In the meantime Cllr Massie would alert the Alliance and try and obtain some sort of financial contribution if the occasion should arise.

**CHAIRMAN'S URGENT BUSINESS**

With Cllr Hichens present a number of matters were raised in respect of highways and he took note and promised to attend to them

Signed.....  
Chairman

23<sup>rd</sup> June 2004