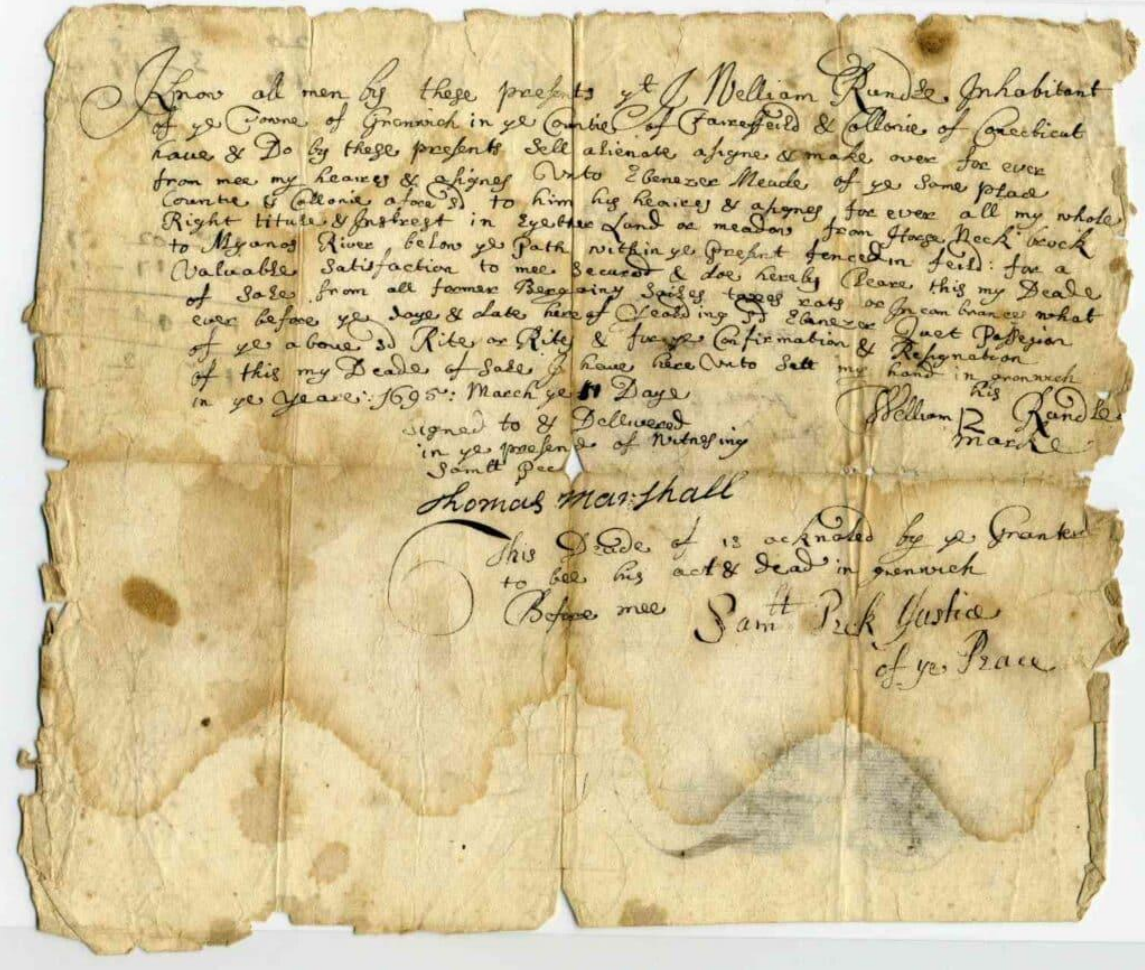
# A Quick Guide to the Parish Council becoming Sole Trustee of the Village Hall

*(this will not be ‘death by PowerPoint’*

*I promise!)*

# The way things were…

- The original Conveyance and Trust Deed, established to manage the old Village Hall, was signed by the landowner William Ramsey (Mrs Bloomfield's father) in December 1950.
- When the new Village Hall was built in 1976, the document was amended to reflect the changing times; the Village Hall was officially registered with the Charity Commission, and Trustees were appointed in the form of the Village Hall Committee.
- This arrangement has worked very well for the last 50 years, but now we are proposing a change…



