

Parish Council of Balsall

Minutes of the Extraordinary Meeting of Balsall Finance Committee held on Wednesday 3rd June 2015 at 7.00pm at the Westlake Room, Village Hall, Station Road, Balsall Common

Present

Cllr Will Heard (Chair), Cllr Liz Macdonald, Cllr Judy Lea, Cllr Mark Tattum and 6 members of the public to include Cllr Kay Howles (Berkswell Parish Council) Cllr Mr Mike Longfield, Cllr Richard Lloyd, Cllr Sheila Cooper, Mark Johnson (trustee of Berkswell & Balsall Jubilee Project and Don Hitchcock (trustee of Berkswell and Balsall Jubilee Project)

Headings are those set out on the Agenda

As the Chair was not present at the meeting, Cllr Judy Lea proposed that Cllr Will Heard Chair the meeting, this was seconded by Cllr Liz Macdonald. Cllr Will Heard duly accepted and chaired the meeting

1. Apologies

Cllr Marie-Louise Marsden and Cllr Raymond Ritchie

2. Declarations of Interest

Cllr Judy Lea declared a conflict of interest in relation to item 5 of the agenda as former member of the Jubilee Committee

3. To approve as a correct record Minutes of the Extraordinary Meeting held on 11th May 2015.

RESOLVED

The Minutes are approved and Chair signed these as a true record

4. Matters arising from the Minutes

Clerk confirmed that the letter to the Jubilee Committee was sent on 12th May 2015.

Cllr Lloyd sitting as a member of the public stated that he felt that the minutes were not balanced. He provided his recollections of the meeting. It was pointed out that these were recollections and these were not supported by members of the committee. However, it was agreed that Cllr Lloyd's recollections could be noted. Cllr Lloyd stated that in relation to Paragraph 10 (xiii) item (a) it ought to be mentioned that Mike Longfield had offered to resign but nobody else would take over as Chair. Items (d) (e) and (g) of the same paragraph are covered by the constitution of the Jubilee Committee. Item (h), Cllr Lloyd stated that he recollected pointing out that fire safety is in place. At item (m) it was stated that the Jubilee Committee had a website. Cllr Liz Macdonald corrected Cllr Lloyd and stated that in fact it was stated that the Jubilee Committee had a web page and disagreed with Cllr Lloyd's recollection.

Clerk confirmed that the statements made in the Minutes were lifted from reports read out by the Chair at the meeting. Clerk also confirmed that Cllr Lloyd's recollections do not accord with her notes made at the meeting.

5. Grant Application – Jubilee Centre – To consider the Grant application dated 22nd May 2015 and make recommendation to the Full Council

Chair read out the legal advice received from NALC. This is set out below

“Balsall Parish Council – Balsall&Berkswell Jubilee Project

Thank you for your email of 7 May 2015. Balsall Parish Council (“the Council”) has requested advice in respect of the above project. The Council has asked what financial responsibilities it has in respect of the project, which the Council helped to establish. I have seen part of an email from ShafimKauser on behalf of the Council attached to the request for advice. I note from the attached supporting documents that she is the clerk to the Council. The email provides that the Council has been providing funding in the sum of £10,000 for a number of years. The auditor has recently questioned why large sums have been paid without proper paperwork. The Council subsequently produced a grant awarding policy and grant application form. Councillors have raised concerns over the management of the project and are questioning its sustainability. The project has apparently been running for more than 10 years and has attracted no other funding or income. (Cllr Will Heard confirmed that this was not correct, however, this does not impact upon the advice given) The project trustees have apparently said that as the project was set up by the Council (and apparently by Berkswell Parish Council) it should be supported by the Council.

The Council has asked whether it is required to fund the project and whether it has responsibilities as it appoints two members to the project board.

I have received copies of the following in support of the Council’s application:

· The Council’s grant application form. This provides that grants are subject to the Council’s grant awarding policy. The form apparently comes with an attached “guidance for applicants” document.

· The Council’s grant awarding policy.

· Undated Constitution of the Balsall and Berkswell Jubilee Project (“the Project”). Clause 1 provides that the property of the Project shall be administered and managed by the members of the board. It also states that the Project is a non-profit making environmental body. Objects are set out in clause 2; the property appears to be a community hall. Clause 4 concerns the appointment of members of the board. Clause 4.1 (a) provides that two of the eight members are persons nominated by the Council. At the end of the Constitution it states that the document supersedes “that which was approved by the members of the board at a duly constituted meeting held on nineteenth of May 2002”.

