



DOLPHINS HALL MANAGEMENT COMMITTEE

New Church Street, Tetbury, GL8 8DS

Charity Number: 274956



DOLPHINS HALL MONTHLY TRUSTEES MEETING

TUESDAY 26th MAY 2020

GOOGLE HANGOUTS, VIRTUAL MEETING

Present	Apologies
Steve Scott (Chair – Resident)	N/A
Jamie Ponting (Resident)	
Sue Brown (Resident)	
Patricia Burrell (WI)	Absent
David Hobson (Tetbury Dramatic Society)	Darby Law (Feofees)
Kevin Farnham (Film Society)	Richard Witchell (Tetbury Upton Town Council)
Mark Schumm (Tetbury Cricket Club)	Jo Tancock (Tetbury Youth Club)
Alex Ball (Resident)	
Jon Easterbrook (Resident)	
Paul Jones (Resident)	

1. CHAIRPERSON'S OPENING COMMENTS

The Chair, Steve Scott (SS) convened the meeting at 7.15PM. Quorum required is 5, 10 trustees present so meeting is quorate.

2. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Patricia Burrell (PB) proposed the approval of the minutes from the meeting on Tuesday 28th April 2020 and this was seconded by Jamie Ponting (JP). All others were in favour, apart from Paul Jones (PJ) and Jon Easterbrook (JE) who abstained due to not being present at said meeting.

3. MATTERS ARISING

The below table notes the updates on matters arising from the previous minutes:

DATE	NO.	ACTION	OWNER	UPDATE
24/09/2019	005	Prepare content on playground maintenance group and distribute in Advertiser and around local schools.	PJ/SS	Carried forward in light of current situation with COVID19.
23/10/2019	020	Discuss agreement with the Youth Club for hiring the Dolphins Hall.	JP	SS has spoken with Pete but progress likely to be slow given current environments and Pete's other priorities.
19/11/2019	027	SS to agree a proposed SLA with TTC to be voted on at the next meeting.	SS	SS has spoken with Tara Niblett (Interim Clerk) and there has been no handover from Stephen Holley on the previous discussions, so SS is now in the process of bringing Tara up-to-speed.
19/11/2019	031	AB to arrange inaugural fundraising	AB	AB has spoken with people who



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		committee meeting.		expressed an interest but first meeting still to be arranged. Awaiting update of COVID restrictions to set up first meeting.
22/01/2020	036	KF to reclaim damages of c£800 in relation to the December event which caused damage.	KF	Payment has been received and had in fact been received before the last meeting, but just been overlooked. Action closed
22/01/2020	038	KF to review outstanding payments in relation to one-off and regular bookings, leases and licences.	KF	SS and KF continuing to review on a weekly basis.
18/02/2020	050	SS & KF to meet to discuss how invoicing can be integrated into the booking process.	SS/KF	SS and KF continuing to review on a weekly basis.
18/02/2020	052	SS to investigate the disappearance of the MUGA.	SS	PJ has checked the Ambulance Shed and it isn't there. SS to make a public query for help to enquire if anyone knows where this is located.
17/03/2020	059	PJ to discuss required maintenance works which need to be completed across the Recreation Ground by the Rugby Club.	PJ	Meeting arranged for 27/05/2020. Noted that work has been taking place today at The Rec by the Rugby Club to begin the required maintenance. Action closed.
17/03/2020	061	SS to issue statement in respect of delay of AGM in light of Covid19, which will include an update on Plot 8.	SS	Carried forward, although Plot 8 position has now been made public by Tetbury Town Council.
28/04/2020	063	SS to review Sports Clubhouse handover process and post proposal for leases and licences on Slack.	SS	Action completed, apart from trying to locate the Water Meter. DH clarified he believes this is under a drain cover rather than a meter on a wall.
28/04/2020	064	KF to prepare invoices for Sports Clubs for 19/20 season.	KF	Carried forward but will be issued with new leases.
28/04/2020	065	JP to confirm period for which VAT on services can be reclaimed.	JP	Action completed and answer provided to SS.
28/04/2020	066	SS to post vote on Slack in respect of VAT registration date.	SS	On the agenda for this evening. Action closed
28/04/2020	067	PB to clarify position of when the AGM must be held by with the Charity Commission.	PB	Charity Commission have confirmed in light of COVID19 the AGM can be deferred for a year until 2021. Situation will remain under review in line with COVID19 restrictions.



