

Item 8

The Parish Council, in-line with all employers in the UK must offer a Pension to qualifying employees. Employers with no qualifying employees, eg Thompson Parish Council must be registered with a pension provider regardless of not having qualifying employees so that should circumstance change and an employee is or becomes eligible to join a scheme they can do so immediately.

Thus the Council must take steps to have a provider in place. This is to be done by February 2017 but can be done earlier. The Council also has to inform non qualifying employees that they are not qualified. I believe that the easiest option is to join the Government run scheme as soon as possible and for me as Clerk to write to myself, informing me that I do not qualify for the scheme.

On a more serious note it is a legal requirement with financial penalties for any employer not complying. Thus a system needs to be put in place to ensure that subsequent Councils are not penalised if a Clerk is hired who meets the salary and age requirements to join a pension scheme. The current contact for Pension with HM Government is the current Clerk but I wonder whether it would be better to use an outside agency (if I can find one) to act on our behalf to ensure compliance. I suggest this on the grounds that Parish Councillors are subject to potential change every election and thus not really suitable to be the Pensions contact and with an employed staff of one neither is the Clerk, there being no one to take over other than the next incumbent who may or may not be familiar with the requirements. I will seek the advice of Thinking Rural who carry out our payroll services and would to me seem to be the most logical choice for looking after the Councils pensions interest.

Item 9

The trustees of Thompson Community hall expressed concern regarding leasing the land for the community Hall- I wrote to Chris brown of NP Law as follows:

The trustees are somewhat worried about the terms of the lease on the grounds that they are about to spend in excess of £600,000 of legacy monies left by benefactors to the village to provide a new hall on land bought before the in about 1999 for the purpose of building a hall on the millennium Green if and when funds became available. Their worry is really that the hall once built will be administered by the Charity but effectively owned by the Council.

Currently, within this country we are in a state of change and the trustees worry that with all the parliamentary and council changes proposed, at some point in the future Thompson Parish Council could cease to exist and the body taking over parish Council's responsibility could be less sympathetic to the needs of the residents of Thompson than our Parish Council currently is and decide that they no longer wished to lease the land for a Community Hall and evict the charity, which one assumes would also require them to demolish the hall and make the land "good" prior to handing it back.

Because of the concerns regarding a lease giving the Council too much power regarding the outcome of the community hall I ask if it would be better or even possible to sell the land to the Charity for a very low price? To do this there would need to be restrictions to ensure that the land is only used for a community hall and must be returned at original purchase price, with or without a building, should the charity wind up. This would ensure that the hall at least would continue to exist for village use and that the land could not be used for unacceptable purposes – i.e. housing or commercial use. Is this possible?

As Parish Clerk and a trustee of the Thompson Community Hall I am "caught between a rock and a hard place" but fortunately I have no say in Council decisions, but try to keep the members well informed. The Council has 5 Councillors who have no connection with the Charity but have the best interest of their parishioners at heart and will fully discuss any comments/suggestions that you care to make on this matter before making a final decision with regard selling or leasing the land.

He replied:

The Council would be granting a 125-year lease to the trustees which as good as a freehold, provided that the Trust complies with the requirements of the lease. If they comply any new landlord cannot evict them. Even if they were to fall into breach the courts are generally reluctant to award forfeiture of leases and the Trust would have the opportunity to put any failings right. However, the Trust must take its own advice, not from me or you. I appreciate the point about general uncertainty.

Re the alternative, the site could be sold but agreements 1. to ensure continued use for the community can be uncertain and difficult to enforce and 2. an agreement to enable a return to the Council in the case of insolvency would require a separate agreement called a call option which also has enforcement problems especially over long periods of time. The lease contains a mechanism for return in such circumstances.

Your email prompts me to ask about the peppercorn rent. The Council should know what the site is worth and have made a decision that the value the Council is giving away to the trust by not charging a market rent is justifiable in view of the social and community benefit it will deliver to the Council's inhabitants.