

George Blanchard

From: checplanningltd@gmail.com
Sent: 14 January 2020 17:16
To: George Blanchard; Tessa Hampden; Claudia Towner
Subject: Freshford Village Memorial Hall

Importance: High

I am writing to set out how I intend to undertake the examination of the Freshford Village Memorial Hall Community Right to Build Order. My role is to determine whether the Order meets the Basic Conditions and other legal requirements. I intend to ensure that the Trustees feel part of the process. As such, I will copy the Trustees into all correspondence, apart from contractual matters that are dealt with direct with the local planning authority. Likewise, please can you ensure that any correspondence from you is copied to the other party. This will ensure fairness and transparency throughout the process.

George will be my main point of contact . Once I have read all the papers, I may seek clarification on some matters. It may be appropriate for me to seek clarification on matters from the Trustees. I must emphasise very strongly that this does not mean that I will accept new evidence. In the interest of fairness to other parties, I cannot accept new evidence other than in exceptional circumstances. If the Trustees are unsure as to whether information it is submitting may constitute new evidence, may I suggest that you send it to George in the first instance for an opinion. If I do seek clarification, I will ask for my request and any responses to be published on the Bath and North East Somerset Council's web site.

It may be that there is very little correspondence from me during the examination. I will endeavour to keep you both up to date on the progress of the examination. The default is for an examination to be conducted without a hearing. If I feel one is necessary, I will inform you both as early as possible, but this is likely to be near the end the examination process. If I do intend to hold a hearing, I will inform you of the procedure at that time.

As you are aware, an accompanied site visit is arranged for 11 am on Wednesday 22 January. I will be accompanied by George Blanchard and Tessa Hampden on behalf of Bath and North East Somerset Council and Claudia Towner on behalf of the Trustees. I am happy for this site visit to be publicised and happy for any other interested parties to attend. I have asked for an accompanied site visit because it would be helpful to be able to enter the existing building. I do not intend to disrupt any activities going on in the building. The purpose of my site visit will be to understand the proposal and I will have the full set of plans with me. It will not be appropriate to hear any representations at the site visit.

I confirm that I have received the submission documents together with the Part 6 Regulation 23 representations. I would like to give the Trustees the opportunity to make comment on these representations. It would be helpful if I could receive any comments via email by 24 January. Again, I must emphasise that I will not accept new evidence. It is not necessary for the Trustees to make comment on the representations. I will consider any comments when I receive them in due course and they should be placed on the Bath and North East Somerset Council's web site.

I will issue a draft report for fact checking by both parties. I will ask you both to check my report for factual errors such as dates, sequence of events, names and so on that might need to be corrected. The report will be confidential and must not be presented to a public meeting. I must emphasise that this is not an opportunity to make comments on the report other than those that relate to factual errors. In particular, I will not be inviting, and will not accept, comment on any suggested modifications. The draft report will only be published as the final version if there are no factual errors found and if there is no other reason, such as a sudden change in national policy, that could be significant to my recommendations. I will endeavour to issue my final report shortly after the fact checking stage.

To assist with the examination, please can I have the dates for both Part 6 Regulation 23 consultation periods.

Please can this email be placed on the Bath and North East Somerset Council's web site. If there is future correspondence regarding matters of clarification, I will ask for those to be similarly made available.

Regards

Janet Cheesley

George Blanchard

From: checplanningltd [REDACTED]
Sent: 17 January 2020 13:02
To: Claudia Towner
Cc: George Blanchard; Tessa Hampden
Subject: Freshford Village Memorial Hall

Importance: High

Follow Up Flag: FollowUp

Flag Status: Flagged

As part of the examination, I can seek matters of clarification. Prescribed conditions for Parish Councils are set out in Part 4 Regulations (2012). In order for me to be able to assess the requirements of this regulation, please can I see a copy of the Constitution for the Freshford Village Memorial Hall Trust.

Part 6 Regulation 22 (f) in the Neighbourhood Planning (General) Regulations (2012) refers to details of enfranchisement rights, if any, which the qualifying body proposes are not exercisable. Please can the Trust confirm that I

Please can this request and a copy of the reply be placed on the Bath and North East Somerset Council's website.

