



Sutton Courtenay Parish Council

Minutes for a meeting of the Parish Council held on Tuesday 4th June 2024 at Sutton Courtenay Village Hall, commencing at 7.15pm.

Present: Councillors Rita Atkinson (chairman), Robert Dalby, Teresa Field, Paul Galliver, Lyn Hodder, Ian Pratley, Hugo Raworth and Jason Warwick.

In attendance: Jennie Currie, Clerk; 0 members of the public.

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- 2024/104 Public Participation
No members of the public were present.
- 2024/105 Apologies for absence
Apologies for absence were received from Councillors Father Morkos, Joanna O'Callaghan and Fiona Wolveridge.
- 2024/106 Declarations of Interest
No declarations of interest were received.
- 2024/107 Minutes for the meeting held on Tuesday 7th May 2024
RESOLVED that the minutes of the meeting held on Tuesday 7th May 2024 were a true and accurate record and would be signed by the Chairman.
- 2024/108 Planning applications
(a) Planning applications to be considered
RESOLVED that the following observations would be submitted:
P24/V1007/HH - 23 Lady Place, Sutton Courtenay - Objection to the balcony element of the proposal due to the proximity of neighbouring properties and overlooking into their garden.
P24/V1124/FUL - Dq 190 Didcot Quarter, Sutton Courtenay Road, Sutton Courtenay - No objections.
P24/V1116/LDP - 69 High Street, Sutton Courtenay (Certificate of Lawful Development) - Noted.
P24/V1088/FUL - 3 sites in Sutton Courtenay: Ginge Brook; Peep O Day Lane; Church Street - Noted as the Council is the applicant.

Cllr Field joined the meeting at 7.24pm.

Cllr Pratley joined the meeting at 7.28pm.

- 2024/108 Planning applications continued
 (b) Additional planning correspondence:
- P24/V0150/S73 - Amended plans Atwood House, Appleford Road - Amended plans.
- RESOLVED** that the following response would be submitted: Sutton Courtenay Parish Council has reviewed the amended plans dated 17th May and has decided to object to this amendment, due to the introduction of evergreen hedging (*Thuja plicata*) at 4.5m height within the boundary and the low level (less than 1m high) beech (*Fagus sylvatica*) outside of the boundary.
- The Parish Council believes a mix of deciduous trees would be more in keeping with the street scene along Appleford Road. This is also in keeping with application P22/V2928/TCA which was granted on the basis that the applicant would be "importing a vast range of specimen trees to replace the trees we are removing so we do not completely expose and make the area bare".
- Oxfordshire County Council would be considering the waste transfer facility application at committee and the Parish Council, having objected to the application, should send a representative.
- RESOLVED** that Councillor Raworth or Atkinson would represent the Parish Council at the County Planning meeting when considering the waste transfer facility application.
- Members noted the decisions on previous applications:
 P24/V0657/HH - 46 High Street, Sutton Courtenay - GRANTED
 P24/V0678/FUL - Land adjacent to 3 High View Court, Drayton Road, Sutton Courtenay - REFUSED
 P24/V0712/HH - 137 Drayton Road, Sutton Courtenay - GRANTED
- 2024/109 HIF1 update
 The Public Inquiries have been completed. The Inspector's decision should be published in October 2024.
- 2024/110 Reports
- (a) County Councillor
 Vacant role at present.
- (b) District Councillor
 Vacant role at present.
- (c) Parish Councillors
 Members reported the following items:
- Cllr Warwick requested that Community Policing Matters is a standing item on the agenda. He is concerned that information is not being passed on. **Clerk**
 - Cllr Raworth reported that the bank of the Ginge Brook had not been reinstated following the JCB falling into the river. The Clerk would raise the matter with the County Council. **Clerk**
 - Cllr Hodder reported motorcyclists riding around the Recreation Ground car park, using unpleasant language. (The Clerk advised it could be reported to Thames Valley Police as anti-social behaviour.)

- 2024/110 Reports continued
(d) Clerk
The Clerk had received a response from Oxfordshire County Council regarding the request to reduce the 40mph limit on Drayton Road and Sutton Road:
“The 2 sections of carriageway you have highlighted are rural in nature with no frontage development on Milton Road and little frontage development on Drayton Road, these type of roads do not meet the Department for Transport criteria for a reduction to 30mph so we would not look to pursue a reduction in the speed limits at these locations.” Senior Officer - Traffic & Road Safety.
The Clerk advised that the orders for the new High Street bin and cemetery bin had been placed.
- 2024/111 Art Trail update (\$106 funded)
(a) Update
The planning application for the final bench and two maps was out for consultation.
(b) Request to produce prints
RESOLVED that the Parish Council were happy to support L. Benton request to produce prints of the Sutton Courtenay map. It requests that a statement is added to the prints to advised that the map was commissioned by Sutton Courtenay Parish Council.
- 2024/112 Communication Working Party update
Members advised that for an app to be created a new website would need to be created. Cllr Pratley had created a site and shared it with Members.
The Working Party would continue to look at app and website options and report back to the Parish Council.
The Clerk would ask the current supplier, VisionICT, for details of breaking the contract and would share the WCAG accessibility regulations.
- 2024/113 Open Spaces - cutting of verges
Following a number of complaints from members of the public and Councillors there was a discussion about how to improve the current unacceptable situation. The May verge cut had not been completed and the Clerk believed that the area around the MUGA and skate park had missed a fortnightly cut. The contractor, Tactical Facilities Management Ltd, had provided details of areas to be cut (and how) for the week.
RESOLVED that the Clerk would inspect all areas the week beginning 10th June, update the specification and obtain new quotes. If problems continue then the Council would change contractor.
- 2024/114 Recreation Ground
(a) Fortnightly checks
Contractors were booked to resurface the southern footpath (by the end of June) and repair the skate park (week beginning 10th June), the Clerk advised that if the skate park was not repaired then she would bring new quotes to the July meeting. The remaining items would be considered by the Recreational Amenities Working Party. Cllr Prately agreed to be the lead for the Working Party. **RAWP**

