

HORDEN RECREATION GROUND

MINUTES OF THE EXTRAORDINARY MEETING

HELD ON WEDNESDAY 11TH. DECEMBER 2013

Present : Cllr. J.White (Chair)

Cllrs. : J. Clark, D. Nichol, D. Tait, L. Williams, R. Bagnall, I. Roberts,

W. Smith, W. Hill, M. Robinson, G. Phillips, E. Wood, M. Clark, D. Langan

1. Apologies for Absence: No apologies for absence had been received

2. Absence of the Clerk

Owing to the absence of the Clerk it was:

RESOLVED: that Cllr. D. Langan be authorised, in an unpaid capacity, to produce the Minutes of this meeting and take any actions necessary in pursuance of the resolutions made in this meeting, on the behalf of the Council/Trustee, as a matter of urgency.

3. The Report of the Working Group held on Monday 9th. December 2013

This report which involved the attendance of Mr. Stephens and Mr. Ramage representing HCWAFC, had previously been circulated to members. It was agreed to amend the report by deleting the words "*as the Football Club's solicitor*" because at the meeting Mr. Ramage stated he was only attending as a supportive friend of Mr. Stephens.

Considerable debate ensued regarding this report and further information, contained in letters from Mortons Solicitors (regarding advice and costings about legal/mediation fees including their receipt of a cheque/s for £3100 and £1500 for these fees; acceptance of monies from HCWAFC; 'mesne profits' in relation to Court case proceedings; copies of letters sent to HCWAFC on behalf of the Council/Trustee and a report, from the Assistant Clerk, of a recent telephone call from Mortons.

Members were mindful of their duty and responsibility in safeguarding the expenditure of public funds and the following resolutions were made:

RESOLVED:

- (i) Mortons Solicitors be informed that the Council/Trustee wishes to **cancel** the formal Mediation Meeting scheduled to be held on Tuesday 17th. December 2013 and Mortons to inform HCWAFC of this decision.
- (ii) Mortons Solicitors be requested to return the cheque/s totalling £4600 in respect of Counsel's and Mediators fees which had been sent in advance, following the Clerk's instruction, in response to the letter from Mortons Solicitors dated 4th. December 2013.
- (iii) Mortons Solicitors be instructed to place the Council/Trustee Court Case, scheduled to be held on Wednesday 18th. December 2013, **"on hold"** for a period of one month, so that **"in – house"** mediation **involving the HCWAFC and Council/ Trustee only**, can take place; and that Mortons inform the HCWAFC accordingly, as soon as possible; and for Mortons Solicitors to await further instruction from the Council/Trustee.
- (iv) The HCWAFC be informed that, following advice from Mortons Solicitors, regarding the cheque which had been received in respect of the Annual Periods for 2010/2011; 2011/2012; 2012/2013; 2013/2014 for £4589.62 be returned to the Football Club with a request to pay only for the periods 2010/2011; 2011/2012; 2012/2013 and re-invoiced accordingly, following an explanation to the Football Club regarding the "holding" decision resolved by the Council/Trustee.

4 . Outstanding Electricity Charges

The members considered the information provided by HCWAFC with regard to the assessment of the Club's use of Electricity over its.... *"Occupied hours in the Grandstand"*, for the respective Annual Periods to cover the months **February to April** and **July to December** in respect of the years **2010; 2011; 2012** and also **January to April** and **July to October** for **2013**.

This figure totalled **£2047.50** [585 hours @ £3.50] which the Football Club believed to be a “fair reflection of consumer costs.

The members compared this amount to the Council/Trustee’s figure of **£4635.71**.

RESOLVED:

(i) HCWAFC be requested to provide a “**full breakdown of matches and hours and consumer rates**” as **offered** in their letter, dated 11th. December 2013 .

(ii) HCWAFC be requested to attend a further “**In- house**” mediation meeting of the **Working Group on Monday 16th December 2013 at 6.30.p.m. to discuss :**

(a) **the Ground Fees for the Annual Periods for the 2010/2011; 2011/2012 and 2012/2013 and the Council/Trustee’s decision made today ,Wednesday 11th. December 2013.**

(b) **the full breakdown of matches and hours and consumer rates provided by HCWAFC.**

FURTHER RESOLVED :

that the members agree to the attend an Extraordinary Meeting to be convened by the Chair, Cllr. J. White, directly following the “In-house” mediation meeting of the Working Group at 7.30 p.m. on Monday 16th. December 2013.

• **HCWAFC PROPOSED DRAFT LEASE.**

The members briefly discussed points raised, during the Working Group Meeting held on Monday 9th. December 2013 (with Mr. N. Stephens and Mr. M. Ramage in attendance) and additional advice from Mortons Solicitors in respect of any future “Agreements” .

RESOLVED: that this issue would be discussed at a later date subject to mediation/settlement/litigation outcomes.