

# LONG PRESTON PARISH COUNCIL

THURSDAY 5<sup>th</sup> FEBRUARY 2015

## MINUTES

**Present:** Cllrs John Goodall (Chairman), Nick Tyrer (Vice Chairman), Andy Kay, Paul Morley and John Sturgess

**In Attendance:** Gillian Muir (Parish Clerk), Cllrs Moorby and Welch and 8 members of the public

### 1. Opening and Public Participation

Issues raised included the erosion of Wiggleworth Road at the bridge over Long Preston Beck (the Clerk will report this to NYCC Highways); the damage being caused by vehicles to the edges of some village greens and how this could be tackled; the prolonged councillor recruitment period and what action could be taken to encourage women and young people to apply for councillor positions.

### 2. Apologies and reasons for absence: none

### 3. Members' interests and dispensation requests

The Chairman has formally resigned as a Trustee for the Water Trust so can now participate in a discussion and vote on matters raised in item 15. Cllr Kay declared an interest in Agenda Item 17.2 as a relation of the candidate for the councillor vacancy.

### 4. Confidential Agenda Items

Agenda item 17.2 may be debated in private session if personal details regarding the candidate need to be discussed.

### 5. Minutes of the Council meeting held on 8<sup>th</sup> January 2015

Council RESOLVED that the minutes of the Long Preston Parish Council meeting held on 8<sup>th</sup> January 2015 should be approved and signed by the Chairman, Cllr Goodall, as a true and accurate record of the meeting.

### 6. Issues relating to Craven District and North Yorkshire County Councils, the Yorkshire Dales National Park Authority, the Police and Council representatives

Cllr Moorby supported the council's decision to add a small contingency to its precept as there will soon be more cuts to district council funding which may have future implications for parish councils. The waste bin at the post office will soon be re-instated. More poo bins will be installed throughout the parish but Cllr Moorby emphasised that this will take time.

Cllr Welch reported that NYCC has various on-going health initiatives and that more money has been allocated for pothole repairs. It was discussed how the perceived speeding problem on the A65 could be tackled through evidence gathering and use of vehicle activated traffic control signs. Cllr Tyrer will liaise further with Cllr Welch on this issue.

NYCC's street light energy reduction programme was briefly discussed. A new policy will see up to 60 per cent of street lights in North Yorkshire switching off in the early hours of the morning between midnight and 5am, when road use is at a minimum. Cllr Sturgess informed councillors that all street lighting in Cumbria is maintained by the county council and suggested

that, if the parish council were to bring its street lighting up to the correct standard, it may be adopted by NYCC.

## **7. A Preliminary Strategy for 2015-16**

Council agreed that the strategy would include an action plan prioritising jobs that need to be tackled in the parish. It was decided to do a plan for the next 4 years starting with year 1.

The strategy for Year 1 was discussed in detail. Topics covered included engaging with the public, raising the profile of the parish council, maintaining and improving council assets, updating and introducing new governance policies, gaining accreditation as a Quality Parish Council, and dealing with matters relating to planning issues. Cllr Tyrer will present the finalised version of the strategy document / action plan for adoption at the next meeting.

## **8. The Asset Register**

**8.1** Council noted that the asset audit and condition survey was complete.

**8.2** Valuation of assets for insurance purposes was deferred until the March meeting due to time constraints.

## **9. The Grass Cutting Contract**

The contract and relationship with Horton Landscaping Ltd was discussed. It runs from 2013 to 2016.

**RESOLVED** to continue the grass cutting and ground maintenance contract with Horton Landscaping Ltd until the end of the agreement.

Council will re-visit the issue of ground maintenance later in the year.

## **10. The Community Emergency Plan**

Cllr Morley reported that there is still a small amount of work to do but that it should be ready for adoption at the March meeting.

## **11. The Deed of Easement for the Barn on Back Green**

Cllr Tyrer presented the deed of easement for approval. In consideration of payment of £3500, the owners will have permission to access parish council land for the installation of services and as a right of way. The owners will cover the cost of the council's solicitor's fees.

Council **RESOLVED** to approve the deed of easement between the parish council and the owners of Back Green Barn.

The document was duly signed by the Clerk and Cllr Tyrer and witnessed by Cllr Morley.

## **12. Updates and further action regarding on-going issues**

### **12.1. Street lighting maintenance, repairs and improvements**

Five street lights will be fitted with new LEDs later this month. At the March meeting, the Chairman and Cllr Kay will present a plan recommending how the anonymous donation of £4500 for street lighting improvements could be utilised to achieve best value for money. The donor has been formally thanked by the Chairman and the Clerk. The Clerk will check the original tender documents to ensure that proper financial procedures have been followed to obtain the street lighting maintenance contract.

