

**Minutes of Meeting of Middleham Town Council as Trustee of Charity For The Benefit Of Inhabitant Householders of Parish of Middleham (the 'Charity' or 'IH') held in Middleham Key Centre on Wednesday, 23 January 2019 following conclusion of the Town Council meeting. (SUBJECT TO APPROVAL AT NEXT TRUSTEE MEETING)**

**Present**

Vice Chairman Cllr Mrs H Byford, Cllr Mr M Cade, Cllr Mr D Slay, Cllr Mrs L Stocker, Cllr Mr S Wheeler and Cllr Mr G Fortune

Clerk, Mr D Keep

**Action**

**1. Apologies.**

Apologies were received from Cllr Mrs S Fairhurst. The public were not entitled to be present and it was agreed to hold the meeting in closed session.

**2. Declarations of interest regarding items on the agenda.**

Each person present is a Councillor of Middleham Town Council, the Charity's sole Trustee. No other interests were declared in the business to be transacted at the meeting.

**3. Minutes**

**3.1 IT WAS RESOLVED to accept the minutes of meetings held on 28 November 2018 and 12 December 2018 as a true and accurate record to be signed by the chairman.**

**3.2 Schedule of agreed actions.** The schedule was noted.

**4. Land Management (IH) – Information/Decision required.**

**4.1 Pavement Furniture Rental agreement.**

At the previous meeting it had been agreed not to amend the contracts or to limit the space allocations but to ensure that a metre of clear pathway should be left alongside the road and leaving possible limitation of the number of benches until this meeting.

Following discussion it was agreed not to limit the number of items of furniture and so agreements from 1 March 2019 would be unchanged other than the metre wide strip.

**Clerk**

In order to ensure that businesses restricted their furniture to the agreed area it was proposed that metal studs be purchased to delineate each area.

**Cllr Wheeler**

**4.2 Tree Condition Survey.** The report had not been received.

**4.3 Common Land / Town Wastes Parking.**

Disappointment was expressed that the Executors wished to continue their claim. A letter received from Scotts and the subsequent emails from Endeavour Partnership ('EP') were reviewed. A detailed discussion took place, the key points were as follows: the letter did not clearly set out the basis of the claim nor specify the 20 year period to which it related; lack of such detail made it difficult to frame a response; the letter was inaccurate

**Action**

regarding payment of each parties' costs; a further direct meeting had been proposed; there was a possibility that the initial budget of £5k for legal expenses would be exceeded; considerable additional workload would be required by Council resisting the claim; any decision on whether to proceed would need to balance the cost benefits of further expenditure, the probability of success, the potential liability for the other party's costs and whether this would be an appropriate use of charitable funds in accordance with the charity's aims and charity law in general. It was noted that an earlier dispute had been pursued successfully by Council some years ago.

**Clerk**

In conclusion the following was agreed, and the Clerk was instructed to respond to EP as follows:

1. Council as trustee intends to continue to resist the Executor's claims;
2. To work within the sum it previously allocated (£5k) for the time being to cover legal fees;
3. To obtain an update on costs incurred to date by EP and a revised budget for adviser's costs going forward;
4. It was essential that the executors provided further detail on their claim and the time period that it relates to;
5. Council would be willing to meet with the Executors but this can only take place after necessary information has been provided;
6. To send a holding response to Scotts;
7. Regarding timescales, the other side should note that Council business was based around an agreed schedule of monthly meetings and due notice of any matters to be considered should be given.

It was further agreed that Council would

- Respond to specific matters identified by EP from Scott's letter;
- Send letters to all householders with items such as planters and troughs on the wastes;
- Circulate a general communication to householders that parking is on a first come – first served basis;
- Send a further communication to executors to remove the signs;
- Seek new and updated witness statements, including giving sight of some of the assertions from Scott's letter to witnesses.

**All****Clerk****Clerk****Clerk****All**

In reaching this decision, the Trustee noted the charity's objective to benefit the inhabitant householders. In this respect the Trustee noted that the current parking arrangements did benefit residents, as well as visitors and businesses by making parking generally available. Parking by visitors benefited inhabitant householders as they supported businesses that provide employment and helped maintain Middleham as a sustainable community. Granting individual rights to properties fronting the wastes had potential to further restrict parking opportunities, especially as there was no obvious scope for providing additional parking spaces within the town. It was also felt that changing the status quo could lead to friction within the community. Having weighed these factors, the Trustee agreed that it was in compliance with the charity's objective. At a later stage however it would need to quantify the reasons for and against proceeding and possibly to seek legal advice to confirm that it fulfils its charitable obligations.

Noting that Scotts had again offered to stand aside in the matter, a future meeting may wish to consider the permanent appointment of EP to act on land-related matters generally.

Action

**5. Financial and Administrative Matters.**

**5.1 Cashbook balances as at 30 November and 31 December 2018.** Received for information.

**5.2 IT WAS RESOLVED to approve the schedule of direct debits and internet bank transfers to approve and ratify all payments since the last Meeting as set out on the payments schedule and to approve Items of Expenditure as submitted to the meeting.**

**5.3 Opening a deposit account.** A Draft application form was tabled, which would appoint four signatories, being the Clerk, Cllrs Fairhurst, Byford and Stocker, to operate a new account. **IT WAS RESOLVED to open a 35 day notice account with Redwood Bank and to transfer opening balances as set out below.**

Clerk

Account		Balance as at 31/12/18	Proposed opening balances	Interest rate	
HSBC current		£40,783	£7,000	0.000%	£-
New account with 35 day notice	Redwood Bank		£33,000	1.350%	£446
		<b>£40,783</b>	<b>£40,000</b>		<b>£446</b>

The account opening forms are attached to and form part of these minutes.

**5.4 Revised Gallop fees.** It was noted that the fees payable by trainers to MTA would increase from £58.00 + VAT to £65.00 + VAT with effect from 1<sup>st</sup> January 2019 and be reflected in the payment made in February 2019. This represented an increase of 10.8%.

The Clerk reported that he had met with MTA to reconcile the schedule of fees paid against the record of horse numbers for the current year. In part this arose as fees receivable varied according to whether the horse's owner had an account with Wetherby's and this analysis would be obtained from Wetherbys. Whilst it would be difficult, because of the basis of calculation, to check each month it was agreed to spot-check any months with a larger discrepancy to audit whether fees were being appropriately accounted for.

Clerk

There was anecdotal evidence that some trainers were using the gallops in the afternoon and that some horses from trainers not currently paying fees had been seen on the moors. The Clerk would write to MTA about this.

Clerk

**There being no further business the Chairman declared the meeting closed at 10.15pm**

Signed.....Date.....