

This is a statement issued by Hopton and Coton Parish Council with regard to the relationship with Hopton Community Hub

The statement will be followed by a full report produced by Hopton and Coton Parish Council in conjunction with Toplis Associates

In addition, the parish council is being supported by solicitors to validate legal material and its position with regard to this issue

This statement will be issued to all parish boards, the parish council's website and appropriate media sites

History

With regard to the act of separation of the running of the village hall from the parish council itself, it is clear that discussions began in 2018/2019 between the parish council and those individuals who became trustees of the Hopton Community Hub

The main reason for this separation was to allow the Hopton Community Hub to become registered as a charity and to engage in activities which will generate the provision of funds to improve the village hall and the parish itself

The CIO became operational on the date of 1/04/2020

(CIO - charitable incorporated organisation)

Charitable objects (from the Charity Commissions website for the CIO)

THE OBJECTS OF THE CIO ARE TO ESTABLISH AND RUN A VILLAGE HALL AND TO PROMOTE FOR THE BENEFIT OF THE INHABITANTS OF HOPTON AND COTON PARISH AND SURROUNDING AREA, WITHOUT DISTINCTION OF SEX, SEXUAL ORIENTATION, AGE, DISABILITY, NATIONALITY, RACE OR POLITICAL, RELIGIOUS OR OTHER OPINIONS, THE PROVISION OF FACILITIES FOR RECREATION OR OTHER LEISURE TIME OCCUPATION OF INDIVIDUALS WHO HAVE NEED OF SUCH FACILITIES BY REASON OF THEIR YOUTH, AGE, INFIRMITY OR DISABLEMENT, FINANCIAL HARDSHIP OR SOCIAL AND ECONOMIC CIRCUMSTANCES OR FOR THE PUBLIC AT LARGE IN THE INTERESTS OF SOCIAL WELFARE AND WITH THE OBJECT OF IMPROVING THE CONDITIONS OF LIFE OF THE SAID INHABITANTS

The parish council is fully interested to see how this objective is to be realised

The parish council fully recognise that Covid impacted upon the operation of the CIO

However, grants were given by SBC to allow business continuity and furlough staff and these monies are currently held within the village hall account

What should have taken place

The CIO had to operate at arms length from HCPC

Costs and management of the village hall should have been agreed and fully detailed within the legal documents that both sides agreed to and such legal documents were signed and notarised

This legal separation is a strict requirement of :-

the Charity Commission

the Local Government Act and the Audit Commission rules

The relationship of the parish council as landlord should have been substantiated by the introduction of a lease to the tenant known as Hopton Community Hub

The management responsibilities of both parties should have been enshrined within a management agreement

The parish council should have ensured that all accounts were audited by the appropriate owner and published for public view

What did happen

The CIO adopted its position of tenant without either a lease of management agreement being in place

Proper costs and cross charges were not agreed and were not put in place

The action has caused the parish council to breach the strict rules and guidance of the Local Government Act, The Charity Commission guidance and the internal auditors.

The parish council could be regarded as operating illegally because certain costs have been placed upon the precept (ie the tax placed by the parish council upon the wider residents of the parish), when those costs should have been born by the CIO wholly and totally

The parish council is taking advice as to how to deal with the situation of an unleased tenant supposedly managing the village hall .

What does Hopton and Coton Parish Council intend to do to alleviate this situation

The parish council is working with the solicitors who drew up the original lease and management agreement to review this documentation

The parish council is taking separate legal advice as to the position of the village hall account

The parish council has tasked Toplis Associates to produce a full report of the situation and to recommend suitable actions

This report will be made available at an appropriate time to the relevant parties

Toplis Associates will chair a meeting between HCPC and the CIO in order to determine a way forward .

This way forward will result in the introduction of a lease and management agreement

If a way forward cannot be agreed then a suitable legal position will be sought where costs will be met by both parties .