Know all men by these presents yt I William Rundle Inhabitant
of ye Towne of Grenwich in ye Countie of Fairefeild & Collonie of Conecticut
have & Do by these presents Sell alienate assigne & make over for ever
from mee my heaires & assignes Unto Ebenezer Meade of ye Same place
Countie & Collonie afore sd to him his heaires & assignes for ever all my whole
Right titule & Instrest in Eyther Land or meadow from Horse Neck brock
to Myanos River below ye Path within ye present fenced in feild: for a
Valuable Satisfaction to mee Secured & doe hereby Cleare this my Deade
of Sale from all former Bargainy Saises taxes rats or Incombrances what
ever before ye daye & date here of Secading sd Ebenezer Quiet Possesion
of ye above sd Rite or Rites & further Confirmation & Resignation
of this my Deade of Sale I have here Unto Sett my hand in Grenwich
in ye yeare: 1695: March ye 11 Daye

his
William R Randle
marke

Signed to & Delivered
in ye presence of Witnessing
Saml Pec
Thomas Marshall

This Deade of is acknoled by ye Granter
to bee his act & dead in Grenwich
Before mee Samtt Peck Justice
of ye Peace

# Why must things change?

- Many of us don’t like change, but sometimes change can be a good thing…
- We all lead very busy lives, so it has become increasingly difficult to recruit people who are willing to act as Trustees of the Village Hall Charity (i.e. the Village Hall Committee).
- In this age of ‘blame culture’, many people are unwilling to put themselves in a position where, as Trustees of the Charity, their own homes and finances could be at risk if someone were to sue the Village Hall.
- With no one willing or able to take on the roles of the Committee (such as Treasurer, Secretary, Bookings Clerk), the responsibility fell on just a few people.

# What do other Village Halls do?

- Many other Village Halls are in the same position as us and have taken the decision to ask their Parish Councils to consider becoming the Sole Trustee of their Village Halls.
- This is a very common arrangement, and if the Parish Council agrees, the Constitution and Trust Deeds just need a ‘Resolution’ stating how the Village Hall will be managed in the future.

# How will this all work?

**It’s simple –**

- The Parish Council will be the Sole Trustee and will have overall responsibility and liability of the Village Hall. They will oversee the work of a ‘sub-committee’.
- The new Village Hall Committee will be said sub-committee of the Parish Council, made up of some Councillors and the existing Village Hall Committee.
- They will manage the day-to-day running of the Hall, as they always have done, but will no longer all be personally liable if there were any problems.

# So, the Village Hall Committee asked the question…

…and the Parish Council said ‘yes’

*NO, not that question!*

# The ‘wearing of two hats’

It will be important that the Parish Councillors are aware of which ‘hat’ they are wearing when conducting the business of the Village Hall once the Parish Council become the Sole Trustee.

The Charity Commission states (OG 56 A1):

*The Charity* (Village Hall) *needs to be independent of the local authority* (Parish Council) *in the sense that decisions need to be taken solely in the interests of the Charity, with a view to furthering its charitable purposes, and for no other purpose.*

The Parish Council need to be careful to distinguish between when it is acting as a Local Authority, and when it is acting as a Charity Trustee.

# Parish Councillors must remember

…that the property and funds of the Hall are NOT part of the corporate property and funds of the Parish Council.

The Village Hall land will be included on the Parish Council's Asset Register without any value and described as 'Held in Trust for Bucklesham Village Hall Charity'.

The property and funds of the Hall are NOT available for the Council's corporate purpose.

The interests of the Village Hall should never be over-ridden by or confused with the interests of the Parish Council as a Local Authority.

The Parish Council acting as Sole Trustee acts as a corporate body: individual Councillors are not themselves Charity Trustees, it is the Parish Council as an entity which is the Charity Trustee.

# The Parish Council will be a ‘silent partner’

The Village Hall Committee will continue to make all day-to-day decisions on how the Hall is managed and will have the autonomy to do so.

