

LEINTWARDINE GROUP PARISH COUNCIL

FULL COUNCIL MEETING

Thursday 27th August 2015

TO: ALL MEMBERS OF LEINTWARDINE GROUP PARISH COUNCIL:
Councillors Collins (Chair), Woolley (Vice Chair), Alker, Davidson, Evans,
Garner, Gorbett, Kirby and Vera-Sanso.

NOTICE OF MEETING

You are hereby summoned to attend the Meeting of Leintwardine Group Parish Council which will be held at the Reading Room, High Street, Leintwardine on Thursday 3rd September 2015 commencing at 8:00pm at which your attendance is required.

Paul Russell

Paul Russell
CLERK TO THE COUNCIL

PUBLIC OPEN SESSION: Members of the public are invited to address the Council on any matters relating to the work of the Council or to raise any issues of concern. (Public Bodies (admission to meetings) Act 1960)

AGENDA

1. **APOLOGIES**
2. **DECLARATION OF INTEREST**
Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.
3. **MINUTES**
The Minutes of the Council Meeting held on Thursday 6th August 2015 need to be agreed and signed as a correct record.
4. **MATTERS ARISING**
To consider matters arising from the minutes that are not on the agenda.
5. **WARD COUNCILLOR**
To receive the monthly report from Ward Councillor Gandy. A copy is attached for information.

6. PARISH MATTERS

- (a) **Leintwardine Youth Club** – To receive an update regarding the hut, works undertaken to date and timescale for completion as well as works undertaken to date by the Council.
- (b) **Community Governance Review** – In view of the number of informal requests Herefordshire Council has received over the years and the number of enquiries received by HALC, Herefordshire Council, working with HALC, parish/town councils and communities, is looking into the possibility of carrying out a full county wide Community Governance Review in 2016/17.

The following aspects will be covered:

- Grouping or de-grouping of parishes/parish councils
- Splitting off an area of an existing parish council and establishing a new separate parish council;
- Altering boundaries of existing parishes/parish councils;
- Amending the number of parish councillors per parish council.

Council has been asked to respond to this proposal.

- (c) **P3 Scheme** – To reconsider the decision reached at the Council's meeting held on 2nd July 2015 (Minute 17/15a)
- (d) **Grounds Maintenance Contract** – To note that the specifications are currently being developed along with a Request for Quotation.

7. BURIALS & CEMETERY MATTERS

Please see the attached report.

8. HIGHWAY MATTERS

Please see the attached report.

9. PLANNING MATTERS

- (a) **Planning** – The following planning applications have been received from Herefordshire Council for consideration.

Application: P151945
Location: The Barn, Clungunford, Craven Arms, SY7 0QB
Proposal: Certificate of lawfulness for existing occupation of the buildings.

Application: P152120
Location: 1 & 2 Farm cottages, Wetmore Onibury, SY7 9BH
Proposal: Proposed two storey rear extension and internal alterations to 1 Farm Cottages. One Storey rear extension and internal alterations to 2 Farm Cottages

- (b) **Rosemary Lane Update** – To receive an update from the Steering Group. At the Full Council meeting on 2nd July 2015 a Rosemary Lane Working Group was set up. Since that meeting one member has resigned from Council. Does Council wish to appoint a replacement? In addition no community members have formally been appointed as yet.
- (c) **Neighbourhood Plan Update** – To receive an update if available.
- (d) **P151121 Proposed Residential Development at Land off High Street (opposite Roman Close)** – To note that this application was deferred due to a change in legislation which means the application now requires an S106 agreement. Consultation will need to take place prior to the application being considered by Herefordshire Council.
10. **LEINTWARDINE CENTRE/LIBRARY**
Please see the attached report.
11. **POLICIES**
To consider adopting the following policies:
- Revised Standing Orders
 - Revised Financial Regulations
 - Revised Financial Risk Assessment
12. **FINANCIAL MATTERS**
A full report will be presented at the meeting.
13. **DATE OF NEXT MEETING**
The next meeting of the Council will be held on Thursday 1st October 2015 at 8pm in the Reading Room, High Street, Leintwardine.

