

MINUTES OF THE SPECIAL MEETING OF THE WORLDHAM PARISH COUNCIL

Held at 7.30 pm Wednesday 21st October 2015

EAST WORLDHAM VILLAGE HALL

Present: Cllrs Terry Blake (Chairman), Andrew Aldridge, Tara Goodwyn, Mary Trigwell-Jones, Robin Twining (Clerk), 18 Members of the public.

The Chairman opened the meeting by welcoming the public to the meeting and stated that the Parish Council would not be conducting any other business apart from what is on the agenda.

52/15 To receive and accept apologies for absence.

Apologies were received from Cllr Thomas Brock and Cllr Tessa Gaffney.

53/15 To receive and note any declarations of interest relevant to the agenda

There were no declarations of interest made.

54/15 The floor will be opened to the public to raise any matters of concern or interest

The Chairman provided a short history, as understood by the Parish Council, of the West Worldham / Hartley Mauditt village hall. The Parish Council have no records that they are aware of pertaining to the village hall. It is believed that a hut, taken from the Bordon garrison, was erected on the site in the 1920's. The land was then owned by the Dutton Estate, but the deeds of the Dutton Estate were destroyed during the Blitz. There is no record of who paid for the hall. The Dutton Estate was sold and split up into the current farms in 1963.

The Land Registry shows that there is a charge on the land with a restrictive covenant which states *that "the land was conveyed subject as follows: -'Subject to the right in perpetuity of Worldham Parish Council to maintain the Parish Hall on part of Ordnance Survey Number 28'*

The Parish Council was not aware of this covenant as it only came to light as a result of the recent planning application. The Clerk has gone back through the Parish Council records, which are held by him, to 1989. The Parish Council does not hold any records prior to this date. The Hampshire Records Office do not have any minutes. Since 1989 the village hall has been the preserve of the Parochial Church Councils of West Worldham and Hartley Mauditt who have provided for its maintenance and insurance. The Worldham Parish Council has not paid for any upkeep of the hall. There have been only 2 references in the minutes that the Worldham Parish Council has used the hall.

The Land Registry shows a charge since 1963 that allows the Parish Council to maintain a hall on the site.

The Chairman opened the meeting to the public and asked that all comments should be addressed through the chair.

Mr Chadwick spoke and felt that there had been plotting and maladministration. History of the hall.

The hall had been a threatening presence to him and his wife for 2 years. The roof felt had blown away and that as the funds for the hall came from the same budget as for the churches, it had been left to fall down. Debris, mineralised roofing felt, had blown over the hedge knocked down guttering on his house and damaged 4 panels of his car. The PCC's insurance company had stated that if the hall had been well maintained it would have been deemed as an Act of God. The PCC had claimed that the hall was well maintained. Mr Chadwick had sent photos of the hall to the PCC's insurance company to show that it was not well maintained. The insurance claim was settled. The hall continues to be in a dangerous condition and he fears that it may catch fire. He had contacted the EHDC Building Control Officer who had been "fobbed off" when trying to determine responsibility for the hall.

Ownership

Mr Chadwick stated that the land was owned by Hartley Park Farms and in 1963 the right to maintain a hall on the site was conveyed to the Worldham Parish Council. Over the years the

PCC, the main users of the hall, had taken over paying for it and in his view the PCC are only tenants. The right to maintain a village hall in perpetuity should be maintained. The Planning application was rejected as it does not meet with EHDC Planning Policy CP16.

Mr Chadwick read out Policy CP16

CP16 Protection and Provision of Social Infrastructure

Development proposing the change of use or loss of premises or land currently or last used for community facilities, public services, leisure and cultural uses will only be permitted where both the following criteria are met:

- a) the facility is no longer required and alternative facilities are easily accessible for the community they are intended to serve; and*
- b) it can be demonstrated through a rigorous marketing exercise that the use is no longer viable, that all reasonable efforts have been made to retain it and that there is no alternative use that would provide a beneficial facility to the local community.*

He suggested that the hall is made safe or a working party could demolish the hall.

