

## Notes from informal meeting with Lydney Town Hall Trust Management Committee

<b>Date of Meeting:</b>	17 June 2016
<b>Time of Meeting:</b>	10.00 am
<b>Present:</b>	<b><u>Lydney Town Hall Trust Management Committee</u></b> Mrs Rosie Atkinson, Secretary (RA) Mr Michael Channon, Chairman (MC)  <b><u>Lydney Town Council</u></b> Cllr Bob Berryman, Mayor (BB) Cllr Brian Pearman, Deputy Mayor (BP) Mrs J Smailes, CEO (JS)
<b>Notes Taken By:</b>	Miss C Wheeler, Executive Officer, Lydney Town Council

JS welcomed all to the meeting which had been called at the request of MC. JS advised MC and RA that BB and BP had been invited to attend the meeting due to the Council holding Custodial Trusteeship of the building and gave a commitment to provide a copy of the notes of the meeting to MC and RA.

The following is an overview of the meeting discussion:

- MC: Introduced himself and stated that he had lived in Lydney for 18 months. Believed that there was ill feeling between Lydney Town Council and previous Chair of LTHT Management Committee. MC now Chair. Stated he possessed practical skills and a desire to build bridges between LTHT and LTC.
- JS: Provided overview of background of Trust and relationship with LTC. Advised when Management Committee formed they were given £40k which was the amount held in the Trust's bank account when it was administered by LTC. Advised process followed when forming Management Committee (e.g. press article, community interest to keep building going). Advised that the inaugural meeting of Lydney Town Hall Trust Management Committee was held on 22 May 2012 and meeting was managed by LTC. Initially Management Committee comprised 2 x LTC reps; 9 x user group reps; 8 x members of public. Only obligations placed on Management Committee was to provide annual report for Annual Town Meeting and provide a copy of their annual accounts.

Not aware of any animosity between LTHT and LTC so surprised at MC's comment. Any information requested by previous Chairman was given; LTHT accounts were given to Peter Silsby including details of how LTC managed accounts (spreadsheet basis) provided on disc, all files/copies of reports for the building (e.g. asbestos) and previous LTHT minutes were given to Judith Cadogan/RA (signed receipt logs); LTHT staff employment files were given to the Chairman on 20 June 2012 when the Management Committee took over the Trust; Chairman had been advised that they would need to provide a pension scheme for their employees and that Trustees would be liable for any pension/redundancy payments which could not be covered from the Trust's financial resources.

In 2012 LTC provided a grant to LTHT payable in two tranches. A formal meeting took place on 16 November 2012 to discuss issues and offer assistance, where possible. LTC had voiced concern that a grant application for 2013-2014 financial year had not been submitted to LTC by Chairman and that the Chairman needed to ensure that the Trustees named on the Charity Commission website needed to be correct (Chairman held log on details/passwords to Charity Commission website).

Advised that MC/RA, as members of the Management Committee, they were responsible for the Trust's expenditure and any financial commitment.

- RA/MC: Stated that the previous Chairman was a Committee of one, and that nothing was held in the building relating to the handover.
- JS: Advised that LTC had offered to retain a key to the building in case they were called out in the night, but offer declined. A number of informal meetings were held with the previous Chairman; most recent meeting held on 24 April 2015 during which enquiries were made to ascertain the position of LTHT based on their financial figures and the previous Chairman was advised to hold a meeting with their fellow Trustees to consider closing the Trust, as the finances were in such a poor state. It was stressed that Trustees would need to meet any obligations regarding redundancy pay for Trust employees, should the Trust not be able to cover such expenditure.
- MC: LTHT Management Committee managed to claw back funding which had been spent; an incorrect VAT code had been used and it had also been possible to claim back £3k from energy companies due to overcharges. Discussions had taken place with an Accountant to ascertain if they would be willing to act as Treasurer and provided an assurance that the Trust was not insolvent.
- JS: Advised that LTC would not be able to assist financially and explained that LTHT Management Committee were able to hand the building back to the Council at any time. Stressed that LTHT was completely separate to that of the Council and that LTHT Management Committee were responsible for the day to day running of the building.
- BP: Advised that previously Mr Peter Silsby had been misled that the Council provided an annual financial contribution to LTHT.
- BB: Advised that all Council representatives to LTHT had continually walked away from the Trust; that two former Councillors who had remained as public representatives had ultimately decided to walk away due to the fact that decisions taken at meetings were subsequently changed by the previous Chairman undemocratically.
- RA: A vote of no confidence had been taken against the Vice Chairman, and a new Vice Chairman had been duly appointed.