LEINTWARDINE GROUP PARISH COUNCIL

FULL COUNCIL MEETING

Minutes of the Meeting of Leintwardine Group Parish Council held at the Reading Room, High Street, Leintwardine on Thursday 6th August 2015 commencing at 8:00pm.

MEMBERS PRESENT: Councillors Collins (Chair), Woolley (vice Chair), Davidson, Evans, Garner, Gorbett and Kirby.

OFFICER PRESENT: Clerk to the Council

ALSO PRESENT: Ward Cllr Gandy.

PUBLIC OPEN SESSION:

There were seven members of the public present.

Cllr Gandy presented the following report:

- Herefordshire Council had now commenced its public consultation regarding proposed budgetary cost savings;
- It was noted that the Locality Steward, Rachel Dixon, had now left and a temporary replacement, Donna Tregenza was covering the Leintwardine area as well as her own area which was Leominster North and Rural Hampton.

Concern was expressed regarding the speed of vehicles going through the village. Further information would be obtained from Middleton village which had used some innovative ways of addressing speeding vehicles. The matter would be considered as part of the Council's September agenda long with the proposal to re-site the 30mph speed limit signs.

24/15 ELECTION OF CHAIR

Nominations were invited for the position of Chair. Cllr Collins was proposed by Cllr Woolley and seconded by Cllr Kirby. There being no other nominations Council **RESOLVED** to elect Cllr Collins as Chair of Leintwardine Group Parish Council.

25/15 ELECTION OF VICE-CHAIR

Nominations were invited for the position of Vice-Chair. Cllr Woolley was proposed by Cllr Evans and seconded by Cllr Gorbett. There being no other nominations Council **RESOLVED** to elect Cllr Woolley as Vice Chair of Leintwardine Group Parish Council.

26/15 APOLOGIES

Apologies were received and accepted from Cllrs Alker and Vera-Sanso.

27/15 DECLARATION OF INTEREST

There were no Declarations of Interest made on items that had been included on the agenda.

28/15 MINUTES

Council **RESOLVED** that the minutes of the Leintwardine Group Parish Council meeting held on 2nd July 2015 be agreed and signed as a correct record.

29/15 CEMETERY ACCESS

Council considered the report presented outlining the various options to improve DDA access to Leintwardine Cemetery. Following discussion it was proposed by Cllr Evans, seconded by Cllr Kirby and **RESOLVED:**

- That the report be noted;
- That the main doors be secured open using padlocks to allow access 24 hours a day be implemented and trialled for a period of one month;
- That a cost to secure the doors open be obtained from DC Gardening Services;
- That the long term solution to create a DDA compliant entrance be developed.

30/15 RIVERBANK SSSI UPDATE

Council considered the report presented which provided an update to Members regarding the status of the SSSI on the River Teme and how the health and safety issues identified in the area had been addressed. Following discussion it was proposed by Cllr Evans, seconded by Cllr Garner and **RESOLVED:**

- That the report be noted;
- That the quotation provided by DC Gardening Services to provide a handrail at a cost of £96.20 + VAT be accepted;
- That a “No Right of Way” sign be purchased and erected on the fence subject to obtaining permission from the landowner.

It was further agreed to obtain an update from Karen Foot, Leintwardine Youth Group, on the works being undertaken on the Youth Hut and request that the oil drum be relocated for the rest of the summer to reduce the potential risk and removed completely from site in November 2015. Work on the steps was expected to be completed by the end of the summer.

Further investigation of Council records would be undertaken to confirm that the various permissions had been given by the Parish Council to the Youth Club for the construction of the hut and confirmation would be obtained from the planning department that planning permission was not required.

