

AGENDA FOR A MEETING OF HELMSLEY RECREATIONAL CHARITY
Registered Charity No. 523358 Helmsley Town Council is Sole Trustee
Monday 4th March 2019 at 7:15pm at the Sports Pavilion, Baxton's Road at 7:15pm

1 Apologies

- a) To receive apologies.
- b) To approve the reasons for absence.

2 Code of Conduct

To receive declarations of interest.

3 Public Comments

To receive public comments for consideration at a later date.

4 Minutes

To agree and sign the minutes of the Charity Trustee Meeting held on 4th February 2019.

5 Reports

Chairman	Councillor Parkin Pool Restoration update	Clerk
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6 Helmsley Sports and Social Club. To note:

- a) that the clerk met the Treasurer on three afternoons to examine the cashbook and answer queries - 5th Jan, 21st Jan and the 4th February.
- b) an exchange of emails between the clerk and HSSC about divulging TUPE information, and that the clerk checked with the ICO (free advice line) and the YLCA and both considered that because HSSC is an unincorporated sportsclub, not a CIO and not a potential employer in its current form, there was no lawful basis to disclose TUPE information.
- c) the receipt of the letter by the clerk on the 18th February of a letter from HSSC stating that they were withdrawing from lease arrangements which was acknowledged by the clerk.
- d) that the clerk emailed all HSSC Committee Members with an email written by Cross Keys Consultants on the 26th February and asked for a response by noon on the 4th March.

7 Motion about Helmsley Recreational Charity

To consider the following motion:

That the Trustee recognises it is not a Sports Facility Operator nor an expert on the laws relating to Charities, leases and unincorporated and incorporated bodies and therefore resolves to:

- I. Terminate the current discussions with Helmsley Sports and Social Club (HSSC) and/or the individuals that form this body.
- II. Postpone the current discussions with solicitors acting for the Charity in the preparation of leases and other legal documents, apart from the land registration (excludes the Pool).
- III. Acquire the services of a competent professional consultant to:
 - a) Consult with Helmsley Residents on the sports facility on Baxton's Sprunt.
 - b) Subject to that consultation produce a workable 10 year plan for the operation of the facility.
 - c) Retain the services of said consultant during the first 3 years of the Plan.
 - d) Determine whether the Trustee wishes to ask Helmsley Town Council to precept for the facility.

8 Leases and Land Registration

- a) To note that the Pool was left off the Land Registry document due to a mix up by the original solicitors or the Land Registry and that the original solicitors have submitted an application to amend the registration. (confirmed 20th Feb 2019, no charge will be made)
- b) **s106 field** To consider the draft s106 lease from Helmsley Estate to Helmsley Recreational Charity.
- c) To consider undertaking to keep clear or easily accessible a 4m strip parallel to the northern border of the pool, and extending as far as the tennis courts, to allow for future vehicular access to the pool (Northernpowergrid will require 3m for access to the buried cables) and to allow the Pool to use the s106 field for overflow parking subject to planning permission.
- e) **Pool** To consider the land to be included in the lease from HRC to the Pool (see plan) and to consider shared use of the car park by the pool for an agreed contribution to Helmsley Recreational Charity.
- f) To agree that the clerk, in consultation with the Chairman and Vice Chairman, may accept the lease of the Pool and surrounds to the Pool CIO once the solicitor and the Pool CIO have confirmed that they are agreed, and to appoint two signatories, plus two in case of absence, & the clerk, or assistant clerk.
- g) To consider relocating the Pool's container subject to any necessary permissions.

8 Grounds maintenance/grass cutting. To note:

- a) That Duncombe Park Cricket Club has confirmed that it will continue cutting the grass as usual. (email 24th February 2019)
- b) That DPFC, DPCC, the bowls and the tennis clubs have been asked for the following documents to meet the requirements of the Charity's insurance company (email 25th February 2019).
 - Public Liability (to include maintenance/grass cutting etc - not only sport)
 - Employer's Liability - includes volunteers
 - a Risk Assessment
 - a Health and Safety Policy

9 Helmsley 10k Run and the use of Helmsley Recreational Charity's Facilities

- a) To note the clerk emailed the Helmsley 10k Run Committee (to the publicised email address only) on the 21st February (see points 1-4 below) and to receive and discuss any response.
 - 1 *You may be aware that Helmsley Sports and Social Club has withdrawn from its plans to lease the facility. As there is some overlap between personnel, please would you confirm if it is planned to hold the 2019 run?*
 - 2 *If the 2019 run is going ahead, please would you provide me with a copy of your insurance document with public and employer's liability (the latter should cover volunteers) and a risk assessment by Friday 15 March 2019.*
 - 3 *Proceeds of the Helmsley 10k 2019. Please would you advise if the run is for the benefit of (HRC) or another organisation. If it is for HRC please would you provide a date by which the net proceeds for 2019 will be donated? If it is not intended to raise funds for the HRC, then at its meeting on the 4th March 2019 the Charity may wish to consider a charge for the use of the facility in line with the fees paid by other users of the facility.*
 - 4 *Proceeds of the 2017 and 2018 Helmsley 10k Runs. HRC understood that the net proceeds were for HRC and did not charge for the use of the facility. Please could you advise me of the status of these funds.*
- b) To consider that if the Helmsley 10k Run Committee is not raising money for the Charity or willing to commit to donating it within a reasonable time frame, to consider charging in advance for the use of the facilities, at rates comparable to those paid by other users.

10 Terms for Fund-raisers for Helmsley Recreational Charity using the Charity's facilities

- a) To note Helmsley Recreational Charity's Donations and Fund Raising Policy
- b) To consider agreeing with any person or groups using the Charity's facilities for fund-raising for the Charity
 - I. how the proceeds will be reported to the Charity (income/expenditure)
 - II. if any charge will be made for the Charity's costs or the use of the Charity's facilities.
 - III. a time period for donating the proceeds to the Charity.

11 Finance, Trustee Report and payment for the use of the facilities

- a) To note that the accounting records and cashbook were delivered to Hallgarth Chartered Accountants on the 20th February 2019.
- b) To consider the draft Trustee Report to be submitted to Hallgarth's for the Annual Report.
- c) To consider an interim *User Agreement and Fees* to cover the use of the Pavilion's facilities.
- d) To consider asking the *Advisory Committee* to draw up recommendations by a certain date for the Trustee on how and what the Charity should charge for the use of its facilities.
- e) To consider appointing two councillors to look into comparable sites and their fees and asking them to report back to the Advisory Committee.
- f) To consider holding a public consultation once the Trustee has received recommendations from the Advisory Committee and appointing a consultant to manage the consultation and assisting with planning how the facility manages in future.
- g) To consider installing 'internal' (i.e. not water authority) water meters for the Bowls Club and the John Atkinson Memorial Field. (approx. £40 each). The Pool has one.
- h) To consider requiring that Duncombe Park Cricket Club consult the Trustee about plans for cricket nets given the proximity to the play area of the ones that have been removed.

Under the Public Bodies (Admission to Meetings) Act 1960, the public & representatives of the press & broadcast media may be excluded from the meeting during the consideration of the following item of business as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.
- i) To consider legal advice from Cross Keys Associates and to consider further action.

Signed

Date