Kind Regards

Janet Cheesley

George Blanchard

From: Claudia Towner [REDACTED]
Sent: 17 January 2020 13:07
To: checplanningltd [REDACTED]
Cc: George Blanchard; Tessa Hampden
Subject: Re: Freshford Village Memorial Hall
Attachments: Freshford_Village_Memorial_Hall_CIO_constitution_26_July_2017 with signatures.pdf

Dear Tessa,
Please find attached the Constitution for Freshford Village Memorial Hall.

Enfranchisement rights understand are not relevant to this

Kind regards,
Claudia Towner

Chair, Freshford Village Memorial Hall trustees

On Fri, 17 Jan 2020 at 13:02, <[REDACTED]>

As part of the examination, I can seek matters of clarification. Prescribed conditions for community right to build organisations that are not Parish Councils are set out in Part 4 Regulation 13 in the Neighbourhood Planning (General) Regulations (2012). In order for me to be able to assess the requirements of this regulation, please can I see a copy of the Constitution for the Freshford Village Memorial Hall Trust.

Part 6 Regulation 22 (f) in the Neighbourhood Planning (General) Regulations (2012) refers to details of enfranchisement rights, if any, which the qualifying body proposes are not exercisable. please can the Trust confirm that I can assume that this Regulation does not apply.

Please can this request and a copy of the reply be placed on the Bath and North East Somerset Council's website.

Kind Regards

Janet Cheesley

--
Claudia Towner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Constitution of The Freshford Village Memorial Hall CIO

Date of constitution (last amended): 26th July 2017

1. Name

The name of the Charitable Incorporated Organisation (“the CIO”) is The Freshford Village Memorial Hall.

2. National location of principal office

The CIO must have a principal office in England or Wales. The principal office of the CIO is in England.

3. Objects

The objects of the CIO are to establish and run a village hall and to promote for the benefit of the inhabitants of the Parish of Freshford and the neighbourhood (“area of benefit”) without distinction of sex, sexual orientation, age, disability, nationality, race or political, religious or other opinions the provision of facilities for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances or for the public at large in the interests of social welfare and with the object of improving the conditions of life of the said inhabitants.

4. Powers

The CIO has power to do anything which is calculated to further its objects or is conducive or incidental to doing so. In particular, the CIO has power to:

- 4.1 co-operate with other voluntary organisations, statutory authorities and individuals;
- 4.2 establish or support a local forum of representatives of community groups, voluntary organisations; statutory authorities and individuals involved in community work;
- 4.3 promote and develop or to assist in the promotion and development of community organisations and community social enterprises in the area of benefit;
- 4.4 acquire and distribute funds and to assist in the provision of grants to community organisations in the area of benefit;
- 4.5 arrange and provide for, either alone or with others, the holding of exhibitions, meetings, lectures, classes, seminars or training courses, and all forms of recreational and other leisure-time activities;
- 4.6 raise funds. In doing so, the CIO must not undertake any substantial permanent non-charitable trading activity and must comply with any relevant statutory regulations;

- 4.7 borrow money and to charge the whole or any part of its property as security for the repayment of the money borrowed. The CIO must comply as appropriate with sections 124 to 126 of the Charities Act 2011, if it wishes to mortgage land;
- 4.8 buy, take on lease or in exchange, hire or otherwise acquire any property and to maintain and equip it for use;
- 4.9 sell, lease or otherwise dispose of all or any part of the property belonging to the CIO. In exercising this power, the CIO must comply as appropriate with sections 117 to 123 of the Charities Act 2011;
- 4.10 employ and remunerate such staff as are necessary for carrying out the work of the CIO. The CIO may employ or remunerate a charity trustee only to the extent that it is permitted to do so by clause 6 (Benefits and payments to charity trustees and connected persons) and provided it complies with the conditions of that clause;
- 4.11 deposit or invest funds, employ a professional fund-manager, and arrange for the investments or other property of the CIO to be held in the name of a nominee, in the same manner and subject to the same conditions as the trustees of a trust are permitted to do by the Trustee Act 2000.