31/15 PLANNING MATTERS

- (a) **Planning** – The following comments would be submitted to Herefordshire Council:

Application: P151177

Location: Leintwardine Fire Station, Rosemary Lane, Leintwardine, Craven Arms, Herefordshire, SY7 0LP

Proposal: Erection of 12m slim line aerial mast and demolition of existing 14m training tower (part of dangerous structure replacement programme)

Comment: No objection

Application: P152008

Location: 11 Watling Street, Leintwardine, Craven Arms, Herefordshire, SY7 0LW

Proposal: Works to Trees in a Conservation Area: Work to Copper Beech Tree

Comment: No objection

Application: P152010

Location: Seedley House, Mill Lane, Leintwardine, Craven Arms, Herefordshire, SY7 0LA

Proposal: Works to Trees in a Conservation Area: Fell two Sycamore Trees

Comment: No objection

Application: P151802

Location: Bryntirion, 40 Watling Street, Leintwardine, Craven Arms, Herefordshire, SY7 0LL

Proposal: Proposed conversion of loft & insertion of two rear dormer windows.

Comment: No objection

The following additional matters for information were noted:

- Clarification would be sought from the Planning Inspectorate regarding the opportunity Leintwardine Group Parish Council would have to address the planning enquiry regarding Rosemary Lane and what material it would be permitted to submit;
- The Roman Close application for 10 dwellings had been withdrawn from the Herefordshire Council Planning Committee agenda due to a change in legislation that meant the application required a Section 106 agreement.

32/15 FINANCIAL MATTERS

(a) **Monthly Expenditures** – Payment of the following expenditure was proposed by Cllr Evans, seconded by Cllr Kirby and **AGREED**:

PAYEE	SERVICE	NET	VAT	TOTAL
Herefordshire Council	500 x Blue refuse bags	£60.52	£0.00	£60.52
Leintwardine VH & CC	Electricity invoice	£69.92	£3.50	£73.42
D C Gardening Services	Grounds Maintenance	£450.00	£90.00	£540.00
D C Gardening Services	Lengthsman Contract	£240.00	£48.00	£288.00
P A Russell	Salary June/July 2015	£552.55	£0.00	£552.55
	TOTAL	£1,372.99	£141.50	£1,514.49

33/15 DATE OF NEXT MEETING

Council **NOTED** that the next meeting of the Council would be held on Thursday 3rd September 2015 at 8.00pm in the Reading Room, High Street, Leintwardine.

Items for the agenda would include the implications of the budget savings being proposed by Herefordshire Council especially with regard to the Library.

There being no other business the Chair thanked everyone for their attendance and closed the meeting at 9.20pm.

CHAIR:

DATE:

COUNTY COUNCILLOR REPORT

As requested by the Paul, I have agreed to send a written report a week prior to the meeting in order to allow parish councillors time to consider my comments and if required asked me questions on the night. I will also bring extra copies to hand out to any members of the public. Unfortunately due to other commitments I have had to send this report out early but as little at the Council takes place during August I do not think there will be anything I need to report to you during the next week.

As I mentioned at the previous meeting it is really important that residents and the parish councillors respond to the budget consultation. I have already sent to Paul some information sent to me by the library officer on the possible effect on Leintwardine Library as a result of one of the proposals. There is also a proposal to make the funding of a lengthsman the financial responsibility of parish councils and that will have an obvious impact on your parish. I stress, these are only proposals to be considered as part of the consultation. No decisions have been taken.

My understanding that speeding within the village is to be an agenda item and I hope that will include the request from a local resident to move the 30 mph sign further up the hill from the surgery. When a decision on this has been made by the parish council I will feed this back to the resident who raised it with me. Incidentally I have been asked to attend a meeting with members of Aymestrey Parish Council to discuss speeding and it appears to be a real problem in many of the villages. I know that in some parts of the County as a trial, white gates were erected at the entrance to the village to see whether that would reduce speed but I am unsure as to whether this had any effect. I did note recently on a trip into Worcestershire that many villages there do have such gates.