- 2024/114 Recreation Ground continued
(b) Resurfacing grass areas of the play area
RESOLVED that AES Ltd would be contracted to complete the resurfacing work subject to confirmation that laying grass seed was included in the quote or was no more than £300 beyond the current quote. (Confirmation was received after the meeting that grass seed was included in the quote.)
- 2024/115 Rights of Way & Southern footpath S106 Project
No further update as the contractors were expected to be onsite to resurface the southern footpath by the end of June.
- 2024/116 Traffic management (SIDs)
The SID on Drayton Road could not be set at 40mph, Cllr Warwick had spoken to the manufacturer and would try to resolve the issue. **JW**
- 2024/117 Village Hall CIO
(a) Draft constitution of the new CIO
The Clerk and Cllr Atkinson had raised questions with the solicitor, Members confirmed there were no further questions to be asked. The matter would be deferred to the July meeting to enable the answers to be provided by the solicitor to be considered.
(b) Appoint individuals to start lease negotiations with the Scouts
RESOLVED that Cllrs Atkinson and Dalby, and the Clerk would start to negotiate a new lease with the Scouts.
- 2024/118 Finance
(a) Receipts and Payments report
RESOLVED that the following payments would be authorised:
- | | | | | Receipts | 0.00 |
|-----------------|-------------|--------------------------|---------------------------|--------------|-----------------|
| | | | | Payments | |
| Voucher | Method | Name | Description | Amount | Totals |
| 44 | Card | Royal Mail | Postage | 2.10 | |
| 46 | Card | HP Inc UK Ltd | Ink | 11.99 | |
| 47 | Card | EE | Phone | 4.50 | |
| 49 | Card | Royal Mail | Postage | 2.70 | |
| | | | | | 21.29 |
| 43 | BACS | Thomas Fattorini Ltd | Chairman's badge | 52.50 | |
| 45 | BACS | Kompan Ltd | Inspection | 521.66 | |
| 48 | BACS | Shield Maintenance Ltd | Waste collection | 130.00 | |
| 50 | BACS | J Currie | Mileage | 52.00 | |
| 51 | BACS | J Currie | Salary Q1 top up | 2.45 | |
| 52 | S/O | Oxfordshire Pension Fund | Pension | 521.45 | |
| 53 | BACS | HMRC | NI & Tax | 437.52 | |
| 54 | S/O | J Currie | Office Allowance | 26.00 | |
| 55 | S/O | J Currie | Salary | 1,505.00 | |
| | | | | | 3,248.58 |
| | | | | | 3,269.87 |
| Transfer | BACS | From Unity | To prepayment card | 66.62 | |
- (b) Councillors to authorise payments
RESOLVED that Cllrs Dalby and Raworth would authorise payments online. **RD & HR**
- (c) Budget and reserves reports
Members noted the reports.

Close of meeting

It was noted that the next ordinary meeting of the Council would be held at 7.15pm, on Tuesday 2nd July 2024. There being no further business the Chairman declared the meeting closed at 8.40pm.

Signed

Dated

Sutton Courtenay Parish Council

Planning Applications for consideration on Tuesday 2nd July 2024

Application no	Comments deadline	Location	Proposal	Link to view online
P24/V0826/HH	27 th June (extended)	1A Drayton Road, Sutton Courtenay	Erection of single storey rear extension to dwellinghouse. Demolition of existing garage and the erection of new garage.	https://data.whitehorsedc.gov.uk/java/s... (FM)
P24/V0865/HH	11 th July	49 Milton Road, Sutton Courtenay	Erection of a single storey rear extension in line with permitted development guidelines (retrospective).	https://data.whitehorsedc.gov.uk/java/s... (RA)
MW.0065/24	12 th July	Sutton Courtenay Landfill Site, Appleford Sidings, Sutton Courtenay	Condition 27 (Industrial Area) of planning permission no. (MW.0039/15)	https://myeplanning2.oxfordshire.gov.uk/FDBE1020CE7D (PG)
P24/V1237/HH	12 th July	28 Appleford Road, Sutton Courtenay	Erection of a two storey rear extension with internal remodelling and relocation of garage	https://data.whitehorsedc.gov.uk/java/s... (HR)

Additional Planning Correspondence:

P24/V0899/HH - 49 Milton Road, Sutton Courtenay	Amended plans reducing footprint of office and store. Replacing dormer windows with skylights. https://data.whitehorsedc.gov.uk/java/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/V0899/HH
P24/V0331/FUL - 120 High Street, Sutton Courtenay	Amended plans https://data.whitehorsedc.gov.uk/java/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/V0331/FUL
P23/V2698/DIS - Land at Former Amey Works, Appleford Road, Sutton Courtenay	Discharge of condition 15 (Verification report) on planning application P18/V0069/O (Residential development of 91 dwellings and associated access.) https://data.whitehorsedc.gov.uk/java/support/Main.jsp?MODULE=ApplicationDetails&REF=P23/V2698/DIS#exactline

Decision lists:

Application no	Location	Proposal	Decision
MW.0014/24	Hanson Aggregates, Appleford Road, Sutton Courtenay	Erection of two single-storey office cabins and ancillary parking (retrospective)	APPROVED

RE: Discharge of planning conditions on application P21/V2682/O

From: Planning Vale <planning@whitehorsedc.gov.uk>

Sent: Tue, 25 Jun, 2024 at 08:43

To: info@suttoncourtenay-pc.gov.uk

Dear Jennie,

Thank you for your email.

As part of the application process, we do not consult on DIS applications. As a parish, you can sign up to our alert service to be made aware when DIS applications are submitted, but we do not consult on them.