The members of the public raised the following points

- The hall is the responsibility of the Parish Council
- The Parish Council has a responsibility to register the village hall on the Worldham Parish Council's Registrar of Assets
- Under CP16 if a change of use is proposed, then a rigorous marketing exercise is required
- EHDC have confirmed that a 12 month marketing exercise would not be required as the building is derelict
- A quote has been provided for £1000 to demolish the hall
- EHDC planning Officers had been asked whether planning permission would be given for a new village hall. EHDC had replied that any application would struggle to get planning permission due to parking needs
- Parking had never been an issue during use of the hall as most people walked to it
- Village hall seldom used – if the residents of West Worldham and Hartley Mauditt felt they needed a village hall why had there been no working party to maintain the hall
- There is no parking by West Worldham church- parking is not an issue – people will walk to the hall
- The current hall is not suitable as it has no running water or toilets
- The main village hall in East Worldham is not conveniently situated for residents of West Worldham and Hartley Mauditt
- Money released from the sale could be used to improve the facilities at St Leonards which could be used as a community asset in place of the village hall
- It ignores Planning Policy CP16
- Alternative uses for the site under CP16 were described
- Village hall is going to be expensive to replace – the main issue is what will replace it - a house; a new village hall; nothing
- The community of West Worldham and Hartley Mauditt are very generous and raised money for Hartley Mauditt church. One of the churches could be adopted for community use
- Only have the right to have a village hall not for anything else eg allotments
- There are 2 elements of the discussion, Legal and a Community aspect
- The village hall as it stands – there is no option but to demolish it
- Why did the Parish Council state “no objection to a house being built on the site, I believe that the Parish Council has a duty to the village to keep a right to have a village hall”
- Why does the Parish Council meet at the East Worldham village hall and not at West Worldham
- Why is West Worldham/Hartley Mauditt underrepresented on the Parish Council? – reply given that there are 4 councillors from East Worldham which accounts for approx two thirds of the population of Worldham Parish and 2 councillors from West

Worldham/Hartley Mauditt which accounts for approx one third of the population of Worldham Parish

- Mr and Mrs Chadwick have been poorly treated by the Parish Council
- Who is paying for the electricity and insurance? The PCC is. (Note the comments from Tim Butler below)
- Does the Parish Council have a right to demolish the hall
- Since 1990 only maintenance ever seen is some painting and putting 2 screws in the village hall door to secure it
- The legal charge under which the Parish Council has a right to maintain a hall on the site would allow it to carry out repairs
- The electricity is still connected to the village hall. This poses a fire risk to the adjacent property.

Mrs Hull for the record stated that she was sorry to have upset the community. They were only resident in West Worldham for a short time and only became interested in the site in autumn 2014.

Tim Butler, of Hartley Park Farms, stated that over the last 20 years Hartley Park Farms had done some maintenance on the village hall. It had not been done by the Worldham Parish Council. He had instructed his builder to do some maintenance on it over the last few years. Hartley Park Farms is paying for the insurance and electricity which they took over from the PCC over a year ago. Tim Butler stated that he would arrange for the electricity to be cut off and made safe.

The Chairman responded to the points raised during the course of the meeting

- The Parish Council is not the owner of the hall; the hall is the responsibility of the owner. He had spoken to the Buildings Control Officer who had told him that as he been unable to identify an owner of the building he intended to serve notice on the owner of the land
- The word 'maintain' can be given different meanings. The Parish Council's view is that in the context of the Land Registry charge its right to maintain a village hall on the site should be taken as meaning 'to have' or 'to keep', not to carry out repairs
- EHDC Legal Officer says the charge places no "legal obligation on the Parish Council to look after the hall"
- The Worldham Parish Plan asked the question "*At Present, there is a village hall in East Worldham. What should the Parish have in future?*" There were 3 replies for a new hall in the centre of the Parish from a total of 82 responses to this question
- Worldham Parish is made up of widely spread settlements. There are people living in East Worldham who live farther from the East Worldham village hall than some people in West Worldham and Hartley Mauditt. The East Worldham hall is the most conveniently located for the majority of parishioners
- Usage of the West Worldham / Hartley Mauditt hall is low – historically, in recent years, it is understood to have been used, on average no more than 5 times a year
- The Parish Council does not have a legal right to use the land for any other purpose than a village hall irrespective of EHDC planning policy CP16
- The Parish Council has to look at it from a financial point of view for the parish as a whole
- When the Parish Council discussed the planning application his recollection was that the Parish Council was not aware that it had a right to have a village hall on the land
- The Parish Council has to come to a view about the village hall – what is the alternative to demolishing the village hall and leaving it as an empty site?. There are 2 alternative proposals – leave it as a piece of empty land – examine funding options for a new village hall
- The Parish Council would not wish to get involved in the expense of financing a new village hall when use of it has been so low. The Parish Council needs funding to renovate the East Worldham village hall
- The Parish Council may need to take legal advice on whether they have the right to demolish the hall.