When I was first elected Alison contacted me about the site visit that had taken place earlier in the year at The Todding, asking for a copy of the Safety Report and the recommendations.

I have been advised by Balfour Beatty that they reviewed the accident data and that given the lack of available evidence ie no reported injuries from accidents to support this site as a priority, they have not scheduled work there this financial year. He advises that the council policy on how sites are prioritised for safety concerns and that this site did not at that time meet the criteria based on information available. If you feel that this is still a particular concern I am happy to raise it with the Locality Officer and we can consider whether it is now of a high enough priority for consideration as part of next year's annual planning process. They will then weigh this against priorities from across the county to determine whether it should proceed in 2016/17. I believe that previously it was suggested that Balfour Beatty might consider chevrons or marker posts on the bend. I believe crash barriers were also mentioned but I have been advised that they are very expensive.

Councillor Carole Gandy

Mortimer Ward

August 18th 2015

FULL COUNCIL

Date: 3rd September 2015

Title: Cemetery Update Report

Purpose of the Report: To provide Members with an update regarding matters relating to Leintwardine Cemetery.

Contact Officers: Paul Russell

1. RECOMMENDATION

- 1.1 That the report be noted;
- 1.2 That the revised proposal to construct a Disabled Friendly access to the Cemetery be considered and adopted;
- 1.3 That new Burial Charges and Memorial Fees be considered and adopted.

2. INTRODUCTION

- 2.1 This report provides an update to Members of Leintwardine Group Parish Council regarding Leintwardine Cemetery.
- 2.2 There is an outstanding issue regarding restricted access which is currently being dealt with following Council's meeting in August 2015.
- 2.3 The report also provides an update on interments for the year and existing and revised burial fees for consideration.

3. CEMETERY MATTERS

DDA Access

- 3.1 Following agreement to address the issue around the lack of a suitable access to meet DDA requirements further consideration has been given to the matter and additional advice has been sought.
- 3.2 It appears that the most appropriate solution would be to remove the Kissing Gate and replace with a vertical self-closing kissing gate suitable for access for all including prams, pushchairs and wheelchairs.
- 3.3 Additional work would be required to provide a suitable ramp with a reasonable gradient which would require tarmacking. A quotation to carry out these works has been requested but has not as yet been received.
- 3.4 An additional quotation will be requested for comparison.

Interments

- 3.5 An interment took place on Saturday 16th August 2015. This was a re-open and the Funeral Directors were Victoria Allen.

Revised Charges

- 3.6 Current Charges are as follows. These have not been revised since March 2005:

Type of Charge	Current Charge	Proposed Charge
Grant of Exclusive Right of Burial	£125	£250
Burial of Child Under 16 Years	No Charge	No Charge
Burial of Adult (over 16 years)	£195	£250
Burial of Adult in Reserved Plot	£195	£250
Burial of Ashes	£80	£125
Scattering of Ashes	No Charge	Discontinue

Memorial Fees

- 3.7 There is currently no record the Clerk can find for memorial fees. The following are proposed to be enforced with immediate effect:

Type of Memorial	Proposed Charge
Headstone not exceeding 3'6" high x 3' in width	£100
Kerbset (including headstone and/or kerb)	£200
Cremation Tablet	£50
Additional Inscription	£25

FULL COUNCIL

Date: 3rd September 2015

Title: Highways Report

Purpose of the Report: To provide Members with details of current Highway issues in Leintwardine.

Contact Officers: Paul Russell

2. RECOMMENDATION

- 1.1 That the report be noted;
- 1.2 To consider whether the Parish Council supports the proposal to re-site the 30mph signage (3.1-3.3);
- 1.3 To consider a possible course of action to address speeding vehicles passing through the village;
- 1.4 To confirm an invitation to the Police to provide a presentation regarding the Speedwatch Initiative at the Full Council meeting to be held on 1st October 2015;

2. INTRODUCTION

- 2.1 This report provides an update to Members of Leintwardine Group Parish Council regarding outstanding and new highway issues.
- 2.2 A number of issues have been raised over the past two months which need to be considered.

