

TEIGNGRACE PARISH COUNCIL

MINUTES OF THE FULL MEETING 6th JULY 2021

Present: P. Adams, W. Coombes, A. Gale, J. Martin, R. Page, J. Penfold
Heath Rail Group (3)
G. Gribble

Apologies: D. Rollason.

22/21 MINUTES:

Minutes of the Full Meeting held on 3rd November 2020 having been circulated, were agreed and signed.
Proposed by R. Page, seconded by J. Penfold.

23/21 HEATH RAIL LINK:

Three members of Heath Rail Link (HRL) attended the meeting to discuss the plans for re-opening the branch line from Newton Abbot to Heathfield.

The last passenger trains used the line in 1969 and the last freight trains were in 2015.

The HRL was formed in 2017. The plan is to run trains for the community on the line between Heathfield and Newton Abbot (Platforms 9 & 10), with a request stop at Teigngrace Halt. These will be aimed at commuters and leisure use travelling between Newton Abbot and Heathfield. The expected frequency of the trains will be every half hour.

HRL would hope that the community in Teigngrace would look after Teigngrace Halt.

The cost of opening the line to passenger traffic will be around £6 million. HRL are hoping to obtain sponsorship from businesses in Heathfield.

The aim of the line is to reduce traffic congestion on the A382, Newton Abbot and surrounding area.

The HRL have 900 followers and the venture is supported by Teignbridge District Council and Devon County Council.

The Line is currently 'Temporarily Out of Use', which means it can be re-opened at any time, if Network Rail wish to do so. HRL have submitted a Business Plan to Network Rail and are hoping to obtain permission from Network Rail to be able to use the line.

HRL are hopeful that GWR will run the service.

The proposed train is single carriage, carbon neutral and battery powered. It will be 18m long and seat 56 passengers. These are manufactured by Eversholt in the UK.

The current line speed limit is 20mph.

The line is 4.5 miles long and there is ambition to extend the line to Pottery Road, Bovey Tracey.

There is a proposed Park & Ride Car Park adjacent to Heathfield Station. The Parish Council were concerned about increased flood risk to Teigngrace by the use of this existing area of flood plain.

The level crossing at Teign Bridge will be a Train Driver operated barrier and will take about 12 months to manufacture / install.

The Parish Council were also concerned about increased parking in Teigngrace. HRL said that there may also be parking and a Station at Teign Bridge in the future.

The Parish Council asked about the washed-out section of line and how this would affect services in flood conditions. The plan is to repair that area with Gabions, which will prevent the ballast being washed out.

The Parish Council also highlighted that a number of properties are located directly beside the line and that the increased use of the line will be a big change from the once a week freight trains that have more recently run on the line.

24/21

MATTERS ARISING:

Speed Limit in Village: P. Adams to obtain prices for digital speed warning signs. {06/07/2021}

Ventiford Basin: J. Martin reported that these are being ordered. {03/03/2020}

Flooding: Marker board for other direction. P. Adams to contact D.C.C. Highways. {03/03/2020}

Village Field - Business Support Grant: The Parish Council discussed this and the decision was that the majority of the expenditure should be used on the School Room as this is owned by the village.

The requirements for expenditure decided on were:

- 1) Village Field - New Gatepost
- 2) Village Field - Replace Paving Slabs with a Concrete Slab
- 3) School Room - Efficient heating system. Suggest obtaining independent advice on the most suitable system.
- 4) School Room - New Kitchen.

J. Martin also requested that the two Village Seats are repaired / replaced as the wood is rotten. This work can come out Parish Council funds. {03/11/2020}

Village Field – Grass Cutting: A. Gale offered to cut the field in time for the proposed Village Show in early August. {06/07/2021}

25/21

FINANCE:

PKF Littlejohn have been appointed as external auditor. 24/03/2021.

Certificate of Exemption for external audit was read out and signed.

Annual Governance statement for external audit was read out and signed.

Precept received £1000 less DALC subscription of £56.21 = £943.79. 28/04/2021

Expenditure has been lower this year.

Statement balance 28/04/2021 was £12653.89.

Cheque cashed for £500.00 Savilles, village field rent. 26/04/2021.

Cheque 000187 raised for £55.14. P. Adams, defibrillator pads. 06/07/2021.

Proposed by P. Adams, seconded by J. Martin.

26/21

Annual Governance Statement 2020/21 agreed on 06/07/2021.

Proposed by J. Martin, seconded by W. Coombes.

27/21

Accounts Statements 2020/21 agreed on 06/07/2021.

Proposed by J. Martin, seconded by W. Coombes.

28/21

PLANNING:

None.

29/20

TEIGNGRACE ENVIRONMENTAL TRUST:

P. Adams is confirmed as sole signatory for Santander Bank Account to enable Online banking.

Santander Balance is £959.85 as of 02/06/2021. Balance has not been reduced to £100 yet, due to the Trust still not having access to the CAF fund.

CAF Share Holding is 20841.8358 shares at £2.176900 per share, (£45370.59) as of 31/01/2021.

Latest communication from CAF:

"I have taken over this case from Gina who has moved on and no longer works for us. I have reviewed the background and can see there has been some difficulty with this particular account in getting the required documentation.