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4. CONTINUED CLOSURE OF THE HALL

SS reminded those present that the current closure will only be reviewed once a change in government lockdown advice has been issued. As part of the previously agreed proposal, the standard seven day notice period for a meeting is reduced to 48 hours in the event of government advice being updated to enable a quick public response.

The current lockdown position was reviewed and discussed. It was agreed no changes were required at present and we would continue to operate under the terms of the previous proposal.

5. UPDATE ON FOOTBALL CLUB & CRICKET CLUB LEASES

SS confirmed leases are printed and awaiting delivery to the Football Club and Cricket Club. The invoices for both the 2019/20 and 2020/21 seasons will be issued at the same time.

Alex Ball (AB) confirmed business rates are payable on the building, but as the leases are directly with the Sports Clubs, these rates are their own responsibility. Sports Clubs are eligible for an automatic 80% discount on usual rates payable and may also be able to claim a further 20% discretionary discount but will need to pick this up with Cotswold District Council directly.

SS to get the leases and invoices posted out this week.

ACTION: SS

6. UPDATE ON VAT POSITION

Following the last meeting SS and JP have been liaising with our VAT Advisor to provide clarification on the questions raised in our previous meeting. To confirm:

- The Trust can make the decision to voluntarily register for VAT purposes now (or retrospectively up to 4 years) to recover VAT on fees incurred to date. This means you can retrospectively register back 4 years and then these restrictions apply from that point, meaning it is effectively 8 years for goods and 4 years 6 months for services;
- VAT is only due on income from the date of registration, not in the 6 months or 4 year period prior to that date;
- When calculating how much VAT is owed on historical sales, you can do a mix of both net and gross calculations. For example where the customers are not VAT registered, we would treat historic income as VAT inclusive so £16.66 due per £100, however where previous customers were registered for VAT, we could raise a VAT invoice and retrospectively charge VAT on top of the income already received as in turn they themselves would then be able to recover it.

On the basis of this advice, SS confirmed his previous figures in terms of the money which could be reclaimed are likely to be underestimates and that picking the correct date for registration is key.

While it is possible to go back up to eight years, but the errors in the accounts made by previous trustees which have required unpicking this year to update our accounts correctly with the Charity Commission, it was agreed we would limit how far we go back to a maximum of three years as these are the account periods which we know are correct based on the rework which has been completed over the last twelve months.



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Sue Brown (SB) proposed the Trust register for VAT subject to SS completing the analysis to determine the exact date over the last three years which should be selected as the registration date. This proposal was seconded by PB and all others were in favour, apart from Kevin Farnham (KF) who abstained.

SS will conduct the analysis and then handle the registration process.

ACTION: SS

7. UPDATE ON 2019/20 ACCOUNTS

KF confirmed the process of transferring figures into the Zero accounting system were almost complete, meaning shortly the accounts should be able to be passed to the accountants for ratification.

Once completed, these will be presented to the trustees for approval, before registering the accounts with the Charity Commission.

ACTION: KF

SS also noted the booking system had been updated to enable regular facility users to pay using Stripe online.

8. UPDATE ON PLANNING APPLICATION

JP provided an updated on the Planning Application, noting over 70 comments of support had been added, while only 11 objections had been raised. The most noticeable objections which have been received are from Tetbury Town Council and Tetbury Bowls Club. These objections were noted as particularly disappointing given both groups had been involved in the project for a number of years and had either ignored or declined opportunities to discuss the planning application prior to raising their objections.

Furthermore, majority of the objections were on the basis of concerns which were addressed within the application (for example a Transport Consultant has provided a Sweep Path Analysis confirming emergency vehicles can access the Bowls Club, however this was raised by both parties as a reason for objection).

Two minor amendments have been made to the planning application – one in respect of the changing room layout following additional feedback from Sport England and one in respect of the bike rack layout following the objections from the Bowls Club. While there is no planning rationale for the bike rack change, it was agreed it would be a gesture of goodwill and collaboration to the Bowls Club to make this minor change to provide even wider access to the facility.

