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Meeting: EXTRAORDINARY
COUNCIL

Date: 15 September 2014

Time: 7.00 PM

Venue: NORTH WEALD LIBRARY, 138 HIGH ROAD, NORTH WEALD

PRESENT:

Councillors (12) C Hawkins (Chairman), B Eldridge, B Clegg, B Bartram, P Collins,
N Bedford*, A Buckley, R Spearman, D Stallan, Mrs A Grigg,
Mrs E Godwin-Brown, T Blanks

** for part of meeting*

Also in Attendance (2)

Susan De Luca – Clerk to the Council

Adriana Jones – Finance and Administrative Officer

Members of the Public (1) - Mrs Colleen O'Boyle, Monitoring Officer EFDC (by invite)

Members of the Press (0)

C14.074 APOLOGIES FOR ABSENCE (3)

NOTED that apologies for absence had been received from Councillors Ms Adams McCormack, and Mulliner.

C14.075 OTHER ABSENCES (0)

No other absences were recorded.

C14.076 DECLARATIONS OF INTEREST

There were no declarations of interest.

C14.077 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chairman welcomed Mrs Colleen O'Boyle, Epping Forest District Council's Monitoring Officer, and invited her to sit at the table, as she had been invited to attend the meeting to discuss the following agenda item.

C14.078 WEALD COMMON RELOCATION OF BUS SHELTER

Councillors *NOTED* that Mrs O'Boyle had been invited to attend the meeting to discuss a governance issue which had come to light following the proposed relocation of the bus shelter near the Talbot onto Weald Common to be used as a Youth Shelter. After this governance issue was discussed, Councillors would be asked to *RESOLVE* if and how this project could take place.

Mrs O'Boyle introduced herself, stating that she was present as Monitoring Officer to give advice on a governance issue, and that she didn't seek to, or has any say over, whether or not the Parish Council decide to relocate the bus shelter. She cannot offer advice regarding the merits of the proposal, and her concern is that there is certainty and clarity over any funding received by the Parish Council, and this it is properly authorised bearing in mind it relates to Parish Council land. If ultimately the Parish Council agree to the relocation of the bus shelter, and funds from an

outside source are to be used, her job is to ensure the correct governance is in place to facilitate this.

Mrs O'Boyle stated that the sum of money offered to the Parish Council towards the relocation of the bus shelter is from the Bassett Community Action Group (BCAG), who have residual funds left over after the original objective of the group has been completed. Mrs O'Boyle read out the objective of the BCAG as stated on their governing document, stating that in their constitution the BCAG did foresee the possibility of money being left, and that such monies should be donated to a local charity nominated by the Committee, and that this is published in the press. Therefore, if the Parish Council were to accept these funds for the bus shelter relocation works, this could be challenged as it does not confirm to the BCAG constitution.

The main points in terms of governance are:

1. The Parish Council need to be fully aware of the origins of any funding it receives
2. The Parish Council are entitled to rely upon these funds
3. Any funds being received need to be properly applied, and not subject to challenge

[Cllr Bedford arrived]

Mrs O'Boyle stated that she was not present to influence the outcome of this project, but to assist the Parish Council in deciding what the right thing to do is.

Cllr Blanks stated that according to what Mrs O'Boyle read out, the funds need to go to a charity, and as such they cannot come directly to the Parish Council. Cllr Spearman suggested that the Parish Council could donate the funds to the Queens Hall Charity, who in turn could fund the project. Mrs O'Boyle stated that the definition in the document states that it's up to the Committee (the working committee) who attend the meetings to decide, and that this Committee must consist of a minimum of two officers. Therefore, providing at least two officers, plus any member of the public, support a particular scheme that meets with the requirement, the decision can be made appropriately by that body.

The Clerk stated that the local mums group is not a charity, however the North Weald Village Hall are and that she understood Cllr Collins had spoken with Nick Dorras, Chairman, to see if they were willing to accept these monies for this project. Other charities were discussed, however Mrs O'Boyle stated that you only need one.

Mrs O'Boyle stated that the process would be that the BCAG would have to nominate a charity to whom the funds would be given, and then the charity would need to decide whether or not they wanted to use the funds to complete the works. Cllr Stallan asked if it was possible that any charity accepting these funds could then make a decision to pay it to the Parish Council to complete the works, to which Mrs O'Boyle stated that would depend on their constitution.