### **12.2. Lengthsman tasks and duties**

A list of maintenance tasks has been collated and will be passed on to Horton Landscaping Ltd. The Clerk will pursue NYCC regarding the blocked drain on Back Green. Cllr Sturgess suggested that groups of volunteers could be recruited to maintain specific areas of the village. It was agreed that this proposal should be developed further whilst still using the existing

Lengthsman to carry out tasks pending. Cllr Goodall mentioned that there were qualified individuals interested in lengthsman's work and that this would avoid the Council having to do risk assessments.

### **12.3. Development of the new website**

Cllr Kay reported that the website is up and running. There is some work outstanding but this will be completed as soon as possible.

## **13. Annual Parish Meeting**

**13.1.** Invitations will be sent to local community organisations to attend the annual parish meeting. The meeting will be publicised on the website and an article will be sent to the parish magazine to encourage residents to attend.

**13.2. RESOLVED** that the Annual Parish Meeting should be held on Saturday 25<sup>th</sup> April, venue and time to be confirmed.

## **14. Playing field**

Items 14.1 and 14.2 were discussed together

Advice from YLCA states that non-members can represent the council on outside bodies.

Martina Harrison has confirmed that her resignation as a councillor also applies to her post as a council representative on the Playing Field Association (PFA) committee.

Cllr Sturgess reported that with only 2 years of the lease left to run, the PFA will concentrate on caring and maintaining the site. Cllrs Tyrer and Kay took issue with the site simply being maintained as it was not in the best interests of the village. They believe an action plan should be created to improve and develop facilities. Councillors discussed how the parish council and the PFA could work constructively and positively together to improve the site. It was noted that CDC Sport Development officer, Bruce Dinsmore, has advised that the PFA develop a master plan (to outline their priorities) and a funding strategy. Mr Dinsmore has offered to facilitate discussions between the PFA and the parish council regarding a new lease and to agree on how they can work in partnership.

Cllr Sturgess agreed to represent the PFA at the annual parish meeting.

## **15. The Long Preston Water Trust**

The parish council prepared a letter to the the Water Trust to request information regarding its finances and charitable purposes. The contents of the letter were explained to the Clerk of the Water Trust, however the letter was not sent as Cllr Goodall felt it best to present personally the contents of the letter in the Water Trust meeting. The letter will now be sent to them. The letter is published in full in appendix 1. In response to a request from a member of the public, the letter will also be published on the website. The Council believes this information should already be publicly available in accordance with current Charity Commission legislation. The Trust has not responded to the request.

The Chairman, Cllr Goodall, asked for the same information as a Trustee of the Water Trust but his request was refused. Cllr Goodall has now resigned as a Trustee but has stated his intention to improve relations with the Water Trust.

Cllr Tyrer believes the Water Trust is doing an excellent job of supplying water to the residents of Long Preston but is concerned about the organisation's secrecy, lack of transparency and the fact that outwardly it did not seem to be exercising the charitable purpose that their founder had

intended and that the Charity Commission would wish to see. For full details of Cllr Tyrer's statement, please refer to appendix 2.

Cllr Sturgess reported that the Trust's most recent accounts have been submitted to the Charity Commission but cannot be downloaded from the website.

Council **RESOLVED** that the Clerk write to the Water Trust to express its disappointment that it could not provide the information requested and to emphasise that the council would like to work constructively with the Trust offering help and advice if needed.

Cllr Sturgess requested that the vote be recorded:

Cllrs Kay, Morley and Tyrer voted in favour of the motion, Cllr Goodall abstained and Cllr Sturgess voted against.

## 16. Finance

16.1. The financial statement dated 5th February 2015 was reviewed and approved.

16.2. It was **RESOLVED** to make the payments detailed in the financial statement dated 5<sup>th</sup> February 2015. These include:

E.ON	Electricity (January)	£	46.53
Gillian Muir	Expenses (including subscription to SLCC)	£	185.92
E.ON	Electricity (February)	£	46.53
<b>Total</b>		<b>£</b>	<b>278.98</b>

16.3. The Clerk contacted two local internal auditors to enquire about their availability and to obtain estimates.

**RESOLVED** to appoint Yorkshire Internal Audit Services for the 2014-15 audit. The estimated cost for this service is £200.