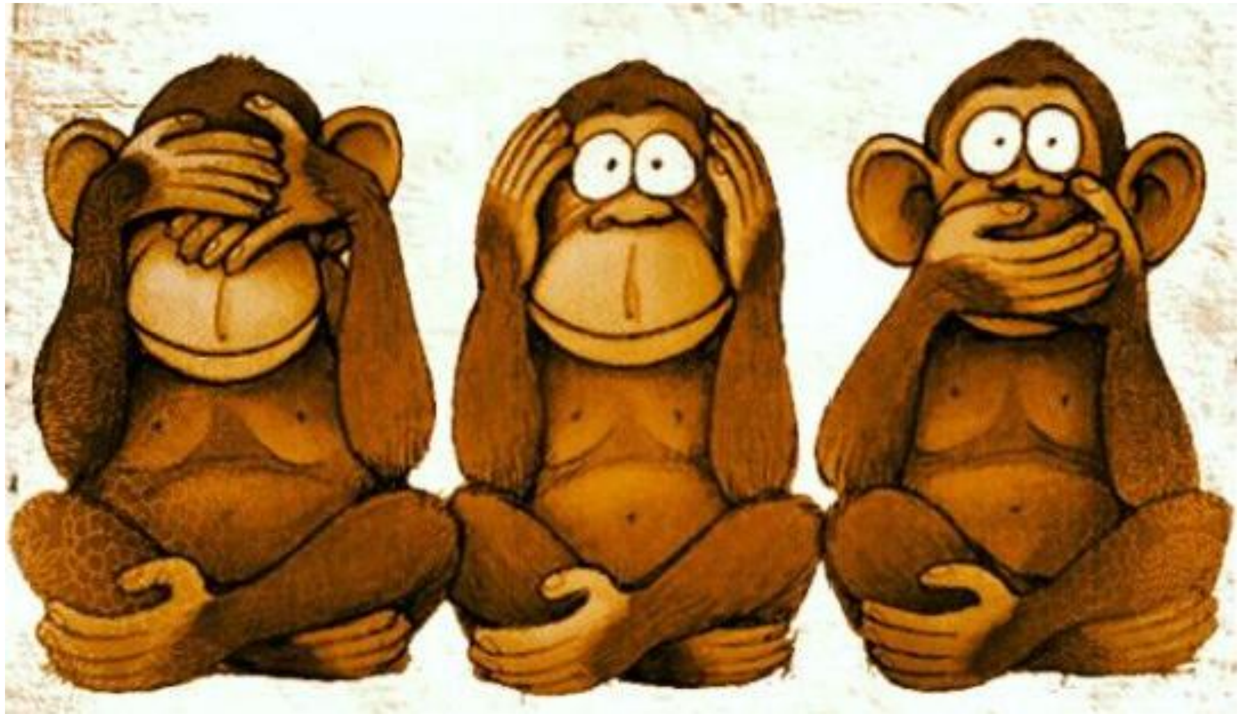
There will be no involvement from the Parish Council with regards to the management of the Hall – they will be the ‘silent partner’.

The Parish Council will only be involved in any major decisions and will leave everything else to the Committee. They will not get involved in the running of the Hall…

… the Village Hall Committee know what they are doing!

# Three Parish Councillors will be on the Village Hall Committee

Cllr Clive Lenton (PC Chair), Cllr Lynda Seagroatt (Vice Chair) and Cllr Rhea Gardner (good egg) will also be on the Village Hall Committee, so there will be a large Parish Council presence anyway.