If you wish to, you can confirm which conditions you are most concerned about, and we can alert the developer to encourage them to talk to you before submitting the DIS applications.

I hope this is helpful to you.

Kind regards,

Katie Grundonner

Customer Service Advisor

Corporate Services

South Oxfordshire and Vale of White Horse District Councils

Customer service: 01235 422600

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From: Sutton Courtenay PC Clerk <info@suttoncourtenay-pc.gov.uk>

Sent: Tuesday, June 11, 2024 11:07 AM

To: Planning Vale <planning@whitehorsedc.gov.uk>

Subject: Discharge of planning conditions on application P21/V2682/O

****EXTERNAL****

Good morning,

Sutton Courtenay Parish Council has formally asked for this request to be submitted to your department.

Reference: discharge of planning conditions on application P21/V2682/O (Appeal ref: APP/V3120/W/23/3322187) Residential development up to 175 dwellings (Outline Planning Application with all matters reserved except means of access to the site from Frilsham Street) and associated works.

Sutton Courtenay Parish Council requests, that it is formally consulted on all the conditions that the Inspector imposed on this development, especially as the LPA had rejected the application and it was allowed on appeal. The Parish Council has for many years had strong concerns about the suitability of the site for residential development. At the Appeals Inquiry the Parish Council raised concerns about the lack of consultation within the process when the discharge of planning conditions is considered by the LPA.

The Parish Council also requests that, if possible, the conditions are more readily grouped together under the main planning application number for easier reference and review.

Kind regards, Jennie

Miss Jennie Currie (she/her)

Clerk & RFO, Sutton Courtenay Parish Council

07495 123 353 www.suttoncourtenay-pc.gov.uk

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SUTTON COURTENAY VILLAGE HALL CIO

A Charitable Incorporated Organisation established pursuant to the Charities Act 2011

CONSTITUTION (FOUNDATION MODEL)

Date of constitution (last amended): Date of registration as CIO (not amended)

1. Name

The name of the Charitable Incorporated Organisation ("the CIO") is "Sutton Courtenay Village Hall CIO".

2. National location of principal office

The CIO must have a principal office in England or Wales. The principal office of the CIO is in England.

3. Object[s]

The objects of the CIO are to:

- (a) promote the benefit of the inhabitants of Sutton Courtenay in Oxfordshire and the adjoining area ("the area of benefit") without distinction of sex, sexual orientation, nationality, age, disability, race or of political, religious or other opinions, by associating together the said inhabitants and the statutory authorities, voluntary and other organisations in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure time occupation with the object of improving the conditions of life for the said inhabitants;
- (b) acquire, maintain and/or manage the premises known as the Sutton Courtenay Village Hall and its adjoining grounds (whether alone or in co-operation with any local authority or other person or body) in furtherance of these objects; and
- (c) promote such other charitable objects as may from time to time be determined.

The CIO shall be non-party in politics and non-sectarian in religion.

4. Powers

The CIO has power to do anything which is calculated to further its objects or is conducive or incidental to doing so. In particular, the CIO has power to:

- (1) borrow money and to charge the whole or any part of its property as security for the repayment of the money borrowed. The CIO must comply as appropriate with sections 124 and 125 of the Charities Act 2011, if it wishes to mortgage land;
- (2) buy, take on lease or in exchange, hire or otherwise acquire any property and to maintain and equip it for use;
- (3) sell, lease or otherwise dispose of all or any part of the property belonging to the CIO. In exercising this power, the CIO must comply as appropriate with sections 117 and 119-123 of the Charities Act 2011;
- (4) employ and remunerate such staff as are necessary for carrying out the work of the CIO. The CIO may employ or remunerate a charity trustee only to the extent that it is permitted to do so by clause 6 (Benefits and payments to charity trustees and connected persons) and provided it complies with the conditions of that clause;
- (5) deposit or invest funds, employ a professional fund-manager, and arrange for the investments or other property of the CIO to be held in the name of a nominee, in the same manner and subject to the same conditions as the trustees of a trust are permitted to do by the Trustee Act 2000.

5. Application of income and property

- (2) The income and property of the CIO must be applied solely towards the promotion of the objects.
 - (a) A charity trustee is entitled to be reimbursed from the property of the CIO or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the CIO.
 - (b) A charity trustee may benefit from trustee indemnity insurance cover purchased at the CIO's expense in accordance with, and subject to the conditions in, section 189 of the Charities Act 2011.
- (3) None of the income or property of the CIO may be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to any member of the CIO.
- (4) Nothing in this clause shall prevent a charity trustee or connected person

receiving any benefit or payment which is authorised by Clause 6.

6. Benefits and payments to charity trustees and connected persons

(1) General provisions

No charity trustee or connected person may:

- (a) buy or receive any goods or services from the CIO on terms preferential to those applicable to members of the public;
- (b) sell goods, services, or any interest in land to the CIO;
- (c) be employed by, or receive any remuneration from, the CIO;
- (d) receive any other financial benefit from the CIO;

unless the payment or benefit is permitted by sub-clause (2) of this clause or authorised by the court or the prior written consent of the Charity Commission (“the Commission”) has been obtained. In this clause, a “financial benefit” means a benefit, direct or indirect, which is either money or has a monetary value.

(2) Scope and powers permitting trustees’ or connected persons’ benefits

- (a) A charity trustee or connected person may receive a benefit from the CIO as a beneficiary of the CIO provided that a majority of the trustees do not benefit in this way.
- (b) A charity trustee or connected person may enter into a contract for the supply of services and/or goods to the CIO where that is permitted in accordance with, and subject to the conditions in, sections 185 to 188 of the Charities Act 2011.
- (c) A charity trustee or connected person may receive interest on money lent to the CIO at a reasonable and proper rate which must be not more than the Bank of England bank rate (also known as the base rate).
- (d) A charity trustee or connected person may receive rent for premises let by the trustee or connected person to the CIO. The amount of the rent and the other terms of the lease must be reasonable and proper. The charity trustee concerned must withdraw from any meeting at which such a proposal or the rent or other terms of the lease are under discussion.
- (e) A charity trustee or connected person may take part in the normal trading and fundraising activities of the CIO on the same terms as members of the public.

