

**St Mabyn Parish Council**  
**Minutes of the Extraordinary Meeting of St Mabyn Parish Council held in the Memorial Hall, St Mabyn on**  
**Tuesday 11<sup>th</sup> September 2018, commencing at 7.30pm.**

**Present:** Cllrs: M Grigg (Chairman), Mrs C Daniels (Vice Chair), G Martin, D Masters, A Finnamore, B Wiltshire, Mrs P Lloyd, R Chadwick and G Smith.

**In Attendance:** Mrs L Coles, Parish Clerk

There were 26 members of the public present

The Chairman welcomed all and set out the purpose of the meeting.

This Extraordinary Parish Council meeting has been called to enable the Parish Council to discuss the way forward regarding the funding for the Community Shop.

Members of the public have been invited to this meeting, as they are to all Council meetings, but on this occasion as observers only, there may be an opportunity for questions at the end of the meeting when you have listened to the Parish Councils proposals.

Let us be very clear, the Parish Council is fully supportive of the Community Shop as has always been the case, but it has to abide by the laws that govern a local authority and how it can spend public money. The Parish Council has already given permission for its land at the Old Canteen Site to be used and has purchased the Porta Cabin for £3180 and is prepared to allow the Community Shop to have the cabin as part of the peppercorn rent with the land. This will be set at £1 per year.

The Parish Council has sought legal advice through the Clerk and the proposals will be discussed by the Members under item 4 of the agenda.

Tonight, the Council will be discussing the legal implications of its decision made on 31<sup>st</sup> July and how it can lawfully help the Community Shop moving forward. At the meeting on the 4<sup>th</sup> September the Parish Council handed a cheque for £5000 to the Shop Committee to aid the setting up of the shop until the share money starts coming in. The Parish Council is disappointed therefore that the recent Facebook post suggested that it had reneged on any decisions to help when in fact a total of £8180, including the cost of the cabin, had already been put at the Committee's disposal.

We are not here to discuss the rights and wrongs and who was perceived to have said what, but we now have a Business Plan for the Shop and the Council must find the best way forward.

The Chairman then handed the floor to David Bishop, Community Shop Committee.

David Bishop thanked the Parish Council for its help and said that it had acted very quickly in purchasing the Porta Cabin to enable the shop to get started. He also thanked the Parish Council for the £5000. The Society running the Shop will want to repay this money. Twenty-six thousand pounds (£26,000) has been pledged so far from members of the public for the Community Shop and David Bishop said that this whole exercise has brought the community together. The Society understands the legal process that the Parish Council must adhere to. The long-term aspiration is to build a permanent shop in place of the Porta Cabin.

Item No		Action By
1	<b>Apologies.</b> Apologies were received and accepted from Cllr C Bray.	
2	<b>Declarations of Interest</b> a) <b>Agenda Items.</b> Cllr Smith declared an interest in Item 4 and Cllr Masters declared an interest in Item 4. b) <b>Gifts.</b> None declared	

3	<b>Consideration of Written Requests for Dispensation.</b> None received	
4	<p><b>The Village Shop</b></p> <p>The Chairman read from the following notes regarding the Community shop and the legal constraints of the Parish Council:</p> <p><b>The Porta Cabin.</b> It has been brought to the attention of the Council that it cannot legally purchase the Cabin on behalf of the Community Shop. It must own the Cabin because it has claimed the VAT back. It will be part of the lease agreement for a peppercorn rent. This means that the Community Shop, in effect has been given £3180, because this was money that it was thought would be returned to the Parish Council. It is understood that the Community Shop wishes to purchase the Porta Cabin from the Parish Council but there is no time restriction for this. The Parish Council is happy to lease the Cabin with the land at a peppercorn rent until such time the Community shop is in a financial position to purchase it.</p> <p><b>S137. Money.</b> A parish can consider giving money under Section 137, restricted to £7.86 per elector this year, <b>ONLY</b> if it has budgeted and precepted this money for a particular year. This is not the case. No such expenditure was budgeted for last November when setting the Precept and, therefore, this Power cannot be used this financial year.</p> <p>This could be budgeted for in next year's budget and added to the Precept. This would mean that a sum of £4936 (based on this year's per capita figure of £7.86) would be available to be given to the Community Shop next April when the Precept is received. However, you must be mindful that this will mean a minimum increase to the Precept of £5000.</p> <p>The Clerk explained the principles of S137 money and how it affects the Precept if this Power is used by the Parish Council. The Parish Council Budget and Reserves were discussed.</p> <p><b>General Power of Competence.</b></p> <p>A parish council may lend money, on mutually agreed terms, to a non-profit making voluntary organisation which provides or maintains anything in the area for the benefit of its inhabitants, anything which the council itself could provide under section 19 of the Local Government (Miscellaneous Provisions) Act 1976. However, Community Shops are not covered in this section of the Act. A Parish Council can only assist a Community Shop if it has adopted the General Power of Competence. This Parish Council meets the criteria for adopting the GPC, having a Clerk who holds the Certificate in Local Council Administration and two-thirds of its members having been elected. One way forward would be for the Parish Council to adopt the General Power of Competence at its next meeting on the 2<sup>nd</sup> October and ratify the £5000 for the shop. After this meeting the Clerk will look at whether more money can be loaned this year under the GPC bearing in mind that this is a project that has only come to light in this financial year and so there has been no provision in the Council's budget for it. The Clerk will produce a Budget for 2018/19 to be considered at the October meeting.</p> <p>The length of the tenancy was discussed. The Shop needs a minimum of 10 years to satisfy the criteria of the Post Office, or a renewable lease. The Clerk will apply to the Secretary of State for permission to grant a longer Lease. A copy of the Lease is needed for the application to the Post Office. The Clerk will discuss this with the Solicitor and as soon as the draft is drawn up an Extraordinary meeting will be called for the Council to look at if it falls between the monthly meetings of the Council.</p> <p>It was said that the Community shop must own the Porta Cabin because it has to be an Asset Lock as per its financial conditions.</p>	

<b>5</b>	<b>Close</b> Cllr Masters thanked the Chairman and Clerk for the effort they have put in to move the shop forward.  There being no further business to transact the Chairman closed the meeting at 8.10pm	
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Signed.....Chairman

Date .....

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A copy of these Minutes and those of previous meetings of the Parish Council can be viewed on the Parish Council Website: <http://www.parish-council.com/StMabyn/>