# Accounts – it is essential that the accounts are kept separate…

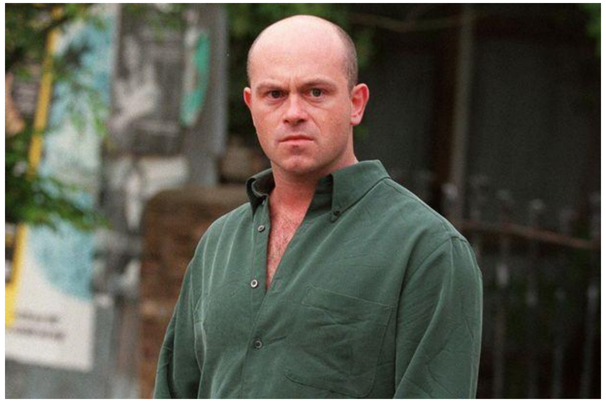
- The Village Hall accounts, all income and expenditure, MUST be kept separate from the Parish Council's accounts, as required by the Charities Act 2011.
- Any Village Hall Reserves must be accounted for separately from Parish Council Reserves.
- The Village Hall accounts can form part of the Parish Council's accounts in the sense that they can be annexed to the Council's accounts.
- The Annual Return (AGAR) for the Parish Council includes a requirement to disclose if the Council is acting as Sole Trustee in respect of land or other assets.

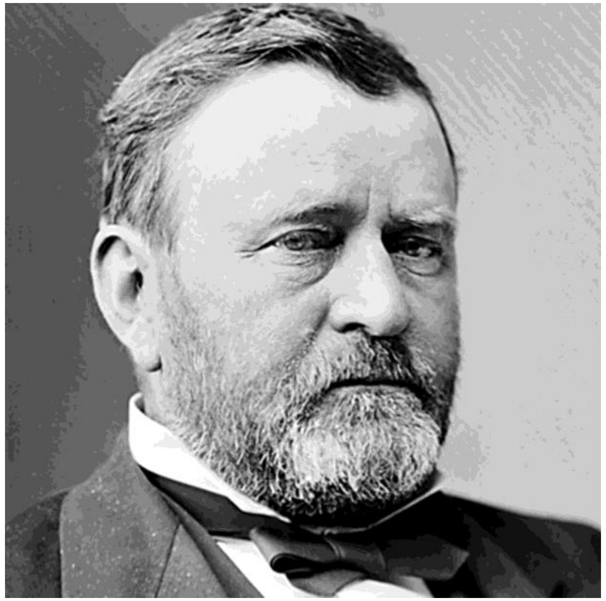
# The Village Hall Committee can continue to apply for grants for funding projects

Over the years the Village Hall Committee have had numerous grants for Hall improvements.

This will still be possible as they can still apply for any money that is available to Village Halls, and it will actually make life easier because…

# Not all Grants are the same





# Some grants are only open to Parish Councils

If there is a grant available to Local Authorities, the Parish Council can apply for the money on behalf of the Village Hall. This will open up even more funding opportunities for the Village Hall.

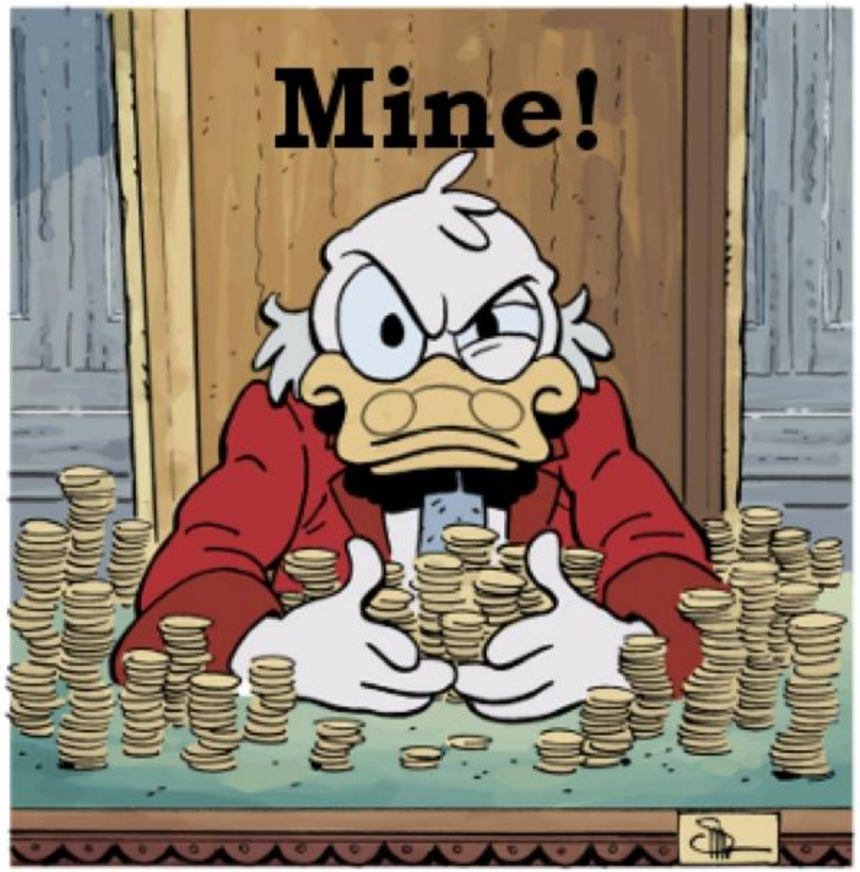
If the Parish Council chooses to use money from their precept or CIL funds in order to support the Hall, this will be shown in both the Parish Council and Village Hall accounts as a grant to the charity.