- BP: Advised that the previous Vice Chairman had been invited to suggest improvements for the Town Hall which could be included as part of a Townscape bid. Advised that consideration was still being given towards generating income for the Town Hall.
- BB: Advised that whilst successful events had been held at the Town Hall, heavy reliance was placed on the income generated through the bar.
- MC: Advised that all meetings between promoters and the previous Chairman had been private and admitted that whilst events had been well attended, the only income received by the Trust had been via bar sales. Advised that the beer cooler in the cellar had developed a fault 2-3 years prior and had yet to be fixed and that during summer months approximately half a keg of beer was lost due to foaming.
- BP: Suggested that LTHT could have applied to LTC for a grant to fix the cooler, stressed the need to share the workload around Trustees and not just leave it to one person.
- JS: Stressed the need for a solid financial foundation to be operated by the Trust; provided a copy of the financial spreadsheet operated by the Council; suggested that it would be prudent for LTHT Management Committee to hold earmarked reserves to cover any potential redundancy payment for its staff as otherwise such would be met by individual Trustees.
- MC: Advised that a donation had been received in order to purchase a screen for a film club, however, the donation had been paid into the wrong account and had been used for running costs. Action had been taken to correct this and the funding had now been separated out and would be protected.
- JS: Stressed the need for LTHT Management Committee to ensure that all paperwork and historical Trust minutes were returned to the building.
- RA: Confirmed that the Trust had minuted the day prior that this action should be taken.
- BP: Questioned the number of active Trustees currently involved with the Trust.
- MC: 8-9 Trustees
- BP: Advised that LTHT Management Committee would need to ensure that the names of the current Trustees were shown on the Charity Commission website.
- JS: Suggested that all Trustees should be written to and asked to confirm that they were happy to continue and The Charity Commission advised accordingly.
- BP: Advised that LTHT Management Committee should have a constitution and new Trustees should be appointed by appointed Members.
- JS: Recommended that all Trustees should be provided with a copy of the Trustee Handbook available from The Charity Commission, together with a copy of the

Trust constitution. Furthermore, suggested that at each annual meeting the appointment of Trustees should be re-confirmed and they should be provided with a copy of the Trust accounts, with the Chairman then updating Trustee information on The Charity Commission's website.

BB: Advised that Trustees were personally liable for the Trust and any financial deficit it incurred.

JS: Acknowledged that previously BP had suggested that LTHT Management Committee may wish to apply to LTC for a grant to repair the cooler, advised that grants could not be given for running costs and that it would not be prudent for LTC to provide a grant to an organisation which was not financially viable.

RA excused herself from the meeting at 10.43 am.

MC was informed that the CEO would be willing to provide information/assistance on the Town Council's grant application process.

MC: Sought clarification on the contracts of employment for the Town Hall Caretaker, which was in his possession. Noting that the 2011 document stated the ability for the member of staff to claim sick pay (6 months full pay and 6 months half pay), whereas the document dated 8 May 2012 did not, he questioned which document was applicable?

JS: Confirmed that the 2012 document was applicable as it was the most recent document and contained the employee's signature on the back page however was concerned that not all pages of document carried employees initials which was standard practice and therefore was concerned re. authenticity of documentation. Advised that if the Trust wished to introduce a new contract for its employee it would need to enter into consultation with the employee; if no agreement on the new terms could be reached the Trust would need to enter into arbitration. Stressed that the employee had always been employed by the Trust to work at the Town Hall and had always provided reliability in duties performed.

MC: Questioned how a pro rata calculation would work with respect to hours of work.

JS: Cautioned that there was a strong case for "custom and practice" and that if an employee had received a particular benefit (including salary payment) for a length of time it therefore became part of their entitlement which could not be changed without consultation.

Expressed concern that so little appeared to be thought of an employee who had previously served the Trust well and urged extreme caution in MC's approach as the employee had strong grounds, rightly so, if correct process was not adhered to.

Meeting closed at 11.05 am.