16.4. After a brief discussion, it was **RESOLVED** that the £600 allocated to grass cutting for the Baptist Burial Ground is shared equally between this site and the playing field. The Clerk was instructed to make a donation of £300 to the PFA.

16.5. The 2014-15 budget was noted. This includes new income of £5000 from an anonymous donor and expected income of £3500 from the deed of easement.

16.6. Other financial matters

The completed precept form was posted to CDC on 9<sup>th</sup> January.

## 17. Councillor Recruitment

17.1. Following a recent resignation, CDC has confirmed there has been no call for an election. The process of recruiting a new councillor by co-option has started. There is a minimum 3 week advertising period. Any applications can be considered at the March meeting.

17.2. Due to time constraints, Council was again unable to give this item the proper consideration. It will be put near the start of the March meeting so that it can be given the appropriate time and attention.

## **18. Planning**

### **18.1 Applications**

C/52/644H/LB variation of condition 6 of ref C/52/644D/LB in relation to roof structure, The Manor House, Long Preston. Council supported this application.

### **18.2 Decisions**

C/52/672G variation of condition 2 of planning permission C/52/672F in respect of window positions and rooflights, Back Green Barn, Long Preston. Approved.

## **19. Correspondence**

CDC Parish Liaison Meeting Tuesday 24<sup>th</sup> March, 6.30, CDC offices in Skipton – Cllr Tyrer will try to attend.

RAY Community Resilience Event Thursday 26<sup>th</sup> March, Victoria Hall, Settle. This event could be relevant to the community emergency plan. In Cllr Morley's absence, Cllr Goodall will try to attend.

Website enquiry re poor visibility of mirror at junction of Station Road and A65 – Cllr Morley has cleaned the mirror and will contact NYCC, who own it, to request a replacement.

Correspondence regarding YDNPA parish forums and the CDC Standards Committee will be circulated.

**20. Publications** – none received.

## **21. Items of information & proposals for the agenda of future meetings**

Cllr Morley will report on the YLCA Craven area meeting in March.

The Clerk has requested a free copy and updates of the electoral register from CDC.

It was requested that action should be taken to mark uncollected dog poo for disposal and that this should be discussed at a future meeting.

## **22. Date of Next Meeting**

It was RESOLVED that the next meeting would be held on Thursday 5<sup>th</sup> March 2015, 7.30pm at Long Preston Village Hall.

## **APPENDIX 1: Letter from Long Preston Parish Council to Long Preston Water Trust**

Wednesday, January 21, 2015

Following recent meetings, I have been asked to write to the Water Trust on behalf of Long Preston Parish Council to request certain information relating to the Trust's finances and charitable purpose. The Council believes this information should be readily available not only to it but to members of the public too, and the information is potentially of public interest.

I would be grateful if the Trust could answer the following queries and requests:

1. The Water Trust's charitable objectives on the Charity Commission web site are expressed as:- "SUPPLIES THE TOWNSHIP OF LONG PRESTON WITH A WATER SUPPLY (AT THE DISCRETION OF THE TRUSTEES). RATES AND TOLLS RECEIVED TO BE APPLIED FOR (A) COSTS AND CHARGES IN RELATION TO ABOVE; AND (B) ANY RESIDUE REMAINING TO BE APPLIED AS TRUSTEES THINK FIT FOR BENEFIT OF THE TOWNSHIP OF LONG PRESTON"

Could you please specifically advise how part (B) above has been exercised by the Trust in the past since it became a Charity? In relation to the fact that the Charity has a discretion to exercise (B) above, could you please provide minuted evidence of discussions relating to this discretion and its exercise? Is it proposed by the Charity to exercise this discretion in the future?

2. In accordance with SORP, could you please provide us with a copy of your Annual Return for the financial year ending January 2014?

3. Could you please provide a copy of your audited accounts for the financial year ending January 2014?

4. It would appear that previous accounts registered on the Charities Commission web site are not audited. Given the legal requirement to have audited accounts if income is over £25000, could you please advise why this has not been the case?

5. To quote the Scheme for the Charity "No Trustee of the above mentioned Charity shall receive remuneration there from or take or hold any interest in the property belonging to the Charity...." The council understands that David Beattie was until last year both a Trustee and additionally was the Charity's technician and paid by the Charity as such. Please advise how this situation came about and how and why it continued and whether a specific report was made to the Charities Commission as would in these specific circumstances have been required.

6. The council has not had sight of the Trust's annual accounts ( which no doubt could confirm) however there have been statements made by both Mr Beattie and others within the village that he received a compensatory payment from the Charity in connection with the cessation of his employment with yourselves. Could you please confirm the specific details of any payment made and the proposals that you have for reimbursing the Charity?