# The dreaded annual Audit

Requirements for the independent examination or auditing of charity accounts are laid down by the Charities Act 2011 and are dependent on the annual income and expenditure of the charity.

The Village Hall accounts do not need to be audited as part of the Parish Council's accounts.

We can continue to use the services of a 'competent and responsible person', for example David and Rhea Wardle, as we always have done.



# “What about Insurance?”

There is no need for the Village Hall Committee to continue to insure the Village Hall under a separate policy. It is perfectly acceptable, and common sense, for the Parish Council to add the Village Hall to their existing policy, as long as the Council has adequate cover.

A proportion of the premium can be charged to the Village Hall Charity account if the Parish Council so wish. Adding the Village Hall to the Council’s insurance will be roughly £300 cheaper than the Committee having a separate policy.

# Meetings

Meetings of the Parish Council as Sole Trustee must take place separately from normal Parish Council meetings.

Separate agendas and minutes will be necessary, and it is preferred to hold the meetings on separate days to avoid any confusion.

Why? Because those Parish Council meetings (when acting as Sole Trustee) are private, not public. The public have no right to attend, and the minutes of those meetings will not be public documents.

The Village Hall Committee can continue to meet 4 times a year as they always have done.

# Sound like a no-brainer?

There are even more reasons that this is a good idea…

# Are you not yet convinced?

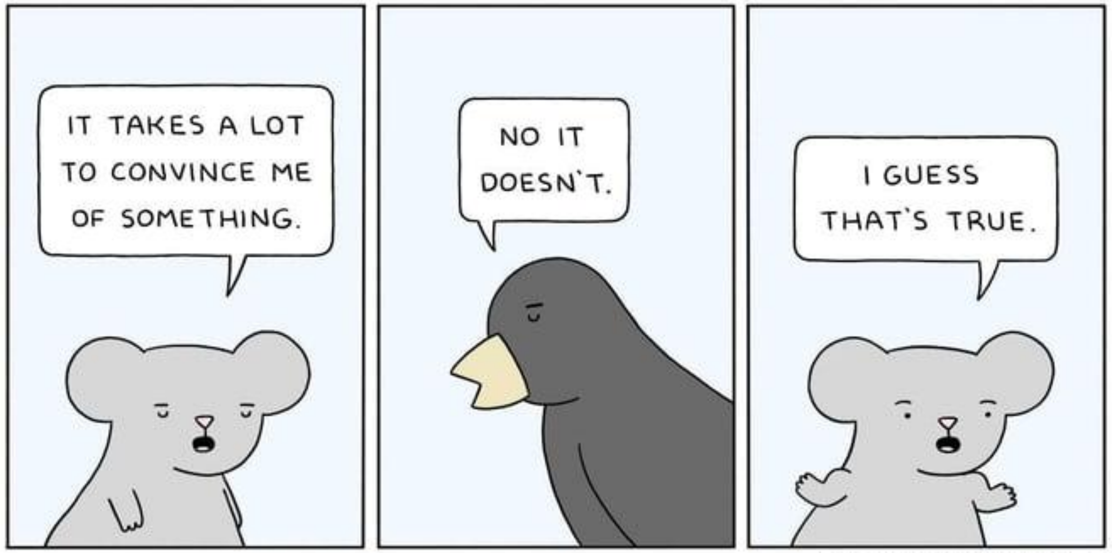
- **VAT –**

The Parish Council as Sole Trustee is entitled to reclaim the VAT on any purchases made for the Village Hall Charity.

