

**HORDEN RECREATION GROUND**  
**Minutes of Meeting held 14<sup>th</sup> May 2013.**

**Present:** Councillor J White (Chairman)  
 Councillors W Hill, D Nicol, J Clark, M Clark, D Langan, E Connor, R Bagnall, G Phillips, L Williams, I Roberts, M Robinson, E Wood, D Tait and W Smith.

**Apologies:**

**Staff:** Mr P Davison (Clerk)

**Also Present:** Janine Hobson and Fiona Aitken (Mortons Solicitors)

**HRG**            **Apologies for Absence**  
**13/14/01**        No apologies for absence were submitted.

**RESOLVED:** to note the information.

**HRG**            **Minutes of Meeting held 9<sup>th</sup> April 2013**  
**13/14/02**        **RESOLVED:** that the minutes be confirmed as a correct record to be signed by the Chairman.

**HRG**            **Matters Arising**  
**13/14/03**        There were no matters arising that were not already covered on the agenda.

**HRG**            **Public Participation**  
**13/14/04**        There were no members of the public present.

**HRG**            **Exclusion of Press and Public.**  
**13/14/05**        that in accordance with Section 2 of the Public Bodies (Admission to Meetings) Act, 1960, the press and public be excluded from the meeting for the following items of business on the grounds that it involves information prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

**RESOLVED:** that the press and public be excluded for the following items.

**HRG**            **HCW AFC Issues**  
**13/14/06**        The Chairman welcomed representation from Mortons Solicitors who had previously been requested to attend the meeting of the trustee to provide suggested courses of action to progress the numerous current issues being experienced with the football club.

The Clerk proceeded to provide a summary of their report previously circulated and a verbal update regarding further representations being made by the football club prior to the meeting commencing.

Mortons Solicitors provided a current position statement regarding the issues and clarified a number of outstanding issues including the ownership of the HCW AFC Supporters Club, the question of financial contributions to the football club being provided by the supporters club, the extinguished covenant on the Welfare Park regarding the sale of alcohol and the matter of the football clubs license, including utility and maintenance arrangements. It was noted that the football clubs license had expired in February 2013.

Much discussion ensued regarding the satisfactory conclusion of the outstanding issues and Members felt that the most pragmatic and practical recourse be offered by Mortons with regard to the safeguarding of the public purse.

Members also expressed their concern and dissatisfaction regarding Mortons on the way that the case had been previously handled, but acknowledged that the firm were now acting in accordance with the trustees wishes.

Mortons Solicitors provided advice on suggested outcomes depending on the action taken and the implications arising thereof and a number of proposals were put forward by members.

- Motion 1 – that Mortons write to the football club in response to their letter dated 13<sup>th</sup> May 2013 and advise them of the ownership of the supporters club building belonged solely to the trustee and that any dispute over any perceived financial obligations owed to the football club from the supporters club was not a matter for the trustee to determine and was a private dispute between the two clubs. Therefore the trustee would not become further involved in the matter.
- Motion 2 – As Motion 1, with the addition that representatives of the football club meet with the trustee in order to discuss a solution with regard to the issues outstanding.
- Motion 3 – As Motion 1, with the addition that the football clubs license would not be renewed. Furthermore, if the football club immediately issued vacant possession of the ground to the trustee then the entirety of the existing debt would be written off on an ex gratia basis. If the football club did not voluntarily vacate the ground then a court order would be sought to gain possession of the ground from the club without undue delay.

Mortons solicitors were asked which option was the best option with which to proceed and they advised Motion 3.

The Chairman called for a vote on each proposal by a show of hands and it was

**RESOLVED:** that

- (i) Mortons solicitors carry out Motion 3.
- (ii) The Clerk write to Mortons Solicitors expressing the Members dissatisfaction with the previous level of service received and for the firm to consider providing a refund on fees previously paid.