(3) In sub-clause (2) of this clause:

- (a) “the CIO” includes any company in which the CIO:
 - (i) holds more than 50% of the shares; or
 - (ii) controls more than 50% of the voting rights attached to the shares; or
 - (iii) has the right to appoint one or more directors to the board of the company;
- (b) “connected person” includes any person within the definition set out in clause 30 (Interpretation).

7. Conflicts of interest and conflicts of loyalty

A charity trustee must:

- (1) declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the CIO or in any transaction or arrangement entered into by the CIO which has not previously been declared; and
- (2) absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict of interest will arise between his or her duty to act solely in the interests of the CIO and any personal interest (including but not limited to any financial interest).

Any charity trustee absenting himself or herself from any discussions in accordance with this clause must not vote or be counted as part of the quorum in any decision of the charity trustees on the matter.

8. Liability of members to contribute to the assets of the CIO if it is wound up

If the CIO is wound up, the members of the CIO have no liability to contribute to its assets and no personal responsibility for settling its debts and liabilities.

9. Charity trustees

(1) Functions and duties of charity trustees

The charity trustees shall manage the affairs of the CIO and may for that purpose exercise all the powers of the CIO. It is the duty of each charity trustee:

- (a) to exercise his or her powers and to perform his or her functions in his or her capacity as a trustee of the CIO in the way he or she

decides in good faith would be most likely to further the purposes of the CIO; and

- (b) to exercise, in the performance of those functions, such care and skill as is reasonable in the circumstances having regard in particular to:
 - (i) any special knowledge or experience that he or she has or holds himself or herself out as having; and,
 - (ii) if he or she acts as a charity trustee of the CIO in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.

(2) Eligibility for trusteeship

- (a) Apart from the Parish Council, every charity trustee must be a natural person.
- (b) No individual may be appointed as a charity trustee of the CIO:
 - if he or she is under the age of 16 years; or
 - if he or she would automatically cease to hold office under the provisions of clause 12(1)(e).
- (c) No one is entitled to act as a charity trustee whether on appointment or on any re-appointment until he or she has expressly acknowledged, in whatever way the charity trustees decide, his or her acceptance of the office of charity trustee.
- (d) Apart from where the Parish Council acts as sole charity trustee, at least one of the trustees of the CIO must be 18 years of age or over. If there is no trustee aged at least 18 years, the remaining trustees may only act to call a meeting of the charity trustees, or appoint a new charity trustee.

(3) Number of charity trustees

- (a) Apart from where the Parish Council acts as sole charity trustee, there should be not less than three or more than seven trustees appointed pursuant to Clause 10.1. The first appointed and nominated trustee is designated as such in Clause 9(4).
- (b) Apart from where the Parish Council acts as sole charity trustee, there

must be at least three charity trustees at all times. If the number falls below this minimum, the remaining trustee or trustees may act only to call a meeting of the charity trustees, or appoint a new charity trustee.

- (c) The maximum number of charity trustees that can be appointed is as provided in Clause 9.3(a). No trustee appointment may be made in excess of these provisions but this does not affect the ability to nominate an additional trustee as provided by Clause 10.2.

(4) First charity trustees

The first charity trustee is the Parish Council which shall act as trustee unless and until individual trustees are appointed pursuant to Clause 10.1.

10. Appointment of charity trustees

- (a) Apart from where the Parish Council acts as sole charity trustee (in which case this Clause 10(a) does not apply and there is no limit to the duration of its appointment), every trustee must be appointed for a term of three years by a resolution passed at a properly convened meeting of the charity trustees.
- (b) In selecting individuals for appointment as charity trustees, the Parish Council as sole charity trustee or subsequently appointed individual charity trustees must have regard to the skills, knowledge and experience needed for the effective administration of the CIO.

11. Information for new charity trustees

The Parish Council as sole charity trustee or subsequently appointed individual charity trustees will make available to each new charity trustee, on or before his or her first appointment:

- (a) a copy of the current version of this constitution; and
- (b) a copy of the CIO's latest Trustees' Annual Report and statement of accounts.

12. Retirement and removal of charity trustees

- (1) A charity trustee ceases to hold office if he or she:
 - (a) retires by notifying the CIO in writing (but only if enough charity trustees will remain in office when the notice of resignation takes effect to form a quorum for meetings);

(b) is absent without the permission of the charity trustees from all their meetings held within a period of six months and the trustees resolve that his or her office be vacated;

(c) dies;

(d) in the written opinion, given to the CIO, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a trustee and may remain so for more than three months;

(e) is disqualified from acting as a charity trustee by virtue of sections 178-180 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).

(2) Any person retiring as a charity trustee is eligible for reappointment.

(3) Apart from where the Parish Council acts as sole charity trustee (in which case this Clause 12(3) does not apply), any charity trustee who has served for three consecutive terms may not be reappointed for a fourth consecutive term but may be reappointed after an interval of at least one year.

13. Taking of decisions by charity trustees

Any decision may be taken either:

- at a meeting of a properly convened committee of the Parish Council where it is appointed as sole charity trustee;
- at a meeting of individual charity trustees; or
- by resolution in writing or electronic form agreed by a majority of all of the charity trustees, which may comprise either a single document or several documents containing the text of the resolution in like form to which a majority of all of the charity trustees has signified their agreement. Such a resolution shall be effective provided that:
 - a copy of the proposed resolution has been sent, at or as near as reasonably practicable to the same time, to all of the charity trustees; and
 - the majority of all of the charity trustees has signified agreement to the resolution in a document or documents which has or have been authenticated by their signature, by a statement of their identity accompanying the document or documents, or in such other manner as the charity trustees have previously resolved, and delivered to the CIO at its principal office or such other place as the trustees may resolve within 28 days of the circulation date.