5. Application of income and property

- 5.1 The income and property of the CIO must be applied solely towards the promotion of the objects.
- 5.2 A charity trustee is entitled to be reimbursed from the property of the CIO or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the CIO.
- 5.3 A charity trustee may benefit from trustee indemnity insurance cover purchased at the CIO's expense in accordance with, and subject to the conditions in, section 189 of the Charities Act 2011.
- 5.4 None of the income or property of the CIO may be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to any member of the CIO.

6. Benefits and payments to charity trustees and connected persons

6.1 General provisions

No charity trustee or connected person may:

- 6.1.1 buy or receive any goods or services from the CIO on terms preferential to those applicable to members of the public;
- 6.1.2 sell goods, services, or any interest in land to the CIO;

6.1.3 be employed by, or receive any remuneration from, the CIO;

6.1.4 receive any other financial benefit from the CIO;

unless the payment or benefit is permitted by clause 6.2 or authorised by the court or the Charity Commission (“the Commission”). In this clause, a “financial benefit” means a benefit, direct or indirect, which is either money or has a monetary value.

6.2 Scope and powers permitting trustees’ or connected persons’ benefits

6.2.1 A charity trustee or connected person may receive a benefit from the CIO as a beneficiary of the CIO provided that a majority of the trustees do not benefit in this way.

6.2.2 A charity trustee or connected person may enter into a contract for the supply of services, or of goods that are supplied in connection with the provision of services, to the CIO where that is permitted in accordance with, and subject to the conditions in, section 185 and 186 of the Charities Act 2011.

6.2.3 Subject to clause 6.3 a charity trustee or connected person may provide the CIO with goods that are not supplied in connection with services provided to the CIO by the charity trustee or connected person.

6.2.4 A charity trustee or connected person may receive interest on money lent to the CIO at a reasonable and proper rate which must be not more than the Bank of England bank rate (also known as the base rate).

6.2.5 A charity trustee or connected person may receive rent for premises let by the trustee or connected person to the CIO. The amount of the rent and the other terms of the lease must be reasonable and proper. The charity trustee concerned must withdraw from any meeting at which such a proposal or the rent or other terms of the lease are under discussion.

6.2.6 A charity trustee or connected person may take part in the normal trading and fundraising activities of the CIO on the same terms as members of the public.

6.3 Payment for supply of goods only – controls

The CIO and its charity trustees may only rely upon the authority provided by clause 6.2.3 if each of the following conditions is satisfied:

6.3.1 The amount or maximum amount of the payment for the goods is set out in an agreement in writing between the CIO and the charity trustee or connected person supplying the goods (“the supplier”) under which the supplier is to supply the goods in question to or on behalf of the CIO.

6.3.2 The amount or maximum amount of the payment for the goods does not exceed what is reasonable in the circumstances for the supply of the goods in question.

- 6.3.3 The other charity trustees are satisfied that it is in the best interests of the CIO to contract with the supplier rather than with someone who is not a charity trustee or connected person. In reaching that decision the charity trustees must balance the advantage of contracting with a charity trustee or connected person against the disadvantages of doing so.
 - 6.3.4 The supplier is absent from the part of any meeting at which there is discussion of the proposal to enter into a contract or arrangement with him or her or it with regard to the supply of goods to the CIO.
 - 6.3.5 The supplier does not vote on any such matter and is not to be counted when calculating whether a quorum of charity trustees is present at the meeting.
 - 6.3.6 The reason for their decision is recorded by the charity trustees in the minute book.
 - 6.3.7 A majority of the charity trustees then in office are not in receipt of remuneration or payments authorised by clause 6.
- 6.4 In clauses 6.2 and 6.3:
- 6.4.1 “the CIO” includes any company in which the CIO:
 - (i) holds more than 50% of the shares; or
 - (ii) controls more than 50% of the voting rights attached to the shares; or
 - (iii) has the right to appoint one or more directors to the board of the company.
 - 6.4.2 “connected person” includes any person within the definition set out in clause 28 (Interpretation);

7. Conflicts of interest and conflicts of loyalty

A charity trustee must:

- 7.1 declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the CIO or in any transaction or arrangement entered into by the CIO which has not previously been declared; and
- 7.2 absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict of interest will arise between his or her duty to act solely in the interests of the CIO and any personal interest (including but not limited to any financial interest).