I note that the charities commission has accepted a copy of your meeting minutes as an amendment to the governing document listed with them. Unfortunately, we will not be able to accept this.

A Trust Deed is a legal governing document which outlines the rules in place for the Trust and who the Trustees are. In this instance the Trust Deed we have lists Hilary Martin, Sandra Bone, Christopher Power & Graham Page as the Trustees and also stipulates (section D1) that there should be at least 3 Trustees. I understand from the correspondence you have had with Gina that you wish Teigngrace Parish Council to become the sole Trustee. In order for this to happen, the Trust Deed needs to be formally amended. Whilst the Trust Deed gives authority for the changes to be made (section U1) it does say (section U2) that the any amendment shall be made by Deed. This means that in order for Teigngrace Parish Council to become the sole Trustee the Trust Deed must be amended via a Deed of Amendment. You may need to seek legal advice on how best to achieve this required change.

I acknowledge that this may not be the response you were hoping for and I apologise that this hasn't been as simple as you would have liked. However, the stipulations within the legal Trust Deed must be followed.

Your cooperation is appreciated and should you wish to discuss the above further, or you have any further questions, please do not hesitate to contact us."

P. Adams has approached Dunn & Baker who originally prepared the Trust Deed, but they no longer do this kind of work. Michelmores have quoted £750 - £1000 +VAT. P. Adams to approach Tozers for a quote and then have Section D1 (Teigngrace Parish Council Sole Trustee) and U2 (Remove requirement for amendments to be made by Deed) amended. The money to fund this will be used from the Santander Account (and Parish Council account if required).

Communication from Charity Commission:

"TEIGNGRACE ENVIRONMENTAL TRUST - 1098922

This email contains important information. If you are not sure what it means, or you need it translated into another language or into another format, such as Braille or audio, or have other requirements, please contact me and I will see how I may be able to help you. You may contact us directly on CSRevitalisingTrusts@charitycommission.gov.uk / 0300 066 9197

Dear Mr Adams

We are writing further to the Revitalising Trusts Programme's email dated 14/01/2019, we note the correspondence with other departments in the commission.

However, it has been some time since we first emailed you and we include our first email again (see below) as it sets out clearly why the Commission has been in touch.

It has come to our attention that the charity is still inactive or ineffective.

Please provide an update within 4 weeks of receipt of this email so that we can consider the matter further as per our previous email.

I appreciate this is a difficult time for everyone due to the ongoing COVID 19, but the Charity Commission is here to help those trustees that are struggling and in need of assistance.

If you are unable to discuss this letter with your trustee board due to COVID 19, please reply to this email so we can update our records.

Contact us directly by responding to this email via CSRevitalisingTrusts@charitycommission.gov.uk or by telephone on 0300 066 9197.

Yours sincerely,

Elizabeth Lewis

Case Support Officer

Revitalising Trusts Programme

The contents of the email sent to you on 14/01/2019 was as follows:

Can we help you?

I am writing to you as our records state that you are the named email contact for the above charity. Please relay the contents of this email to all the current trustees.

If you are unable to discuss this letter with your trustee board due to COVID 19, please reply to this email so we can update our records.

I appreciate this is a difficult time for everyone due to the ongoing COVID19, but the Charity Commission is here to help those trustees that are struggling and in need of assistance.

Your charity, its assets and funds have the potential to improve lives and strengthen society. There are many ways this could be achieved and our purpose in writing to you is to provide information on the options that are available to you and to provide advice on how to proceed. Why are we writing to you?

The Charity Commission registers and regulates charities in England and Wales, and part of our statutory focus is to ensure that the public can support charities with confidence.

Our purpose is to ensure charity can thrive and inspire trust so that people can improve lives and strengthen society.

In enabling charity to thrive and inspire trust, we are contacting those charities that have either spent less than 30% of their income or have been inactive over the last 5 years to seek assurance from them that their charity is spending its funds for the public benefit.

Our records indicate that your charity falls within the above criteria. We do understand that sometimes it's difficult for charities to keep functioning effectively. You may be struggling to:

- get new trustees
- spend your income
- identify beneficiaries
- find time to run the charity

As a trustee, it is up to you to decide your charity's future and we may be able to assist you with this through our Revitalising Trusts Programme of work.

What is the Revitalising Trusts Programme?

The Revitalising Trusts Programme helps charities who find it difficult to spend their income for the public benefit by assisting them to use their income and assets effectively.

The Charity Commission is working in partnership with the Department for Digital, Culture, Media and Sport (DCMS), who are funding this Programme, and United Kingdom Community Foundations (UKCF) (Registered Charity 1004630). The Revitalising Trusts Programme (RTP) aims to assist ineffective or inactive charities and provide them with simple options to wind up, transfer or revitalise their charity.

Many trustees are unaware that there are thousands of inactive funds with a monetary value in the tens of millions, many with small nominal incomes, that could be pooled and used more effectively to provide local charities with much needed support.

How can we help you?