14. Delegation by charity trustees

- (1) The charity trustees may delegate any of their powers or functions to a committee or committees, and, if they do, they shall determine the terms and conditions on which the delegation is made. The charity trustees may at any time alter those terms and conditions, or revoke the delegation.
- (2) This power is in addition to the power of delegation in the General Regulations and any other power of delegation available to the charity trustees, but is subject to the following requirements:
 - (a) a committee may consist of two or more persons, but at least one member of each committee must be a charity trustee;
 - (b) the acts and proceedings of any committee must be brought to the attention of the charity trustees as a whole as soon as is reasonably practicable; and
 - (c) the charity trustees shall from time to time review the arrangements which they have made for the delegation of their powers.

15. Meetings of charity trustees

(1) Calling meetings

- (a) Any charity trustee may call a meeting of the charity trustees.
- (b) Subject to that, the charity trustees shall decide how their meetings are to be called, and what notice is required.

(2) Chairing of meetings

Apart from where the Parish Council acts as sole charity trustee, the charity trustees may appoint one of their number to chair their meetings and may at any time revoke such appointment. If no-one has been so appointed, or if the person appointed is unwilling to preside or is not present within 10 minutes after the time of the meeting, the charity trustees present may appoint one of their number to chair that meeting.

(3) Procedure at meetings

- (a) No decision shall be taken at a meeting unless a quorum is present at the time when the decision is taken. The quorum is one trustee where the Parish Council acts as sole charity trustee and otherwise two charity trustees, or the number nearest to one third of the total number of charity trustees, whichever is greater, or such larger number as the charity trustees may decide from time to time. A charity trustee shall not be counted in the quorum present when any decision is made about a matter upon which he or she is not entitled to vote.

(b) Questions arising at a meeting shall be decided by a majority of those eligible to vote.

(c) [In the case of an equality of votes, the person who chairs the meeting shall have a second or casting vote.]

(4) Participation in meetings by electronic means

(a) A meeting may be held by suitable electronic means agreed by the charity trustees in which each participant may communicate with all the other participants.

(b) Any charity trustee participating at a meeting by suitable electronic means agreed by the charity trustees in which a participant or participants may communicate with all the other participants shall qualify as being present at the meeting.

(c) Meetings held by electronic means must comply with rules for meetings, including chairing and the taking of minutes.

16. Membership of the CIO

(1) The members of the CIO shall be its charity trustees for the time being. The only persons eligible to be members of the CIO are its charity trustees. Membership of the CIO cannot be transferred to anyone else.

(2) Any member and charity trustee who ceases to be a charity trustee automatically ceases to be a member of the CIO.

[17. Informal or associate (non-voting) membership

(1) [The charity trustees may create associate or other classes of non-voting membership, and may determine the rights and obligations of any such members (including payment of membership fees), and the conditions for admission to, and termination of membership of any such class of members.

(2) Other references in this constitution to “members” and “membership” do not apply to non-voting members, and non-voting members do not qualify as members for any purpose under the Charities Acts, General Regulations or Dissolution Regulations.]

18. Decisions which must be made by the members of the CIO

(1) Any decision to:

(a) amend the constitution of the CIO;

(b) amalgamate the CIO with, or transfer its undertaking to, one or more other CIOs, in accordance with the Charities Act 2011; or

(c) wind up or dissolve the CIO (including transferring its business to any other charity)

must be made by a resolution of the members of the CIO (rather than a resolution of the charity trustees).

(2) Decisions of the members may be made either:

(a) by resolution at a general meeting; or

(b) by resolution in writing, in accordance with sub-clause (4) of this clause.

(3) Any decision specified in sub-clause (1) of this clause must be made in accordance with the provisions of clause [28] (amendment of constitution), clause [29] (Voluntary winding up or dissolution), or the provisions of the Charities Act 2011, the General Regulations or the Dissolution Regulations as applicable. Those provisions require the resolution to be agreed by a 75% majority of those members voting at a general meeting, or agreed by all members in writing.

(4) Except where a resolution in writing must be agreed by all the members, such a resolution may be agreed by a simple majority of all the members who are entitled to vote on it. Such a resolution shall be effective provided that:

(a) a copy of the proposed resolution has been sent to all the members eligible to vote; and

(b) the required majority of members has signified its agreement to the resolution in a document or documents which are received at the principal office within the period of 28 days beginning with the circulation date. The document signifying a member's agreement must be authenticated by their signature, by a statement of their identity accompanying the document, or in such other manner as the CIO has specified.

The resolution in writing may comprise several copies to which one or more members has signified their agreement. Eligibility to vote on the resolution is limited to members who are members of the CIO on the date when the proposal is first circulated.

19. General meetings of members

(1) Calling of general meetings of members

The charity trustees may designate any of their meetings as a general meeting of the members of the CIO. The purpose of such a meeting is to discharge any business which must by law be discharged by a resolution of the members of the CIO as specified in clause [18] (Decisions which must be made by the members of the CIO).

(2) Notice of general meetings of members

- (a) The minimum period of notice required to hold a general meeting of the members of the CIO is [14] days.
- (b) Except where a specified period of notice is strictly required by another clause in this constitution, by the Charities Act 2011 or by the General Regulations, a general meeting may be called by shorter notice if it is so agreed by a majority of the members of the CIO.
- (c) Proof that an envelope containing a notice was properly addressed, prepaid and posted; or that an electronic form of notice was properly addressed and sent, shall be conclusive evidence that the notice was given. Notice shall be deemed to be given 48 hours after it was posted or sent.

(3) Procedure at general meetings of members

The provisions in clause 15 (2)-(4) governing the chairing of meetings, procedure at meetings and participation in meetings by electronic means apply to any general meeting of the members, with all references to trustees to be taken as references to members.

