

REPORT & PROPOSALS
WOODCOTE VILLAGE HALL
25th October 2023

At a previous full council meeting, Cllrs Booker and Urbick agreed to work with the Woodcote Village Hall Charity trustees to review the lease for the village hall and bring the suggestions for an amended lease to the Council for approval. The intent was to clarify responsibilities and to continue to support the trustees as they work toward making the hall a sustainably self-sufficient asset for the community.

In working through the issues, it was discovered that the Village Hall is not owned by the Council. In fact, it is not owned by anyone. Rather, the structure for its management and upkeep was established by a constitution in October 1962, the governing document (based on provisions of section 4(2) of the Public Trustee Act 1906). This designated that all matters regarding the hall building, improvements and maintenance, be the responsibility of the 'Management Trustees'. The fact that the Parish Council does not own the building has been confirmed by a solicitor and an expert in the organisational structures of village halls in the country (T Hennessy solicitor, T Hall of Community First Oxfordshire, both these individuals were referred by the then internal Woodcote Parish Council auditor Jane Olds).

Since the Parish Council is not the owners of the village hall, there can be no lease of the building. As a result, the current lease is not valid. The solicitor also informed the Parish Council that the current constitution of the Village Hall Charity trustees is not in compliance with appropriate legislation. Any changes to the original constitution must be based on the Charities Act 2011 s.280. The amendments put forward in subsequent amendments – particularly about the 'ownership of the village hall' - are not valid.

The Woodcote Parish Council is the 'custodian trustee', merely holding the deed documents. The Woodcote Village Hall trustees are the designated 'management trustees'. Until such time as revised constitution can be drafted by a solicitor, in keeping with the principles of the 1962 constitution, the original constitution would seem to apply. This revised document will need to be submitted to the Charity Commission and obtain their specific approval (not merely that they have received it).

The following proposals are put forward to the Woodcote Parish Council meeting to regularise the situation of ownership and management. It is important to note, though, the intent is to maintain strong support for this important community asset and the Village Hall Charity trustees.

We would ask that the Council decide on each proposal:

1. To note that the lease between the Woodcote Village Hall trustees and the Woodcote Parish Council has not been valid. All payments to the Village Hall since the lease was drafted are deemed 'grants in kind' based on the Local Government (Miscellaneous Provisions) Act 1976 s.19. Therefore the prior payments are all lawful, as is the situation with VAT.
2. To agree the principle of a simple lease of the Parish Council offices from the Village Hall Charity, initially for £6,000/pa (£500/month) to be paid annually in advance, renewable each year. Though a formal lease will need to be agreed, this will pay for the use of the offices until the detail can be agreed. This is to commence from the date of the Parish Council meeting at which this is agreed (pro rata to the end of the current fiscal Year). The agreement for subsequent years will be from 1st April.
3. To agree that all Parish Council usage of the Village Hall will be as a 'user' and the hall will be booked as needed, at the appropriate rate.
4. To seek to amend the Land Registry to be in compliance with the legislation and clearly state: "Woodcote Parish Council as custodian trustee of the Woodcote village hall" and to approve the reasonable funds necessary to amend the entry.
5. To agree to pay the legal fees for the Woodcote Village Hall Charity trustees to engage an experienced solicitor to draft a revised constitution. This is aimed to support the trustees as the situation is regularised and compliant. Request an initial budget of £2,000 as this is likely to be sufficient for the task.
6. To appoint Cllr K Davies as the Parish Council appointed trustee of the Charity (to be revisited and reappointed each year at the Annual Parish Council meeting).

The transition will take some time and the Council may be formally asked by the trustees for grants to support the change as well as to help address other issues. It would be appreciated if any of these grant requests are made by the trustees in writing, clearly setting out the need and any background. The must be submitted to the Clerk who will seek approval from the Council.

Importantly, the Parish Council intends to continue to support the refurbishment of the hall and participate in the project design. Any costs will be brought to the Council for approval. Local Government (Miscellaneous Provisions) Act 1976 s.19 and potentially other parliamentary acts provide the powers for the Parish Council to support this.

Cllrs H Booker and B Urbick