Any charity trustee absenting himself or herself from any discussions in accordance with this clause must not vote or be counted as part of the quorum in any decision of the charity trustees on the matter.

8. Liability of members to contribute to the assets of the CIO if it is wound up

8.1 If the CIO is wound up, the members of the CIO have no liability to contribute to its assets and no personal responsibility for settling its debts and liabilities.

9. Charity trustees

9.1 Functions and duties of charity trustees

The charity trustees shall manage the affairs of the CIO and may for that purpose exercise all the powers of the CIO. It is the duty of each charity trustee:

9.1.1 to exercise his or her powers and to perform his or her functions in his or her capacity as a trustee of the CIO in the way he or she decides in good faith would be most likely to further the purposes of the CIO; and

9.1.2 to exercise, in the performance of those functions, such care and skill as is reasonable in the circumstances having regard in particular to:

- (i) any special knowledge or experience that he or she has or holds himself or herself out as having; and,
- (ii) if he or she acts as a charity trustee of the CIO in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.

9.2 Eligibility for trusteeship

9.2.1 Every charity trustee must be a natural person.

9.2.2 No individual may be appointed as a charity trustee of the CIO:

- (i) if he or she is under the age of 16 years; or
- (ii) if he or she would automatically cease to hold office under the provisions of clause 10.4.6.

9.2.3 No one is entitled to act as a charity trustee whether on appointment or on any re-appointment until he or she has expressly acknowledged, in whatever way the charity trustees decide, his or her acceptance of the office of charity trustee.

9.2.4 The total number of trustees under the age of 18 years must not at any time be more than quarter of the total number of trustees in office.

9.3 The charity trustees

9.3.1 There must be at least ten charity trustees. If the number falls below this minimum, the remaining trustee or trustees may act only to call a meeting of the charity trustees, or appoint a new charity trustee. The first charity trustees are-

Claudia Towner, Peter Jones, Martin Walker, Philip Haile, Alexandra Malir, Nicholas Stevens, John Adler, Joan Benfield, Penelope Blamey, Chloe Alexander and Benjamin Batchelor-Wylam

who shall continue in office until the end of the first annual general meeting.

9.3.2 There is no maximum number of charity trustees that may be appointed to the CIO.

9.3.3 The first charity trustees shall have power to appoint further charity trustees who shall hold office until the end of the first annual general meeting. Such charity trustees shall have power to elect a chairman and vice-chairman. Subject to this, the charity trustees shall comprise:

- (i) up to 10 charity trustees elected in accordance with clause 9.4;
- (ii) up to 15 charity trustees appointed in accordance with clause 9.5, and
- (iii) up to 5 individuals co-opted by the charity trustees in accordance with clause 9.6;

9.4 The elected charity trustees must be elected at an annual general meeting at which all inhabitants of the area of benefit of 18 years and upward are entitled to attend and vote in accordance with clause 15.5. No person other than a charity trustee retiring in accordance with the constitution may be appointed a charity trustee at any general meeting unless:

9.4.1 he or she is recommended for re-election by the charity trustees; or

9.4.2 not less than fourteen nor more than thirty-five clear days before the date of the meeting, the CIO is given a notice that:

- (i) is signed by an inhabitant of the area of benefit entitled to vote at the meeting;
- (ii) states the individual's intention to propose the election of a person as a charity trustee;
- (iii) contains the details that, if the person were to be appointed, the charity would have to file with the Charity Commission; and