20. Saving provisions

- (1) Subject to sub-clause (2) of this clause, all decisions of the charity trustees, or of a committee of charity trustees, shall be valid notwithstanding the participation in any vote of a charity trustee:
 - who was disqualified from holding office;
 - who had previously retired or who had been obliged by the constitution to vacate office;
 - who was not entitled to vote on the matter, whether by reason of a conflict of interest or otherwise;
 - for whom there is a technical defect in their appointment as a trustee of which the trustees were unaware at the time;

if, without the vote of that charity trustee and that charity trustee being counted in the quorum, the decision has been made by a majority of the charity trustees at a quorate meeting.

(2) Sub-clause (1) of this clause does not permit a charity trustee to keep any benefit that may be conferred upon him or her by a resolution of the charity trustees or of a committee of charity trustees if, but for sub-clause (1), the resolution would have been void, or if the charity trustee has not complied with clause 7 (Conflicts of interest).

21. Execution of documents

(1) The CIO shall execute documents either by signature or by affixing its seal (if it has one).

(2) A document is validly executed by signature if it is signed by at least two of the charity trustees.

(3) [If the CIO has a seal:

(a) it must comply with the provisions of the General Regulations; and

(b) the seal must only be used by the authority of the charity trustees or of a committee of charity trustees duly authorised by the charity trustees. The charity trustees may determine who shall sign any document to which the seal is affixed and unless otherwise so determined it shall be signed by two charity trustees.]

22. Use of electronic communications

[(1) General]

The CIO will comply with the requirements of the Communications Provisions in the General Regulations and in particular:

(a) the requirement to provide within 21 days to any member on request a hard copy of any document or information sent to the member otherwise than in hard copy form;

(b) any requirements to provide information to the Commission in a particular form or manner.

23. Keeping of Registers

The CIO must comply with its obligations under the General Regulations in relation to the keeping of, and provision of access to, a (combined) register of its members and charity trustees.

24. Minutes

The charity trustees must keep minutes of all:

- (1) [appointments of officers made by the charity trustees].
- (2) proceedings at general meetings of the CIO;
- (3) meetings of the charity trustees and committees of charity trustees including:
 - the names of the trustees present at the meeting;
 - the decisions made at the meetings; and
 - where appropriate the reasons for the decisions;
- (4) decisions made by the charity trustees otherwise than in meetings.

25. Accounting records, accounts, annual reports and returns, register maintenance

- (1) The charity trustees must comply with the requirements of the Charities Act 2011 with regard to the keeping of accounting records, to the preparation and scrutiny of statements of account, and to the preparation of annual reports and returns. The statements of account, reports and returns must be sent to the Charity Commission, regardless of the income of the CIO, within 10 months of the financial year end.
- (2) The charity trustees must comply with their obligation to inform the Commission within 28 days of any change in the particulars of the CIO entered on the Central Register of Charities.

26. Rules

The charity trustees may from time to time make such reasonable and proper rules or byelaws as they may deem necessary or expedient for the proper conduct and management of the CIO, but such rules or bye laws must not be inconsistent with any provision of this constitution. Copies of any such rules or bye laws currently in force must be made available to any member of the CIO on request.

27. Disputes

If a dispute arises between members of the CIO about the validity or propriety of anything done by the members under this constitution, and the dispute cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute by mediation before resorting to litigation.

28. Amendment of constitution

As provided by sections 224-227 of the Charities Act 2011:

- (1) This constitution can only be amended:
 - (a) by resolution agreed in writing by all members of the CIO; or
 - (b) by a resolution passed by a 75% majority of those voting at a general meeting of the members of the CIO called in accordance with clause 19 (General meetings of members).
- (2) Any alteration of the CIO's objects, of any provision of the CIO's constitution directing the application of property on its dissolution or any provision of the CIO's constitution where the alteration would provide authorisation for any benefit to be obtained by charity trustees or members of the CIO or persons connected with them, requires the prior written consent of the Charity Commission.
- (3) No amendment that is inconsistent with the provisions of the Charities Act 2011 or the General Regulations shall be valid.
- (4) A copy of every resolution amending the constitution, together with a copy of the CIO's constitution as amended must be sent to the Commission by the end of the period of 15 days beginning with the date of passing of the resolution.

29. Voluntary winding up or dissolution

- (1) As provided by the Dissolution Regulations, the CIO may be dissolved by resolution of its members. Any decision by the members to wind up or dissolve the CIO can only be made:
 - (a) at a general meeting of the members of the CIO called in accordance with clause 19 (General meetings of members), of which not less than 14 days' notice has been given to those eligible to attend and vote:
 - (i) by a resolution passed by a 75% majority of those voting, or
 - (ii) by a resolution passed by decision taken without a vote and without any expression of dissent in response to the question put to the general meeting; or
 - (b) by a resolution agreed in writing by all members of the CIO.

(2) Subject to the payment of all the CIO's debts:

- (a) Any resolution for the winding up of the CIO, or for the dissolution of the CIO without winding up, may contain a provision directing how any remaining assets of the CIO shall be applied.
- (b) If the resolution does not contain such a provision, the charity trustees must decide how any remaining assets of the CIO shall be applied.
- (c) In either case the remaining assets must be applied for charitable purposes the same as or similar to those of the CIO.

(3) The CIO must observe the requirements of the Dissolution Regulations in applying to the Commission for the CIO to be removed from the Register of Charities, and in particular:

- (a) the charity trustees must send with their application to the Commission:
 - (i) a copy of the resolution passed by the members of the CIO;
 - (ii) a declaration by the charity trustees that any debts and other liabilities of the CIO have been settled or otherwise provided for in full; and
 - (iii) a statement by the charity trustees setting out the way in which any property of the CIO has been or is to be applied prior to its dissolution in accordance with this constitution;
- (b) the charity trustees must ensure that a copy of the application is sent within seven days to every member and employee of the CIO, and to any charity trustee of the CIO who was not privy to the application.