As a trustee you need to consider your charity's future and ensure that it is fulfilling its purposes and operating for the public benefit. You can either provide evidence that you are already taking the necessary steps to revitalise or you may wish to consider the following options:

1. Transferring the charity's funds, using either the Revitalising Trusts Programme or your own legal advisor, to a central community fund managed by UKCF, or a local Community Fund managed by your local Community Foundation.

This option will allow the charity's funds to be revitalised and once again provide benefits to local communities. In many cases you and your trustees can choose to stay involved and help with the distribution of grants.

If you would like further information on transferring your funds to UKCF or your local Community Foundation, please e-mail the UKCF contact to book a telephone call to discuss the options available at:

trusttransfers@ukcommunityfoundations.org

Or, if you wish to transfer your funds elsewhere, you can either seek your own legal advice or e-mail the Charity Commission for further guidance at:

CSrevitalisingtrusts@charitycommission.gov.uk

2. Winding up your charity in line with the dissolution clause in your governing document. See the Charity Commission's guidance at:

<https://www.gov.uk/guidance/how-to-close-a-charity>

3. Amending your charity's objects so that the charity can fulfil its purposes and undertake valuable charitable activities once again. You may have the power to do this yourselves, but the Charity Commission, or your own legal advisor, can help to explain what is possible within charity law.

Next Steps

Please consider the options above and do one of the following:

1. Contact the Charity Commission directly via: CSRevitalisingTrusts@charitycommission.gov.uk for further advice and guidance or to outline how the trustees propose to fulfil your charity's purposes for the public benefit. Please also provide the charity's current asset value, or;

2. Contact UKCF via: trusttransfers@ukcommunityfoundations.org who can advise and guide you through the process of transferring your charity's funds for the public benefit, or

3. *Appoint your own legal advisor to assist you with the process of revitalising your trust. You will then need to provide us with the trustees' plans.*

The majority of trustees who have responded so far have been grateful for the advice that the Commission and UKCF have offered and have been able to re-vitalise their charity or transfer their funds to benefit their intended beneficiaries.

The Commission has a statutory duty to ensure compliance with charity law and we expect a response to this letter. If we do not receive a response, we have a number of regulatory options that we can use to further our public confidence objective.

Informing the Commission

If we do not hear from you with an update within 4 weeks of the date of this email, we will contact you again.

We look forward to hearing from you."

P. Adams replied:

"We are still trying to resolve the issue with CAF so that we can access our funds. Despite the Charity Commission accepting the changes to the Trust Deed, CAF are now demanding a Deed of Amendment. So, I am now trying to organise this.

The purpose of the Trust is to provide a fighting fund in the event of an Environmental threat to Teigngrace."

The Charity Commission replied:

"Thank you for your email.

I note that the trustees have made changes to the charity's governing and are trying to resolve difficulties with CAF.

However, our records show that the charity has had no expenditure for at least 15 years. Can the trustees please provide me with more information on how the changes will enable them to revitalise the charity along with the charity's current asset value?

I look forward to hearing from you."

P. Adams replied:

"Considering that we are changing over to a new way of managing the Charity (as part of the Parish Council), during the Covid-19 pandemic, with no access to any funds, this seems a little unfair to be pressurising the new trustees, when you have left this for 15 years.

As I said in my previous email, our focus at present is getting access to the funds (in CAF) and getting the Trust Document amended by a solicitor so that CAF are satisfied.

The fund was setup as a fighting fund to protect the Environment around Teigngrace. The Parish Council will be far better placed to assess this need than the outgoing trustees.

Our next Parish Council meeting, COVID-19 situation allowing, is on the 6th July. We will need to approve any expenditure required for the solicitor to amend the Trust Document and then engage a solicitor."

Proposed A. Gale, Seconded R. Page

30/21

A.O.B.:

Teigngrace Parish Church Building Works: *"I'm sorry for this late submission for the PC meeting tomorrow.*

You may have seen that we're having all the woodwork repainted at the church, as well as other maintenance jobs.

In the past the PC has been very generous in helping us with a donation, allowing us to apply for grants, which need us to raise a sum in advance of considering our applications.

The current work is going to cost in excess of £10,000.

Would the Parish Council consider making a donation towards the works, please?

This will allow us to proceed with grant applications."

It was agreed to donate £500 towards the works. {06/07/2021}

Broadway Road Closure: This is still closed months after it should have re-opened. P. Adams to contact D.C.C. Highways. {06/07/2021}

Stover Canal Trust: J. Martin, P. Adams and some other local residents attended a site meeting at Stover Canal Basin. The Trust were proposing to raise the bed of Ventiford Brook in order to allow a greater flow of water into the basin via the sluice. This was not well received due to an increased risk of flooding.

P. Adams suggested cutting a channel into the existing sluice to the depth of the existing river bed. The Trust will look at this option.
There would be less need of this work if the basin did not leak. Currently the escaping water appears to be raising the ground water levels at Ventiford House. The Trust have applied for a grant of around £11,000 for a liner to stop the basin leaking. {06/07/2021}

Meeting closed 22:07.

PLEASE NOTE THE NEXT PLANNING MEETING WILL BE ON 3rd AUGUST 2021, THE NEXT FULL MEETING WILL BE ON 7th SEPTEMBER 2021.