

Preston Brook Parish Council

MINUTES OF PRESTON BROOK ORDINARY PARISH COUNCIL MEETING HELD AT 8:30PM ON TUESDAY 24 OCTOBER 2023 AT PRESTON BROOK VILLAGE HALL, SANDY LANE, PRESTON BROOK, CHESHIRE, WA7 3AW.

Members Present:

Cllrs A Price, J Walton, M Hughes, M Marlow.

Also Present:

Luke Trevaskis - Proper Officer

Cllr Peter Lloyd Jones attended on behalf of Cllr Martha Lloyd-Jones

1. Apologies

Apologies were received from Cllrs L Sanders, P Bolton, and C Murray.

2. Declarations

Cllr A Price declared an interest in Preston Brook Village Hall as a trustee.

3. Police

Contact has been made with Sergeant Sanson to report speeding on Chester Road and Windmill Lane - this has been referred to the Traffic Management Unit at Winsford.

4. Minutes

It was resolved that the minutes of the last meeting be accepted as a true record.

5. Village Hall

An update was provided to members as below.

1. LB to check with Cheshire Community Action whether they have any records which may assist.

2. The CIO trustees and PBPC to continue searching for any relevant documentation or evidence eg Vesting Declaration (VD), Transfer Agreement (TA), minutes of the last meetings of PBVH 505866 and first meetings of PBVH CIO, checking with the solicitors who handled the registration of the CIO with the Charity Commission and title with the Land Registry (the VD or TA should have been available to the solicitors when the land was registered, otherwise they had no proof of title to work to).

3. If they have not already done so, the CIO trustees need to register for "My Charity Account" with the Charity Commission. <https://www.gov.uk/guidance/online-services-for-charities>. Once that is done they can apply for a link for third party access. Once LB has third party access they can open up dialogue with Commission staff to ascertain whether they can register the merger without the usual documentation being available, or whether in the

circumstances and with the Land Registry entry as evidence, they would be willing to remove PBVH 505866 from the register. (Usually with a village hall transfer to a CIO an Order would be required under s105 of the Charities Act 2011. If that had been obtained they may be able to provide a copy.) It may take 8 to 12 weeks to obtain a response from the Commission.

4. In the meantime, the CIO trustees need to write to or email the organisations entitled to nominate a trustee to the CIO and obtain their written confirmation that they are willing to give up their right to nominate a trustee so that PBPC can take over as sole trustee. If organisations no longer exist, we need to advise LB when we confirm that all the others give consent.

5. Depending on the Commission's response, it may be necessary for either the CIO or PBPC to appoint a legal adviser to draw up the missing Vesting Declaration or Transfer Agreement and to ask the last trustees of the VH (if still alive) to sign this, or perhaps call a public meeting to appoint trustees to the old charity specifically for this purpose. (There is reference in the Land Registry entry to leases so it may be that a Transfer Agreement would be appropriate in this case, rather than a Vesting Declaration, which LB could potentially prepare).

6. Once the above are dealt with a draft resolution can be prepared for the CIO trustees and PBPC approval. This will take the form of an amendment to the CIO constitution. When both parties are satisfied with it, the resolution can be taken at a General Meeting of the CIO called for the purpose of making an amendment, which means that 14 days notice must be given and the resolution passed by a 75% majority of those present and voting (under the CIO constitution).

7. The amendment will need to be lodged with the Charity Commission asap and will come into effect approx. 14 days later – or at a later date if given in the resolution (eg end of financial year).

8. The final step will be for PBPC to appoint a solicitor to re-register the title with the Land Registry in the name of "Preston Brook Parish Council as sole trustee of Preston Brook Village Hall CIO". (This step and in this form is important to avoid future confusion, particularly when it comes to Parish Council audit, when it will be clear to the auditor that the property does not form part of the PC's own property).

6. Public Realm

The Council noted a recent meeting with Jimmy Unsworth, from Halton BC Open Spaces department, had recently taken place. The Council has requested support with a number of public realm improvements:

- Hedge cutting at Summer Lane.
- Area at the end of Windmill Lane which gathers leaves and debris.
- Repair to the sandstone wall at Hill Top.
- Maintenance of the planter at Hill Top Road.
- It was noted that the sandstone boulders were still available for Bridgewater Grange.

- Further investigations into tree planting and benches (so long as it did not impede tractors or hedge/grass cutting).
- Additional cleansing on Hill Top Road.
- Weeding of Aston Green.

The Council approved the design of the two planters, and approved the payment of £4,302 for each planter to Broxap, and £380 for delivery.

The Council approved a donation of £150 to the Christmas event being held at the Village Hall.

The Council considered the designs for the gateways to Preston Brook, and agreed to seek permission from Halton BC for their installation and to apply for a grant through the Police Crime Commissioner.

The Council approved a quote from Jacksons Fencing of £615.25 for the supply of the new knee rail fence at Bridgewater Grange and agreed a cost of £500 for installation.

The Council agreed to make enquiries regarding the speed camera, and whether this could be upgraded to a two-way system.

7. Finance

- The Council approved Quarter 2 finances for 2023-2024.
- The Council agreed a donation of £70.00 to the History Group.

8. Planning

- Conservation Status - the Council received an update regarding the Conservation Status and noted the consultants would be requested to advise of a timeline for completion.
- Neighbourhood Plan - it was agreed that there would be an open Q&A for the NP following the next meeting, with a public launch meeting to be arranged for spring 2024.

9. Ward Councillor Report - members thanked Cllr P Lloyd-Jones for attending and requested support from Cllr M Lloyd-Jones for the Character Appraisal.

10. Public Forum - a new resident to Preston Brook introduced themselves and received a welcome from members.

11. Next Meetings

It was noted that the next meeting would be held on Tuesday 28 November 2023 at 8.30pm.

Signed as a true record

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Chairperson