Advice

The first point I would make concerns the status of the Project. It is not clear who drafted the constitution. The language used appears to be charitable language (for example, the objects). I therefore searched the Charity Commission website and found an entry for the Balsall and Berkswell Jubilee Project (registered number 1119397). The governing document is listed as Constitution, dated 19 May 2002. The charitable objects are those defined in the constitution document I have seen. I am satisfied this is the relevant charity and the constitution I have seen is the one that supersedes the original 2002 constitution.

I have not seen anything in my instructions which indicates the Council is required to make financial contributions to the Project/ the charity. The fact the Council helped to establish the Project has no bearing on its funding. I advise that parish councils and charities are entirely separate and distinct legal entities. In my view, based on my instructions, it is a matter for the Council as to whether it chooses to fund the Project. I think it is appropriate and

sensible for the Council to have instituted grant awarding criteria.

I advise in request of the Council nominated board members that when they sit on the board they do so as members of the board and not as Council representatives. As such, the Council's nomination of board members does not give the Council any responsibilities. The management of the charity is a matter for the charity.

I recommend to the Council Legal Topic Note 28 (basic charity law).

I advise the Council that if it intends to make future donations to the Project it needs to identify a power under which it makes such a donation. The objects refer to recreation and leisure use of the community hall. As such, the Council could rely on s.19 (3) of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"). This enables a parish council to contribute by way of grant or loan towards the expenses incurred or to be incurred by any voluntary organisation in providing any recreational facilities which the authority has power to provide (which the Council does by virtue of s.19 (1) of the 1976 Act). "Voluntary organisation" means any person carrying on or proposing to carry on an undertaking otherwise than for profit and I think this would apply to charities generally.

For non-recreation purposes the relevant powers would be s.137 (3) of the Local Government Act 1972 or, if applicable, the general power of competence. S.137 donations would be capped in accordance with the s.137 limits.

I hope this has been of assistance.

Yours sincerely"

Cllr Will Heard stated that the advice confirms that there is no direct linkage between the Parish Council and the Jubilee Project. The Councillors nominated do not represent the Council but act as board members and represent the Charity.

Cllr Judy Lea questioned why the Parish Council appointed representative. Cllr Liz Macdonald clarified that where Councillors are appointed, there is a clear conflict of interest and questioned whether Councillors should be nominated as representatives.

Members of the public were allowed to participate in the discussion of this item.

Members of the Jubilee Committee advised that they disagreed with the legal advice.

Cllr Will Heard stated that the advice provided useful information to the Parish Council and the Jubilee Committee. It would allow the Jubilee Committee if it wished to do so to review how it constitutes its board and how they operate in the future.

Cllr Mike Longfield advised that the Jubilee Centre has enough income to support itself; it is only looking to the Parish Council to support the youth workers.

Cllr Will Heard asked if the Jubilee Committee had responded to the letter sent by the Parish Council.

Mark Johnson advised that a response had not been sent.

Cllr Will Heard advised that he was surprised at this.

Cllr Hitchcock stated that the Parish Council has a duty to fund the Jubilee Centre. Clerk advised that there is no duty and the legal advice confirms the position.

Cllr Liz Macdonald confirmed that the Parish Council has paid over £105,000 in the last ten years and has supported the Jubilee Committee, however, these were public funds and the monies represented over 10% of the precept. The Parish Council had a duty to ensure that public money is spent with great care.

Cllr Sheila Cooper stated that as a new Councillor she believes that the Jubilee Committee are attempting to blame the Parish Council for its own flaws. It cannot assume funding. A substantial sum has been provided and she feels that the Parish Council is being emotionally blackmailed.

Cllr Liz Macdonald stated that the management of the Jubilee Centre is a matter for the Jubilee Committee not the Parish Council.

Chair closed public forum to allow the Committee to consider the grant application.

Cllr Liz Macdonald advised that the grant application was confusing and did not make clear the objective of the grant.

Cllr Liz Macdonald did not feel that 6 months funding for youth workers can be regarded as emergency funding. She would support 2 months

RESOLVED – That the grant application for emergency funding for 2 months provision of youth workers in the sum of £1,666.00 is recommended to Full Council

6. Grant Awarding Policy – To review the Grant Awarding Policy and make recommendations for any amendment to Full Council

The draft policy circulated was reviewed by Councillors. Amendments were suggested and agreed and the attached draft is recommended to Full Council for approval

RESOLVED – That the attached amended Grant Policy is recommended to Full Council for approval

7. Code of Conduct – To review the Code of Conduct and make recommendation for any amendment to Full Council

It was agreed that the Code of Conduct is deferred to be considered at the next meeting.

