

PRESTON BROOK PARISH COUNCIL

21 October 2023

To: **Members of Preston Brook Parish Council**

Dear Councillor,

Dated this twenty-first day of October 2023, you are hereby invited to attend an informal Meeting of Preston Brook Parish Council to be held at 20.30 on the twenty-fourth day of October 2023 to discuss business on the agenda.

The meeting will be held in Preston Brook Village Hall, Sandy Lane, Preston Brook, Runcorn, Cheshire, WA7 3AW.

Note to Councillors:

If you are unable to attend the meeting, please notify the Proper Officer of your apologies.

Note to Public:

Members of the public wishing to address the Council are advised to notify the Proper Officer before 10:00 on the day of the meeting outlining the representation they wish to make. Permission to speak at the meeting will be at the discretion of the Council. Public participation session at a meeting shall not require response or debate and should focus on matters relating to items on the agenda. All participants are restricted to a maximum of three minutes. Please note that the Council may not be able to answer any questions on a particular topic if the council has not considered or resolved the matter at a prior meeting. Should this be the case, the Council will advise correspondence with the Proper Officer to request the item be debated at a future meeting. If the question is considered outside the remit of Preston Brook Parish Council, residents will be referred to Halton Borough Council or another appropriate body.

Yours sincerely,



Luke Trevaskis
Proper Officer

TO CONTACT THE PROPER OFFICER, PLEASE EMAIL
clerk@prestonbrookparishcouncil.gov.uk

AGENDA

1. **Apologies** - to receive apologies for absence.
2. **Declarations** - to record declarations of members' interests of a pecuniary or non-pecuniary nature in accordance with the Localism Act 2011 (Sections 26-34 and Schedule 4).
3. **Public Forum** - to consider representations from members of the public which have been submitted to the Proper Officer by 10:00 on the day of the meeting and to note each representation is restricted to three minutes.
4. **Minutes** - to receive the minutes of the last meeting and note any amends to be made before adoption at the next formal meeting.
5. **Police** - to receive and note a report on local crime statistics.
6. **Public Realm** -
 - i. To receive the design for the planters and agree actions (facilitation previously delegated to the PO).
 - ii. To consider a donation for the Christmas event being held at the Village Hall.
 - iii. To consider the quotes and designs received for the village gates, and discuss locations.
 - iv. To consider the quotes to replace the knee rail fence on Bridgewater Grange.
 - v. To consider the grant application for the Cheshire Crime Commissioner Fund for increased road safety improvements.
 - vi. To receive a report about the meeting with Halton Borough Council regarding open spaces and the S106 monies.
7. **Village Hall** - to receive an update on the Village Hall action plan:
 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).

8. Finance - to consider Quarter 2 finances.

9. Conservation Status - to receive an update and agree actions.

10. Neighbourhood Plan - to note that the first meeting should take place once the Conservation Status document has been finalised, and a timescale for adoption has been clarified with Halton Borough Council.

11. Borough Councillor Report - to receive a report from ward councillors regarding issues affecting residents within the boundary of Preston Brook PC.

12. Next Meetings - 28 November 2023