The members of the public were asked for a show of hands on the following question.

“Would people living in West Worldham or Hartley Mauditt attending this meeting support the idea of having a village hall or are against the idea of having a village hall?”

9 were in favour of having a hall, and 7 were against. (It was noted that 2 members of the public who live outside the area voted against).

The Chairman suggested that if residents of West Worldham and Hartley Mauditt would like to get together to put viable proposal in the form of a business plan for building and maintaining a village hall at West Worldham and Hartley Mauditt it would be considered by the Parish Council. It would need to identify viable sources of funding. The Community Right to Bid allows a community a 6 month period to put a proposal together to purchase community assets, so it was proposed a similar time span might be applicable.

At 8.33 the Chairman thanked the public for their comments, closed the meeting for any further public comments and invited the public to stay to hear the discussions of the Councillors. All members of the public left the meeting.

At 8.35 the Chairman opened the meeting to the Councillors to discuss agenda item 55/15

55/15 The Parish Council's position in relation to the village hall at West Worldham/Hartley Mauditt.

- a) Councillors noted that the planning application regarding the village hall had been discussed in an open Parish Council meeting but no members of the public had attended the meeting. Councillors considered the point raised, during the public session, that the Parish Council had not consulted with the residents of West Worldham and Hartley Mauditt. They noted that the Parish Council is a Statutory Consultee and does not have to consult with residents on every planning application.
- b) Councillors noted that no formal offer had been made to either Thomas Brock or the PCC's (West Worldham and Hartley Mauditt PCC) of a proposed payment of £15,500 to the community. This only appears in the planning application documents submitted by the applicants. Cllr Blake had spoken to Cllr Brock saying that if any money was received it should come to the Worldham Parish Council and not to the PCC's. It will then be up to the Parish Council to decide what to do with any money received.
- c) Councillors noted that none of the public present had previously made a formal approach to the Parish Council to maintain or repair the existing building.
- d) Councillors noted that the figure of £1000 which had been quoted by a member of the public for demolition of the existing building included taking away the demolished materials.
- e) Councillors noted that advice had been sought from HALC who had passed the query onto EHDC Legal team about whether Worldham Parish Council can set aside its right to maintain the village hall. Their reply had been “According to entry 3 in the charges register of Land Registry title number HP541909, the Parish Council has the right to maintain the parish hall, but no duty or obligation to carry out such maintenance”. However without any further documentation they were unable to provide any further clarification.

Councillors noted that the Clerk has the minutes books going back to 1989, and Hampshire archives do not hold any Parish Council minutes. Councillors thought that John Baigent may have some Parish Council records. The Clerk was asked to contact John Baigent as a matter of urgency.

- f) Councillors noted the Parish Council's Standing Orders state that all documents need to be sealed by 2 Councillors and the sealing agreed formally at a Parish Council meeting.
- g) Councillors agreed that further clarification was required on a number of legal issues before any decisions could be made. Councillors agreed that legal advice should be sought to clarify the following points:

- Does the letter of Consent sent by Cllr Brock providing consent to the removal of the restricted conveyance have any legal validity and can it be withdrawn?
- In the circumstances what is the likely legal ownership of the current building?
- Does the Parish Council have any right or obligation to demolish a building deemed to be unsafe and not financially viable to be put into a safe condition taking into account the uncertainty over its ownership?
- Does the Parish Council have the right to waive its rights under its charge to maintain a village hall on the site?
- If there is no village hall on the land, does the Parish Council have any rights to use the land for any other purposes?

The Clerk suggested that the Parish Council seeks advice from the firm of solicitors that provides legal briefings to HALC.

All in favour and duly **RESOLVED**.

56/15 Date of next meeting

To note the date of the next Parish Council meeting as Wednesday 4th November 2015 at 7.30 pm in East Worldham Village Hall.

The Chairman closed the meeting at 9.04