(4) If the CIO is to be wound up or dissolved in any other circumstances, the provisions of the Dissolution Regulations must be followed.

30. Interpretation

In this constitution:

“connected person” means:

- (a) a child, parent, grandchild, grandparent, brother or sister of the charity trustee;
- (b) the spouse or civil partner of the charity trustee or of any person falling within sub-clause (a) above;
- (c) a person carrying on business in partnership with the charity trustee or with

any person falling within sub-clause (a) or (b) above;

- (d) an institution which is controlled –
 - (i) by the charity trustee or any connected person falling within sub-clause (a), (b), or (c) above; or
 - (ii) by two or more persons falling within sub-clause (d)(i), when taken together
- (e) a body corporate in which –
 - (i) the charity trustee or any connected person falling within sub-clauses (a) to (c) has a substantial interest; or
 - (ii) two or more persons falling within sub-clause (e)(i) who, when taken together, have a substantial interest.

Section 118 of the Charities Act 2011 apply for the purposes of interpreting the terms used in this constitution.

“General Regulations” means the Charitable Incorporated Organisations (General) Regulations 2012.

“Dissolution Regulations” means the Charitable Incorporated Organisations (Insolvency and Dissolution) Regulations 2012.

The **“Communications Provisions”** means the Communications Provisions in [Part 9, Chapter 4] of the General Regulations.

“charity trustee” means a charity trustee of the CIO.

“Parish Council” means Sutton Courtenay Parish Council or any successor parish council for the area that includes the Sutton Courtenay Village Hall.

A **“poll”** means a counted vote or ballot, usually (but not necessarily) in writing.

May/June 2024

Queries raised about CIO constitution:

item 13 (page 7) 13. Taking of decisions by charity trustees - "a meeting of a properly convened committee of the Parish Council" Am I being too literal? I thought the Parish Council would have to meet with all its members (or at least giving all members to opportunity to attend and vote) to be acting as the sole charity trustee, am I mistaken? A committee of the Parish Council would not include all members.

Clause 13 – So far as this addresses the situation where the Parish Council is the sole trustee, this clause is simply intended to clarify (for the avoidance of doubt) that the Parish Council can delegate its decision-making power (normally just for business-as-usual issues) to a sub-committee as an alternative to every decision concerning the charity having to be taken by the full Parish Council (in separate charity trustee meetings). What level of decision making is in fact delegated will be a matter for the Parish Council but in this respect see the ACRE Information Sheet 36 that was attached to my email to you of 16 February (also attached here for ease of reference) and in particular this excerpt from paragraph 3.6:

A parish council may appoint a parish council committee to manage the day to day affairs of the hall, reporting to the parish council in accordance with local authority rules and the terms of reference set by the parish council. Such committee may comprise parish councillors and non-councillors: there is no limit on numbers but it would be advisable for parish councillors to be the majority of the committee members. Subject to the terms of reference set by the parish council, the committee members may vote on matters under discussion but, as the parish council is the sole trustee of the village hall and is responsible for the committee's actions, no vote would bind the parish council.

item 21 (page 12) Execution of documents - what would be the arrangement for the Council as sole charity trustee? The Council's current procedure is for the proper officer to sign or two councillors.

Clause 21 - Where the Parish Council acts as sole trustee then it can rely on the provisions for execution of documents that are contained in the Charitable Incorporated Organisations (General) Regulations 2012 ("the General Regulations" as defined in Clause 30 that apply to all CIOs by default) . See General Regulations 20 and 21 and in particular Regulation 20(2)(b) which states that :“A document is validly executed by a CIO if it is signed ... where the CIO has only one charity trustee, by that charity trustee” It will be a question for the Parish Council's Standing Orders how the Parish Council “signs” for these purposes, but adopting the same rules that apply where the Parish council signs in its capacity as a local authority (as set out by you) would be sensible.

- - -

1. In Objects section 3b - it would be helpful to include and refer a properly surveyed plan of the charity. (We are commissioning a survey but I'm not sure how quickly we will have it.). There should certainly be a proper plan of the grounds next to the Village Hall (if only for Land Registry purposes) but this wouldn't normally be included or referred to in the CIO constitution.

2. As I understand it there are two types of CIOs (foundation and association). The draft you have sent appears to be of the Foundation type. The charity as it currently stands is more akin to the association model - i.e. a wider membership (at the AGM) elects trustees and some trustees are appointed by member bodies (e.g. SCPC). Will the charity commission have a problem with this? We lose a key intent of the charity when it was set up - that users had a say as they could appoint trustees to the charity. You are correct that there are two different CIO model constitutions. The

reason why I thought that you would want to use a foundation model is the fact that (as I understood to be the case) the current trustees all want to stand down so that, in the absence of anybody else being prepared to act as trustee going forward, they are all to be replaced by the Parish Council as sole trustee. If that's the case, then it wouldn't really be possible to operate the association model, as the main duty of the membership is to elect the trustees. If this isn't correct let me know and we can discuss how best to adopt/adapt the Charity Commission's association model CIO template to meet your requirements. However, if the reality of the situation is that it's no longer possible to operate under using the old membership structure, then I would expect that the Charity Commission would agree to you converting to a foundation model.

3. I do not understand what is meant when the phrase 'Apart from where the Parish Council acts as sole charity trustee' is used. Is it implying that the Parish Council (as a body) can manage the charity all on its own - i.e. additional Charity Trustees are not needed?

(Answered by PC Clerk) The Parish Council would be sole charity trustee and the whole of the Council would meet to manage the charity. There would be no individual trustees. (In the future the Council could stop being the sole charity trustee and individual appointed. I guess it would come about if there was interest from individuals to do so.)