JP also provided an update on the requirement for a Fire Consultant on all public buildings following the Grenfell Disaster. Two quotes have been provided and shared previously on Slack.

KF noted if the Fire Consultant raised any amendments required to the plan, these amendments should be conducted free of charge by Archio. JP agreed to discuss this at the next regular meeting with Archio to ensure this would be the case.

ACTION: JP



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PB proposed we appoint The Fire Surgery who provided the cheapest quote of £1,800 + VAT. This was seconded by PJ and all present were in favour.

ACTION: JP

9. UPDATE ON S106 FUNDS

JP provided an update on the position in respect of the S106 funds and a review of the contracts which have been completed.

Under the legal agreements in place the only S106 money which should be forward to Tetbury Town Council is in respect of the Steepleton agreement (£39,000) and there are no conditions attached to this S106, so the funds should then be passed to the Dolphins Hall Management Committee immediately upon receipt.

In respect of the other S106 agreements, the payments are supposed to be made directly to the Dolphin Hall Management Committee from Cotswold District Council and not to Tetbury Town Council. Despite this, Tetbury Town Council currently hold 50% of the SIAC S106 funds and have suggesting they may withhold forwarding this at this time.

As Tetbury Town Council have no legal authority to hold the funds, and on request have been unable to provide any evidence in this respect, JP has requested for the matter to be put on the Finance & Scrutiny agenda on 8th June via a formal request to forward all S106 funds held by Tetbury Town Council to the Dolphins Hall Management Committee.

It has also been recommended that a meeting is held between Cotswold District Council, Tetbury Town Council and Dolphins Hall Management Committee to agree the process for forwarding the remaining S106 funds and to chase the outstanding amounts. District Councillor Hirst has confirmed all the funds are with Cotswold District Council currently and Town Councillor McCorkell has also confirmed it is his belief further funds should have been received by this point. Neither Cotswold District Council or Tetbury Town Council have as yet acknowledged or accepted this invitation to a meeting, although it was noted District Councillor Ind has been making efforts to arrange for the relevant individuals from Cotswold District Council to contact the trust.

10. UPDATE ON PLOT 8

SS provided an update on the current circumstances regrading Plot 8 following Tetbury Town Council's recent public announcement on the subject. KF enquired whether Tetbury Town Council had acknowledged the Charity Commission letter to address the issue of the land registration, however they have yet to do this.

As historical conversations have taken place with the previous mayor and town clerk, SS has reached out to the new mayor and interim town clerk and arranged a meeting on Thursday 28th May to enable both parties to clarify their current understanding of the situation, as part of this, SS will chase about response to our solicitor in respect of the updating of the Land Registry documentation.

ACTION: SS



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11. UPDATE ON PLAYGROUND

PB confirmed she had reviewed the update of replacing the springs within the existing equipment and this would be £900+VAT per item. This didn't seem sensible given a new unit could be purchased for £1,100 + VAT. PB will continue to discuss with Jo Tancock (JT) and Darby Law (DL) to determine the best route forward. It was agreed any new equipment while able to be ordered now, should not be installed until lockdown restrictions have been lifted, so as not to encourage people to use the playground which is currently closed.

The ROSPA report has also been completed and there were a few minor points of note.

The person who has been taking down the COVID19 closure notices has come forward following the replacement of the signs. He wanted it to be noted he disagrees with the approach of playgrounds being closed as it was his belief the scientific analysis of COVID19 did not support this. His comments have been noted.

12. UPDATE ON THE RECREATION GROUND

PJ noted the grant for maintenance of the Recreation Ground which was in the process of being agreed has now been delayed and placed on hold due to the fact Tetbury Town Council incorrectly registered the Recreation Ground in 2007 as owned by them, rather than in their role as custodial trustees. This leaves the grant in the same position as the Sport England grant and means grant funding of potentially in excess of £100,000 is on hold and at risk because of Tetbury Town Council's failure to register the land correctly and their inability to act to update this.