3. HIGHWAY MATTERS

Relocating the 30mph signage

- 3.1 Council has been requested to submit its view on the relocation of the 30mph signage leaving the village just after the Doctors Surgery.
- 3.2 It is proposed to re-site the signage a further 100 metres outside the village to provide additional warning to vehicles to slow down as they reach the Surgery and enter the main village.
- 3.3 Council needs to decide whether it supports or objects to this proposal.

Speeding Vehicles Through the Village

- 3.4 Concern has been expressed regarding the number of vehicles speeding through the village. Information was being obtained from the village of Middleton who had addressed this matter in an innovative way.

- 3.5 In addition, a request for the police to attend and provide background information to the meeting has been submitted. Unfortunately there was no one available to attend this meeting but the following information has been received.
- 3.6 The Speedwatch Co-ordinator is Ian Connolly, Acting Traffic Management Advisor, Warwickshire Police & West Mercia Police.
- 3.7 A leaflet has been provided giving more details of the Community Speedwatch (CSW) initiative. Mr Connolly would be happy to look into the possibility of starting a CSW group in the parish but due to the level of enquiries that have been received it may be a while before he is able to support a group in Leintwardine.
- 3.8 Currently the Police have equipment and capacity to run 12 CSW schemes across the force area with 4 proposed for Herefordshire. At present there are four groups already running in the county with a further 11 on-going enquires; Mr Connolly will look into each enquiry on a "first come first served" basis, and at present the Leintwardine enquiry is the 11th on the list for Herefordshire.
- 3.9 Initially the first thing to do is to gather speed data from the road(s) where Council has concerns to make sure CSW is the best option. If it is found that vehicle speeds are particularly high it may well be that enforcement would be a better option, so it is important the Police have this data on which to base their decision.
- 3.10 To this end Council is requested to identify the roads which are of concern so that the process can commence, bearing in mind that the Police will need to ensure that there is a safe and suitable location for volunteers to stand by the roadside should a group be set up. Grass verges are unsuitable to stand on as the surface is not always safe and private driveways cannot be used, so areas where there is no hard footway would not be suitable for consideration.

Sawpits Bank

- 3.11 Members will be aware that both steps along Sawpits Bank had now been cordoned off by BBLP. For safety reason.
- 3.12 The matter is currently with BBLP Programme/Asset Team to redesign and replace the steps. There is no indication regarding the timescale as to when the works will be undertaken and completed.

Update

- 3.13 An update on the following matters has not yet been received and Members will be updated at the meeting:
- To establish what action had been taken to unblock the drain outside The Old Post Office in Church Street, Leintwardine;
 - Contact Herefordshire Council regarding the poor state of the road surface at the junction past the Doctors Surgery to Craven Arms;

- Raise concerns regarding the lack of road markings and no cats eyes in the High Street;
- Request an update regarding the resurfacing programme for roads within the Parish.

FULL COUNCIL

Date: 3rd September 2015

Title: Library/Reading Room Report

Purpose of the Report: To provide Members with details of outstanding matters relating to the Library and Reading Room, Leintwardine.

Contact Officers: Paul Russell

3. RECOMMENDATION

- 1.1 That the report be noted;**
- 1.2 To agree a suitable way forward with regard to the items contained within the report.**

2. INTRODUCTION

- 2.1 This report has been written to update Members regarding outstanding issues relating to the various transfers and other matters on the Community Centre and Library site.
- 2.2 There are a number of matters that require consideration by Council.
- 2.3 A briefing paper was submitted and is reproduced below. The main items for decision are as follows:
- LGPC given exclusive use of the store room off the Reading Room at the cost of £10 per month;
 - Three options are available regarding the Reading Room;
 - Existing at £750 per annum plus electricity to hire the room as and when required;
 - Free use subject to giving a grant of £1,000 per annum. LGPC would still need to hire the room as use would not be exclusive;
 - New lease of £1,250 per annum.
- 2.4 The various caveats are included in the Briefing Paper below:

Briefing Paper

At the meeting on 9 March, we mentioned the question of storage space for the LGPC papers and equipment and also the possibility of the LGPC taking over the running of the Reading Room building. Following a discussion of both these matters at the meeting of the Leintwardine Centre Committee earlier this month, I am now able to make the following proposals on behalf of the Committee.