In some parishes the Parish Council appoints councillors and members of the public to a committee to manage day to day elements of the charity. The Parish Council still meets as the Trust once a year and/or for more major decisions. My understanding was that the current non councillor trustees wanted to retire their roles so I was not going to suggest creating a management committee at this stage.

4. If (individual) Charity Trustees are needed - who appoints them and how are they found? I included the possibility of moving from the Parish Council as sole trustee to a number of individual CIO trustees just in case this becomes a possibility in the future (the Charity Commission much prefer individual trustees to a sole local council trustee, whilst accepting that this may not always be possible). If individual trustees are ever identified, then they would be appointed by the Parish Council as the existing trustee which would then resign as trustee. As to the practical question of how to identify individuals who would be prepared to take on this role, that is a difficult issue for very many charities; especially community charities like yours. There are some thoughts around this on the Charity Commission site and you might also want to discuss this with [OCVA](#) (or other similar organisations that provide support for charities).

5. What is the position of a parish councillor in terms of declaring an interest if they are users of the CIO and the parish council is required to make a decision regarding the CIO? As long as any use of CIO's facilities is on the same basis as would be the case for any other person, the fact that a user is also a parish councillor (or a person connected with a parish councillor) should not be an issue. The possibility of conflicts of interest in this sort of case is most often encountered where the parish council as a body uses the hall, perhaps for meetings of the parish council, but in its capacity as a local authority rather than as a charity trustee. In this case the parish council should pay for its use in the same way as any other hirer. For further guidance on the sometimes complex issue of conflicts of interest, see this [guidance on the Charity Commission website](#).

6. Should there not be a public consultation about the conversion - think in the current deeds there is a requirement to consult if the charity is being closed or any part thereof being sold? A consultation isn't normally required where the charity's property is simply being transferred to a successor charity (otherwise where the charity's property includes land/buildings that are used to deliver the charity's objects – which is the case here - a consultation may be required by reason of

s.121 Charities Act 2011, irrespective of what may also be contained in the charity's constitution). In this case the specific provisions in Clause 21 of the current constitution do not apply because the charity is not being closed or sold, it is simply being transferred to a successor charity.

7. I think letting parcels of land (scout and allotments) is covered but just wanted to be sure it would be through renewable leases as at present for the scout hut. Are there any rules/laws relating to historic allotments that might mean we cannot take out renewable leases with allotment holders and indeed repurpose an allotment. **The conversion to a CIO does not affect the ability of the charity to enter into new leases or other land transactions (albeit some will require Charity Commission consent and/or a professional report confirming that the charity is securing the best terms). Further, any transfer of land to the CIO will be subject to any existing leases or other rights that affect the land that's being transferred. So far as the allotments are concerned, whilst the Village Hall is not expressly stated to be an allotment charity allowing surplus (to the core Village Hall requirement) land to be used for allotments is presumably another way in which the charity furthers its stated purpose of "improving the condition of life for [local] inhabitants". Whether the charity is entitled to vary/change existing arrangements will depend on why this is thought desirable (basically it needs to better promote the charity's objects to repurpose the land). However, the how changes are implemented will require a detailed consideration of the nature and enforceability of the current documentation once there is a proper understanding of quite what changes the charity proposes (and as I say, being clear about the why these are thought to be beneficial).**

**FORMAL CONSULTATION ON THE PROPOSAL BY OXFORDSHIRE COUNTY COUNCIL
TODESIGNATE CERTAIN STREETS AS TRAFFIC-SENSITIVE**

From: Lane Rental <lanerental@oxfordshire.gov.uk>

Sent: Thu, 27 Jun, 2024 at 10:24

To:

Sent on behalf of Keith Stenning, Head of Network Management, Oxfordshire County Council

Dear All,

FORMAL CONSULTATION ON THE PROPOSAL BY OXFORDSHIRE COUNTY COUNCIL TO DESIGNATE CERTAIN STREETS AS TRAFFIC-SENSITIVE UNDER THE STREET WORKS (REGISTERS, NOTICES, DIRECTIONS AND DESIGNATIONS (ENGLAND) REGULATIONS 2007

Under section 64 of New Roads and Street Works Act 1991 a Street Authority may designate certain streets (or parts of streets) as Traffic-Sensitive.

In accordance with Traffic Management Act 2004 and the Streetworks (Registers, Notices, Directions and Designations) (England) Regulations 2007, I am pleased to invite your views on the proposed designation of certain Oxfordshire streets as Traffic-Sensitive.

From time to time the designations of streets as Traffic-Sensitive is reviewed in consultation with Utility companies, and other interested parties.

In addition, the government has decided to proceed with amending regulations to remove the criteria: 'is designated by the HA as part of its winter maintenance programme'; 'is on a tourist route or within an area where major events take place'; and 'is covered by a congestion charge', so in response, Oxfordshire County Council has recently completed a review of its Traffic-Sensitive Network.

This Traffic-Sensitive network has been developed using the guideline criteria identified in Section 5 of the Department for Transport's document 'New Roads and Street Works Act 1991: Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters August 2009'.

How to respond

Link to the consultation > [Traffic Sensitive Streets Review Consultation | Let's Talk Oxfordshire](#)

Responses should be made via taking the survey which is accessible via the link above.

This consultation runs for a period of 4 weeks starting from the Thursday 27th June to Friday 26th July 2024. Responses received after this date will not be considered.

All responses received will be taken into consideration and if Oxfordshire County Council considers it to be appropriate, amendments will be made to the draft Traffic Sensitive Streets

If you are responding on behalf of an organisation, we encourage you to collate your feedback internally before adding your response via our consultation portal.

Information provided in response to this consultation (including personal information) may be subject to publication or disclosure under the access to information regimes (e.g. the Freedom of Information Act 2000 or Environmental Information Regulations 2004).

If you would like your response to be treated confidentially, please indicate the reasons for this in your response.

Regards,

Keith Stenning
Head of Network Management

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