This will save the Village Hall considerable money each year and all these savings will help ensure that we can keep costs down for Hall hirers.

- **RATES –**

The Village Hall, run by the Parish Council as Sole Trustee, is eligible for 80% mandatory rate relief and a further 20% rate relief, meaning there is 0% rates to pay.



# What if we change our minds further down the line?

If (as is hoped) this all works swimmingly and we are all happy in our new roles, the Parish Council can continue acting as Sole Trustee for the foreseeable future.

However, if circumstances change, it will absolutely be possible to review the arrangements and make the change back again for the Village Hall to be managed by a Committee of Trustees.

The Parish Council will just need to amend the Resolution again and appoint an independent management committee once more.

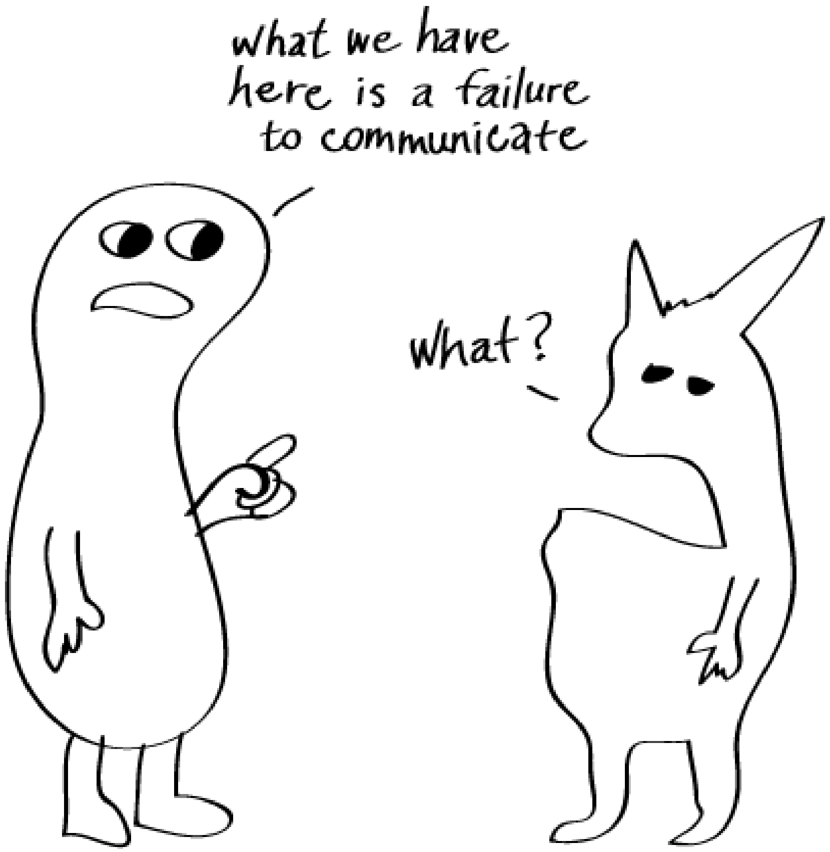
We can always go back to the way things were if we want to.

# If you are unsure about any of this…

…please just ask.

This is a big change, and we need to make sure everyone understands the implications for the future of the Village Hall, and the expectations on both the Parish Council and the Village Hall Committee.

If you have concerns about this, please just ask. If we don't know the answer tonight, we can find out and get back to you.



# And finally…

## **Please be reassured -**

- The Parish Council and the Village Hall Committee want this to be a success, and genuinely feel this is in the best interests of the future of the Village Hall.
- We have had extensive advice from Jenni Coles, the Community Development Officer at Community Action Suffolk, and she is helping us to ensure we get all the legal bits right (I haven't just made all of this up you know!)