With regard to storage space, we would be willing to give the LGPC exclusive use of the store room off the Reading Room meeting room for £10 per month inclusive. It would be up to the LGPC to

insure the contents and also decide whether to retain the alarm system covering both the store room and the library room. If it is retained, the LGPC will be solely responsible for its maintenance. With regard to the use of the Reading Room meeting room by the LGPC, we envisage three options.

1. The status quo. The LGPC continues to rent the library room on the existing terms (i.e. £750 p.a. plus electricity), and hire the meeting room and kitchen as and when required on the concessionary terms available to local groups and individuals. All meetings except those of the LGPC itself, including the AGM, are charged at present: this waiver will be reviewed in the context of the Committee's regular review of rents and other charges, which will take place at its next meeting.

2. In exchange for a grant from the LGPC of £1000 to the Community Centre at the start of each financial year, the LGPC has free – but not exclusive - use of the Reading Room meeting room plus the Main Hall. However, the Reading Room meeting room will continue to be covered by the LCC booking system and consequently might not be available at a time when the LGPC wishes to use it. The LGPC also has sole use of the store room. To be clear, the tenancy agreement and rent for the Library would remain in place under this option on the existing terms (i.e. £750 rent p.a. plus electricity). Of course, the LCC will continue to be responsible for all repairs and maintenance to the building itself and cover all outgoings (broadband, electricity, etc.) with the exception of the electricity used by the library, which will be invoiced to LGPC as at present.

3. We terminate the existing library lease and replace it with a lease covering the whole building for a term of between 3 and 7 years (to be agreed) at a rent of £1250 per year. Under this arrangement, the LGPC would have full use and control of the Reading Room building (which would no longer be included in the LCC booking system) but would be responsible for all costs associated with operating and maintaining the building in the same condition as at present, including all repairs and insurance, and for its day-to-day running. In this option, a formal lease would need to be drawn up. We would propose to split 50/50 any costs associated with this. It would be a condition of the lease that the Parish undertakes to discharge the obligations on the Centre Trustees as set out under the Charity Scheme – otherwise the Committee members as Trustees would be in breach of their obligations under the Scheme. To be clear, the Community Centre Committee would have no involvement with the running of the building.

We are currently preparing an estimate of the costs associated with the running of the Reading Room building and will forward it to you as soon as it is ready.

It should be noted that options 1 and 2 leave the running of the Reading Room building with the LCC, whereas option 3 transfers the running of the building to the LGPC

The Committee would be open to counter proposals under options 2 and 3, as long as they take account of the obligations on the Trustees to fulfil the objects of the Scheme ("Constitution" of the Charity) and act prudently and responsibly.

3. SURRENDER OF LEASE FROM HEREFORDSHIRE COUNCIL

3.1 The Parish Council is required to sign all the legal documentation necessary for the Leintwardine Community Centre to accept the surrender of the lease from Herefordshire Council.

- 3.2 A Deed of Surrender and contract termination documentation requires signature. The LCC Committee would appreciate it if the Council could expedite signature of the legal documents as Custodian Trustee so that LCC may return them to our solicitors for legal completion.
- 3.3 In addition terms have been agreed with Herefordshire Council for them to pay LCC £7,500 in consideration for the surrender, plus legal costs.
- 3.4 A briefing note was prepared clarifying the position and this is included below.

Briefing Note:

NOTE ON THE TITLE TO THE BUILDINGS CONSTITUTING "LEINTWARDINE CENTRE"

Introduction

At the meeting of LVCH&CC on 3rd June 2015 I was asked to provide an explanation as to the "ownership" of the buildings. My professional ethics require that I make it clear that I am retired and what follows does not constitute legal advice. It is just my layman's understanding of the documents.