We would very much look forward to hearing from you in detail on these points and understand that as you are meeting towards the end of January, we trust you will be able to let the parish council have your reply by its next meeting on the 5<sup>th</sup> February.

Yours sincerely  
Gillian Muir  
Parish Clerk & RFO

## **Appendix 2: Statement by Cllr Tyrer Regarding the Water Trust**

I start as I always do when speaking about the Water Trust by saying that I think they do a good job when dealing with the water supply to the village.

As a council we have asked 6 simple questions of the trust.

1. We have asked to see their accounts and annual return.
2. We have asked to see their annual return.  
These 2 documents are public documents.
3. We have asked what charitable activities they do as they are a registered charity.
4. We have asked why they employed a trustee to work for them when their constitution forbids this.
5. We have asked them if it is true that they paid £7500 in compensation to their fellow trustee for terminating his employment.
6. We asked them why they did not have their accounts audited in line with charity commission requirements.

They have refused to answer all of these questions. John Goodall the council's representative on the Water Trust has, as a trustee, a legal right to this information. The residents of the village and any member of a wider public have a right to know the answers to these questions. A charity has a duty to be seen to exercise a charitable purpose and to do charitable things. If it does not do these things it is not a charity. A charity also has a legal duty to be open and transparent. The reason for this obligation is to engender public confidence in charities. These 2 aspects are fundamental to charities all over the country and are enshrined in charity law to protect and safeguard the public. What message does it send when they refuse to give any information about what they do for the general benefit as a charity? The Water Trust when it was set up was given by its benefactor a charitable purpose which was to supply water for the village and then to distribute the surplus at their discretion for the benefit of the residents of Long Preston. If they do not exercise this discretion they have to be seen at least to consider it. Nothing in their publications exists to show that they even consider it. How can they be a charity unless they do anything charitable? How can they simply ignore their constitution? The Water Trust is not a secret society, who holds secret meetings and does as it wishes. They are accountable to the public they serve, the charity commission and under our criminal law. They have been conducting their meetings for too long in secret.

They are increasing our bills by 10% this year the same year that they have paid one of their former trustees 20% of their income for the year. Namely £7500 paid to their former trustee and workman as he was claiming unfair dismissal against them. This is not public knowledge. They have chosen to hide this. They agreed to settle with their former trustee on the basis it would be uneconomic to defend the claim that he potentially had against them. When they did so they signed a confidentiality agreement. This has been breached by their former trustee. No doubt they will use this agreement as a reason for not disclosing this to the public as the agreement has been breached already (not by them) their continuing silence is unnecessary. They could no doubt now say if they do go public then they will not be able to sue their former trustee for breaking their agreement. I would say this is not possible for the same economic arguments that they agreed to pay him £7500 in the first place.

Following our communication with them I understand they are now considering the appointment of auditors if they have not already done so.

I would like the public to be aware of this information as I think it is in the public interest. I think

we as a council have a general duty to bring matters of this nature to the public attention. They have a right to know why their bills are going up and why they are not carrying out any charitable acts especially as their last published and available accounts show that they have a credit balance of £415,000. In fairness this balance may have reduced over the last year as the trust is re carrying out much needed works to the infrastructure. This does not get away from the point that they have had a large capital balance for many years and outwardly at least have never used any of this capital for a charitable purpose. It is hard to imagine any argument to justify a charity never doing anything charitable especially when it has so much money.

I am not against the Water Trust I simply want it to be open and transparent in its decisions and do what it was supposed to do originally namely to do charitable things for the benefit of the people of Long Preston. I want a charity that when asked will provide information that should be readily available to us all namely be on their website or other publications. It would be good to think that they followed charity law and actually each year made a statement as they are legally obliged to do not just about the water supply but about how they have exercised their charitable purpose.

There may be nothing sinister about any of the points above, there may be a perfectly good explanation for some of them (the accounts and charitable purpose excepted). The point is that we do not know whether a good explanation exists as the Water Trust continues to operate as a secret organization in anything other than their physical supply of water. Any member of the public can contact the trust and they are obliged to give relevant information, especially that which ought to be in the public domain already. I would suggest that we as a council do nothing further other than make public events that have unfolded and leave it to the public to decide what if anything should happen next. I suggest we write to them expressing our misgivings that they wish to operate in a non-open /non-transparent way and provide an offer to help them in putting things right that are clearly wrong at present. Many of the council members have the ability to help the trust in many different ways and this offer should be made.