Charity Commission guidance has been reviewed and as custodial trustees Tetbury Town Council should be acting on our instruction and at their own cost as the mistake was their responsibility. To date, Tetbury Town Council have refused to cover these costs and have not yet updated the documents. SS will cover this as part of his meeting on Thursday.

In terms of the general appearance of the Recreation Ground it is benefiting from the rest from being overplayed enforced by the lockdown. The Football Club still have not taken goal posts down and tidied their areas of the Recreation Ground, however it was noted the Rugby Club have commenced the required maintenance activities on their pitch. PJ noted the quality of the work was of a high standard.

PB highlighted weeds were a problem in the car park and PJ noted these could now be addressed since the recent purchase of a strimmer which meant the trust now had the equipment to do this work which they had never had previously.

13. CORRESPONDENCE

The following correspondence has been received:

- Rob Hatto has resigned as a trustee by email and wished the trustees well in their future endeavours;
- Tetbury Bowls Club have requested a review of their lease and this has been responded to by SS to explain the current position in respect of Charity Law and the ability to issue long term leases.

14. DATE OF NEXT MEETING

The next meeting date was agreed as Tuesday 23rd June 2020 and will again be held virtually.



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15. AOB

There were two items of other business:

- Car parking renewals have gone out and have been charged at £500 for the period;
- It was noted in recent weeks a range of unauthorised legal consultant costs had had to be paid by the trust which had been generated by former trustee Maggie Heaven. While a proportion of the legal representation had been authorised by the committee, a larger proportion had not and it would appear the advice related to points which Maggie herself wished for clarification on, rather than points voted upon and agreed. Given all the costs incurred weren't authorised by the trust, KF & AB will review the costs incurred and write to Maggie to reclaim the proportion of costs which had been incurred but not approved by the trustees.

ACTION: KF & AB

There being no other business, the meeting closed at 8.54PM.



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16. OUTSTANDING ACTIONS

DATE	NUMBER	ACTION	OWNER	TARGET DATE
24/09/2019	005	Prepare content on playground maintenance group and distribute in Advertiser and around local schools.	PJ/SS	01/10/2019
23/10/2019	020	Discuss agreement with the Youth Club for hiring the Dolphins Hall.	JP	19/11/2019
19/11/2019	027	SS to agree a proposed SLA with TTC to be voted on at the next meeting.	SS	22/01/2020
19/11/2019	031	AB to arrange inaugural fundraising committee meeting.	AB	22/01/2020
22/01/2020	038	KF to review outstanding payments in relation to one-off and regular bookings, leases and licences.	KF	31/03/2020
18/02/2020	050	SS & KF to meet to discuss how invoicing can be integrated into the booking process.	SS/KF	17/03/2020
18/02/2020	052	SS to investigate the disappearance of the MUGA.	SS	17/03/2020
17/03/2020	061	SS to issue statement in respect of delay of AGM in light of Covid19, which will include an update on Plot 8.	SS	31/03/2020
28/04/2020	064	KF to prepare invoices for Sports Clubs for 19/20 season.	KF	30/04/2020
26/05/2020	068	SS to post codes of leases for 2020/21 seasons to the Football Club and Cricket Club, along with their invoices for the 2019/20 and 2020/21 season.	SS	31/05/2020
26/05/2020	069	SS to conduct VAT analysis to determine exact date for registration and share these figures on Slack.	SS	23/06/2020
26/05/2020	070	SS to complete VAT registration process with HMRC.	SS	01/07/2020
26/05/2020	071	Conclude 2019/20 accounts, share with accountants and put on future meeting agenda for approval.	KF	23/06/2020
26/05/2020	072	JP to confirm with Archio any rework required on the back of the Fire Consultant work will be covered at no cost.	JP	30/05/2020
26/05/2020	073	JP to instruct Archio to appoint The Fire Surgery as the fire consultant for the project.	JP	30/05/2020
26/05/2020	074	SS to clarify expectations on Tetbury Town Council updating Land Registry documents as required by the Charity Commission.	SS	28/05/2020
26/05/2020	075	Prepare letter for Maggie Heaven to request the repayment of unauthorised legal	AB/KF	23/06/2020



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		consultancy obtained in the name of the Dolphins Hall Management Committee.		
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