

## **Rescission of Decision – Community Hall Lease**

### (1) Decision to be Rescinded – Community Hall – Future Use

We the undersigned request the Parish Council considers rescinding part of its decision made on 5 September 2013 (Minute No. 121) in accordance with Standing Order No. 10, ie items (a) and (b) and (d) and (e). Items (c) and (f) have already been actioned and a review of these two items would be ineffective.

**RESOLVED:** (a) That the Parish Council enter into a new lease with Cheshire East Council for operation of the community hall; and

(b) That the new lease commence on 24 November 2013;

(c) That the user, identified in the Clerk's report, be advised that it would be required to vacate the community hall by no later than 8 November 2013;

(d) That, dependent on the outcome of negotiations currently being undertaken, the lease with Cheshire East Council be renewed for a two-year period, with a break-clause inserted at 12 months;

(e) That, in the event of the outcome of negotiations being unfavourable (see (d) above) the lease with Cheshire East Council be renewed for a one year period only terminating on 23 November 2014; and

(f) That the Community Carols event scheduled for 19 December be held in the community hall (possibly on 10 December)."

### (2) Summary of Reasons for the Proposed Rescission

There are two reasons for review of the decision; (1) legal advice received subsequent to the decision renders part of the proposed operation of the hall impracticable; and (2) financial considerations.

(1) It had been expected that there would be no requirement for anyone to attend the hall for one-off events as casual users would collect a key from Nantwich Civic Hall. The Legal Adviser has stated that there should be someone representing the Parish Council to meet with the user at the hall and explain the various security arrangements. If this is not carried out, the Parish Council could be held liable in the event of any injury during the hire period. As a consequence, either the Clerk or a parish councillor would need to attend for each one-off event, or, the Parish Council would need to make a decision not to accept any casual bookings.

(2) Having reviewed the budget for 2014-2015 the hall is to be subsidised to a significant extent. Although this can be offset by income received during 2013, it should be borne in mind that this is public money and the Parish Council has a fiduciary duty to its residents.

### (3) Alternative Motion

Dependent on discussions at the extra-ordinary meeting to be held on 28 January 2014, we propose the following decision to replace the resolution in Minute No. 121 -

The Parish Council declines to renew the lease for the community hall with Cheshire East Council.

### (4) Withdrawal of Motion

Dependent upon discussions at the extra-ordinary meeting on 28 January 2014, we reserve the right to withdraw the motion to rescind Decision No. 121, in accordance with Standing Order 6 (o) and with the consent of the meeting.