

SOMERTON PARISH COUNCIL
DRAFT MINUTES OF A SPECIAL MEETING HELD ON MONDAY 24TH JANUARY 2022
AT THE VILLAGE HALL, COTTAGE ROAD, SOMERTON AT 7.00 P.M.

Cllrs present: *R Starling (n the chair part)*

T Jones

D Crane

G Lack (clerk)

R Walters (in the chair part)

I Wright

Barker

9 residents were also present

1. Apologies for Absence. Cllr Clift had sent her apologies.
2. Declarations of Interest in items on the Agenda Cllr Starling declared an interest as a boat owner and person who uses the staithe.
3. At this point the Chairman handed over the Chair to Cllr Walters.
MOTION to suspend the meeting for comments from the public 15 minutes allowed
Reopening of the meeting
4. Question and answer session between members of the Parish Council and parties to the complaint.

MOTION to exclude the public from the meeting under the Data Protection Act 1998 to consider a complaint against the council

Details of the complaint:

In regard to the Parish Council meeting of 2nd November 2021, item 11 of the agenda. My complaint is that the Chairman stated that the Parish Councillors were Managing Trustees of the Staithe and had liability regarding the administration of the Staithe; as witnessed by a number of Parishioners present.

This guidance is not correct. In fact, Somerton Parish Council are Custodian Trustees for the Staithe Charity, to hold the assets comprising the Staithe on behalf of the Charity.

"A custodian trustee holds the title to all the property of the trust but is not involved in the day-to-day management of the trust. The powers and duties of a custodian trustee are set out in section 4 of the Public Trustee Act 1906"

The decision making of the Parish Councillors regarding the Managing Trustees of the Staithe Charity may have been influenced by the incorrect information they received.

It is requested that the decision made at the meeting of 2nd November be set aside, the minutes amended. The issue may be revisited if considered appropriate."

Cllr Walters outlined the following points:

1. that only matters directly relating to the complaint would be dealt with at this meeting (therefore these minutes exclude any extraneous comments).

2. that the report was written when the minutes of the Council meeting (Nov 21) were only draft, therefore could have been amended at the next full meeting (Jan 22).
3. that, as a statement of fact, the minutes had not been amended at the next meeting and were now accepted as a full and true reflection of the meeting. The finalised minutes do not refer to the Chairman stating that the Council were Managing Trustees.
4. The complainant said that he had witnesses that the Chairman had stated the Council were Managing Trustees.
5. that at the meeting (2nd Jan) only the complainant had raised this point in reference to the draft minutes, and no one else had supported this.
6. Cllr Jones said he remembered something being said along these lines, but could not remember exactly.

It was proposed by Cllr Wright that the complaint should not be upheld due to lack of evidence. This was seconded by Cllr Crane and unanimously agreed by all councillors present although Cllr Jones wished it to be minuted that he had reservations.

The meeting closed at 19.55.