Cllr Grigg offered some background to this issue, stating that she had concerns regarding where the monies were coming from, and that this may compromise the Parish Council or Councillors in the future in case of a planning application being submitted where Councillors would be unaware that they would need to declare an interest. Cllr Grigg stated that she felt the Parish Council should know where the monies were coming from, and that this was the reason she approached the Clerk.

Cllr Collins stated that there were originally 3 officers of the BCAG, two of which no longer play an active role due to personal commitments, however he had managed to contact the treasurer who stated that he would be happy to support any decision that was made. In addition, Cllr Collins had seen the secretary about 4 weeks ago, who stated that he wholeheartedly agreed with the proposed project to move the bus shelter, and would support this. In terms of actual members of the committee, many people did attend these meetings, however this was back in 2004, so it may prove difficult to find people who still live in the village who are able to support this. Cllr Blanks stated that he use to attend these meeting, and was still around.

Cllr Collins confirmed that he had spoken with the Chairman of North Weald Village Hall, who stated that he personally would not have an issue with accepting the funds, but that this would need to be put to the NWWH committee to decide.

Cllr Stallan asked Cllr Collins if the secretary to the BCAG would be willing to attend a meeting at which the decision could be made, to which Cllr Collins stated he believed he would. Cllr Stallan suggested that prior to such a meeting, an agreement needs to be reached for a charitable body to accept these funds, as there is no point moving forward if there isn't anybody to accept the monies.

Cllr Bedford apologised for his lateness, stating that it was his understanding that a charity is needed to facilitate the banking of a donation from the BCAG and to pay for the works to relocate the bus shelter from the Talbot to Weald Common. Cllr Clegg stated that he was concerned about this being perceived as money laundering, as members of the public can tend to be very critical about money and he didn't want to put this Parish Council or any local charity in a position where it could be criticised, suggesting that members need to take a very careful look at this issue and use the support of people around the table who have knowledge of such matters to offer advice.

Cllr Buckley asked exactly how much money was in question, to which is was stated approximately £1,500.

Cllr Stallan stated that there could be public perception of money being moved around to get an end result, in that the enabler is the payment of money from another organisation. All the Parish Council need to be satisfied with is how the money gets to them, and that we are satisfied where the money is coming from. The mechanics of how it got to the other party is not our concern, in the sense that the Parish Council has been informed it cannot come directly to them, and advised of the route

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it needs to take, and until such time as all the relevant agreements are in place, the project cannot go ahead. If any charity decided they do not want to be involved for the reasons Cllr Clegg has stated, then the Parish Council may never get the monies for these work. It is up to the BCAG to decide how they want to spend their money, and the vehicles they use to do that. At this moment, the Parish Council cannot do anything until the BCAG has decided how it wants to move forward.

Mrs O'Boyle reminded Councillors that once the BCAG has donated their funds to whatever organisation they chose, they will then need to make this public in the local press with an explanation of what they are doing. Cllr Stellan asked Mrs O'Boyle if she was saying that if the BCAG meeting takes place, and they agree to donate the monies to a charity, it wouldn't stop the decision being challenged? Mrs O'Boyle stated that it is important the BCAG make their own decision about what they want to do with the money, as members of the public who paid into the group may query where the money is going. Cllr Collins stated that the BCAG was originally set up to deal with the threat of houses from the East of England Plan, but this threat has now gone. Cllr Bedford asked if the account of the BCAG was being wound up, to which Cllr Collins stated it was, and that the funds have been sitting in the bank for many years.

Cllr Collins asked if the BCAG could pay for these works directly. Mrs O'Boyle stated that providing the BCAG as a group agree that whatever is done with the monies meets the criteria set out in its constitution, this could be done. However, the Parish Council would have a view on this as the bus shelter is proposed to go onto Parish Council owned land. The Clerk stated that if this was possible, then ECC would pay for the removal of the bus shelter and relocation to Weald Common, the BCAG would pay for the refurbishment of the bus shelter, and that all the Parish Council would need to do is give permission for the bus shelter to be placed on Parish Council owned land.

Cllr Collins stated that the reason behind not disclosing who the donation was from was because the entire project could have been a non starter, and until some sort of cost and permission was established, he was unsure as to its viability as a project.

Councillors discussed this, and it was **AGREED** that the decision should be left with the BCAG. If the BCAG ultimately decided they wanted to fund the refurbishment of the bus shelter near the Talbot themselves, and place it on Weald Common, the Parish Council would **SUPPORT** this and hereby give their permission for the shelter to be located on Weald Common (subject to confirmation of a suitable location).

Vote: 12 For 0 Against

Meeting Closed

Signed:

Date: