

## CLAYDON PLAYING FIELD CHARITY TRUSTEE

**Minutes of the meeting of the Trustees held on Tuesday 10<sup>th</sup> January 2017 at 8.30pm in the Church Room, Claydon.**

**Present: Trustees - David Hill, Sylvia Ingram, Jenny Jones, Richard Millward and Anne Hoggins. PFMC - Emma Gallagher, Mike Smith, Garry Putt. Kirsty Buttle (Clerk) and 1 member of the public.**

1. Apologies for absence – Pamela Putt.
2. To approve the minutes of the Playing Field Charity Trustee meeting held on Tuesday 8 Nov 2017 – Approved and signed.
3. To discuss the management structure of the playing field charity – The new clerk has raised concerns about the flow of money between the Playing Field Trustees and the Parish Council (PC) and on looking in to this further changes do need to be made as the current set up is incorrect.

**Background:** The playing field was purchased by the council 1976 and a lease was agreed with the Playing Field Management Committee (PFMC) which included representative from all village organisations in 1978. The PFMC paid a peppercorn rent of £5 on a 99 year lease with the rent to be reviewed every 10 years. For having the use of the field the PFMC received no funding for the playing field and it was the committee would have to form a charity which was approved by the charity commission in 1980. A review was set up of all the Claydon charities in 1995 and at that review the PFMC agreed that the charity should be transferred to the parish council as they felt the current management could not manage it sufficiently as they were always struggling to get enough committee members and they felt that the PC as trustees could safeguard the playing field for the future of the village. In Feb 1997 a new scheme was drawn up with the charity commissioners. The VAT issue arose when the PC were advised that the PFMC could reclaim VAT as a sub-committee of the PC. This is now understood to be incorrect because the PFMC is not a sub-committee of the PC as the Charity of which the PC are the trustees is a separate legal entity from the PC.

**Options for the future:** There are three options of how to move forward to correct the issues that have been raised.

- 1) To continue the charity as is with the PC being the trustees of the charity. The charity would need to start paying for all items relating to the charity such as insurance, play equipment inspection, a clerk (or they could use a volunteer), equipment, maintenance of the field etc. The charity would still be able to apply for grants from the PC but they must remember that the PC are under no obligation to give them any funds so they would need to try to ensure they can be self-sufficient should no grants be received. Any items that have been purchased by the PC on behalf of the PFMC and are therefore considered assets of the PC would need to be donated to the PFMC. This option could be difficult as the insurance costs alone are likely to be in the region of £500 pa and an annual play inspection is around £80 so the funds are likely to be depleted very quickly if fundraising is not completed on a regular basis. The cost of any future purchases including play equipment will have to be paid in full including VAT so costs will be higher than they have been previously.
- 2) To appoint a new trustee such as the current PFMC or an alternative trustee could be elected. One suggestion of a new trustee was the Claydon Trust as their aims and objectives are the same as that of the playing field trust. The benefits of this option are that it would be less likely for confusion about the different roles of the PC and the Trustees to happen again as they would be much more easily defined due to different people holding the roles of trustees. This also reduces the risk of any conflict of interest when the PC are approached for grants by the Playing Field trust. This option raises the same financial concerns as in option 1 unless the charity that becomes the new trustee has a regular income.

- 3) To dissolve the charity and donate the assets to either the parish council or another charity. The advice received regarding this option is that the charity can only donate assets to another charity. The PC is not a charity so this could be a problem although the PC taking on the assets does seem like a good option as the PC should always have members and they have a legal power to manage a play area in the parish. The PC would also have the benefit of being able to reclaim VAT on any purchases therefore reducing costs. Donating the assets to another charity would only work if a charity can be found that would be willing to take on the liabilities that come with the assets. The Trustees would want to ensure that a new charity would have the objective to maintain and preserve the play area for the benefit of the residents of Claydon. This option would really be the same as option 2 and therefore brings the same possible problems.

**Action agreed: The trustees and PFMC to consider the options and get more information together to be discussed at the next meeting.**

4. Any other business (for information only) – None.

5. Date of next Trustee meeting – Tuesday 14<sup>th</sup> March 2017.

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