The present issue concerns the public toilets but I think it best to cover the whole picture. The 3 titles relate to: The Reading Room (Village Hall), The Community Hall Building (The Old School and Infant School), and the Toilet Block (formerly football changing rooms)

The Reading Room

During the 1880s an Act of Parliament introduced incentives to landowners to give land for the use of communities to provide reading rooms for the better education of local residents. Mr AJR Boughton Knight conveyed land to Trustees to hold on behalf of the village and on which the Reading Room was subsequently built. The conveyance/trust deed was registered with the High Court on 7 December 1887. During the early 1950s it was realised that nobody was sure who the current trustees were so a Deed of Appointment was executed on 17th June 1953. This appointed the Parish Council (PC) to be trustees of the land and Reading Room built on it for and on behalf of the inhabitants of the Parish of Leintwardine and surrounding district.

Under that appointment, the PC bears the responsibilities of ownership. The benefits of ownership belong to the inhabitants of Leintwardine and surrounding district.

The Community Hall Building

The freeholder is the Church (Hereford Diocesan Board of Finance). On 22nd November 1973 The Secretary of State for Education and Science made an order approving a scheme for management as a charity. On 13th December 1984 a Lease and Trust deed was executed. This granted the PC a 99 year lease at an initial annual rent of £75. Management of the premises as a charity was vested in "The Committee" specifying the purposes for which the building is to be used: "...for use of the inhabitants of the Parish of Leintwardine and of the surrounding district in the County of Hereford and Worcester.....without distinction of political religious or other opinions including use for meetings lectures classes and for other forms of recreation and leisure time occupations with the object of improving the conditions of life for the inhabitants....."

The Charity Commission Schemes

In the 1980s the two existing charities (one running the former Reading Room as 'the Village Hall', the other running the former school as 'the Community Centre') were brought together by a Charity

Commission Scheme. This Scheme, dated 15th September 1988, set out that the two charities and the property thereof be administered and managed together as one Charity under the title of Leintwardine Village Hall and Community Centre.

This Scheme also set out that LGPC became the Custodian Trustee under the Charities Act, and vested the land and buildings of both charities in the PC to be held in trust for the Charity.

There was a subsequent amending scheme in 1997 but this made no changes to the ownership or trustees.

The Toilet Block

The toilet block is part of the Community Centre building and included in the leasehold title. It was erected in accordance with an Agreement between Leominster District Council, the Charity's Management Committee and LGPC, and an Underlease between LGPC (as Landlord) and Leominster District Council (as Tenant) dated 18 December 1990. The Underlease runs to 2020.

Those documents provided that The Council is obliged to repair and maintain the building, interior fixtures and fittings and decoration. They can recover 50% of the cost from the Management Committee. The Council is also obliged to insure the building. The Management Committee is responsible for cleaning costs, all utilities, to insure against risks arising from use of the building, and to maintain a section of the main drain. In relation to this last item the Management Committee can recover 25% of the cost from The Council. The PC agrees to "secure" performance of the Management Committee's obligations.

In practice, the Management Committee runs and maintains the toilets and Hereford Council's involvement is nominal only. Nevertheless, their obligations under the Agreement and Underlease are real, and in view of local government cutbacks Herefordshire Council have asked to be released from their obligations.

After years of negotiation agreement has been reached with HC for the Committee to accept a surrender of the underlease and termination of the agreement in return for a payment of £7,500. This amount is the product of negotiation between the parties and represents a reasonable estimate of the present value of the obligations and liabilities being taken on by the Committee when releasing HC from them.

We are now at the point of documenting the surrender and termination, and the PC need to be party to the documentation as the Custodian Trustee. The payment of £7,500 is for the benefit of the Charity, and will be ring-fenced against future maintenance and running of the toilet block.