ACTION – Clerk to circulate NALC template Code of Conduct and Solihull MBC Code of Conduct

8. Date for next meeting – The next Finance Committee Meeting shall be on 10th June 2015 at 6.00pm at the Village Hall, Station Road, Balsall Common

There being no further business the Chair thanked everyone for attending and closed the meeting at 20.00pm

Signed..... Dated.....

Cllr Raymond Ritchie

Chair

GRANT AWARDING POLICY

GUIDANCE NOTES FOR APPLICANTS

Applications must satisfy the following conditions to be considered for a grant:

1. Type of Organisation or Group and Project or Activity Funded

- 1.1. Bids should be made for projects which will be of benefit to the whole community or a significant number of residents within the Parish
- 1.2. Applications will not be accepted where the benefit is to a single individual.
- 1.3. Applications will be considered only from "not for profit" organisations.
- 1.4. Grants will not be awarded retrospectively for expenditure already undertaken or where a project has been completed.
- 1.5. The Parish Council will only consider one grant application per organisation within a financial year unless there are extenuating circumstances
- 1.6. Projects will be considered that achieve one or more of the following:
 - a. address problems of social deprivation, disadvantage etc.
 - b. demonstrate a degree of community development/public involvement
 - c. impact on crime and disorder
 - d. contribute to economic development/tourism
 - e. provide services for youth/the elderly
 - f. provide or improve sport or cultural activities
 - g. improve the physical environment
 - h. address problems of climate change and promote a carbon neutral community
 - i. promote equal opportunities
 - j. demonstrate collaborative working - different agencies working together
 - k. demonstrate match funding

1.7 Projects will not be funded if they are eligible for funding from other local authority funding sources, unless there is matched funding and this should be stated.

1 Typical Size of Grant Awarded and Documents Required

2.1 Applications should normally be for sums not exceeding £2,000. Grants above this figure may be considered.

2.2 Applications for £1000 or more must include the accounts of the relevant organisation or group for a period of one financial year prior to the date of application (or longer if requested by the Parish Council) and indicate expenditure, income, assets and liabilities, together with funding obtained from other public bodies, if appropriate, unless the organisation or group has not been in existence for a year at the time of the application in which case the Parish Council may require other evidence of financial viability.

2.3 For applications under £1000 supply of these documents with the application form will considerably assist their application.

2.4 Repeat applications for grants year upon year by the same (or a related) organisation will not be considered unless there are exceptional circumstances which the Council considers an appropriate use of the grant fund. Such grants shall not in any event exceed three years. In such cases, projects that require repeat funding will only be considered if the applicant can demonstrate a clear plan for future funding from other sources after the second year's contribution from the Council's grant fund.

2.5 Applications must be made in the name of the organisation or group to which financial assistance is to be granted and be supported by the main officers or leaders of the group.

2.6 Applications must be made on the council's grant application form

2.7 The maximum grant available in normal circumstances is £5,000 so long as the Council's grant budget is not exceeded by the grant award

3 Timing of Applications

3.1 For grants under £1000 applications are considered throughout the year and applications should be submitted by the first of the month.

3.2 For grants of £1000 or more applications should be submitted by the first of September as significant amounts may have to be included in the budget for the subsequent financial year. Any awards will be made the following April.

3.3 Exceptions will be made to these dates if the applicant demonstrates an urgent need for grant funding.

4. Conditions of funding for grants exceeding £2,000

4.1 Where the grant applied for exceeds £2,000, the Parish Council may require the grantee to publicise the source of the grant and will require an agreement from the grantee as a condition of the award of the grant to provide the Parish Council with a written statement within twelve months of the grant being made as to how the grant has been used supported by financial evidence to include:-

- a) the purpose and use of the grant monies
- b) comprehensive and up-to-date accounts and records of the grantee's capital and operational expenditure
- c) schedule of expenditure of grant monies with supporting invoices

The statement will become a document available for public inspection.

4.2 Any monies not spent by the grantee will be repaid to the Parish Council within 28 days of the written statement

4.3 Balsall Parish Council reserves the right to recover the grant and/or moveable equipment purchased with the grant monies if the organisation ceases to exist, if the grant is not used for the purposes specified, or if the conditions of the grant are not complied with.

4.4 Anyone found to be acting dishonestly in making the application or spending the grant will be reported to the Police and the Council will press for prosecution

5 Feedback

Successful applicants are expected to provide feedback to the Council on the outcome of their project. The Council must report annually on the total spent on grants and will publicise the groups in receipt of a grant and the use made of the grants.

Application Forms Available From

If you would like to apply for a grant, an application form may be downloaded from the council's website or apply to the Clerk.

Approved by the Finance Committee on 3rd June 2015