- (iv) is signed by the person who is to be proposed to show his or her willingness to be elected.
- 9.5 The charity trustees shall maintain a list of user bodies that they consider to be supportive of the CIO's objects and which have indicated a wish to appoint a charity trustee of the CIO. Each listed user body shall have the right to appoint one charity trustee. Any such appointment must be made according to the ordinary practice of the appointing body and must be notified in writing to the secretary.
 - 9.5.1 Where any application for the right to appoint a charity trustee is received from any existing or newly-formed body operating in the area of benefit, the charity trustees may, with the approval of not less than two-thirds of all the charity trustees, add such body to the list of user bodies and allow such body to appoint a charity trustee.
 - 9.5.2 The charity trustees may, with the approval of (a) the body concerned and (b) not less than two-thirds of all the charity trustees, remove a body from such list of user bodies.
 - 9.5.3 A minute of the relevant resolution, authenticated by the chairman, should be (a) placed with the title deeds and (b) kept with the charity trustees' working papers.
- 9.6 Co-opted charity trustees must be appointed at a duly constituted meeting of the charity trustees.
- 9.7 The period of office of elected charity trustees starts at the end of the annual general meeting at which they are elected and ends at the end of the next following annual general meeting.
- 9.8 The period of office of charity trustees appointed by listed user bodies at the annual general meeting in any year starts at the end of that meeting or, in the case of a charity trustee appointed after such annual general meeting, or to fill a casual vacancy, on the day on which notification of his appointment is received by the secretary. Subject to clause 10, the period of office of appointed charity trustees ends on the day on which notification of his or her removal is received by the secretary.
- 9.9 The period of office of co-opted charity trustees starts at the time when they are appointed by the charity trustees and ends at the end the next following annual general meeting or at the time (if earlier) when they are removed by the charity trustees. Co-opted charity trustees may be reappointed by the charity trustees.
- 9.10 In the event of a casual vacancy among elected or co-opted charity trustees, the charity trustees may appoint a person who is willing to act to be a charity trustee. A charity trustee so appointed shall hold office only until the next following annual general meeting. If not elected or reappointed at such annual general meeting, he or she shall vacate office at the conclusion thereof.
- 9.11. Information for new charity trustees

The charity trustees will make available to each new charity trustee, on or before his or her first appointment:

9.11.1 a copy of this constitution and any amendments made to it; and

9.11.2 a copy of the CIO's latest Trustees' Annual Report and statement of accounts.

9.12 All charity trustees who are entitled to receive notice of a general meeting must be given not less than seven nor more than twenty-eight clear days' notice of any resolution to be put to the meeting to appoint a charity trustee.

10. Retirement and removal of charity trustees

10.1 At the first and at each subsequent annual general meeting all elected charity trustees shall retire from office unless by the close of the meeting the members have failed to elect sufficient charity trustees to hold a quorate meeting of the charity trustees.

10.2 A charity trustee who retires at an annual general meeting may, if willing to act, be re-elected. If the CIO does not fill the vacancy created by his or her resignation, he or she shall, if willing to act, be deemed to have been re-elected unless at the meeting it is resolved not to fill the vacancy or unless a resolution for the re-election of the charity trustee has been put to a meeting and lost. If he or she is not re-elected he or she shall retain office until the meeting elects someone in his or her place, or if it does not do so, until the end of the meeting.

10.3 If a charity trustee is required to retire at an annual general meeting by a provision of the constitution the retirement shall take effect upon the conclusion of the meeting.

10.4 A charity trustee ceases to hold office if he or she:

10.4.1 retires by notifying the CIO in writing (but only if enough charity trustees will remain in office when the notice of resignation takes effect to form a quorum for meetings);

10.4.2 is absent without the permission of the charity trustees from all their meetings held within a period of six months and the trustees resolve that his or her office be vacated;

10.4.3 dies;

10.4.4 in the written opinion, given to the CIO, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a charity trustee and may remain so for more than three months; or

10.4.5 is removed by ordinary resolution of the members of the CIO present and voting at a general meeting after the meeting has invited the views of the charity trustee concerned and considered the matter in the light of any such views.

10.4.6 is disqualified from acting as a charity trustee by virtue of section 178 - 180 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).

11. Taking of decisions by charity trustees

Any decision may be taken either:

- 11.1 at a meeting of the charity trustees; participating at such a meeting shall qualify as being present at the meeting; or
- 11.2 by a resolution in writing or in electronic form agreed by a simple majority of all the charity trustees entitled to receive notice of a meeting of charity trustees or of a committee of charity trustees and to vote upon the resolution shall be as valid and effectual as if it had been passed at a meeting of the charity trustees or (as the case may be) a committee of charity trustees duly convened and held provided that:
 - 11.2.1 a copy of the resolution is sent or submitted to all the charity trustees eligible to vote; and
 - 11.2.2 a simple majority of charity trustees has signified its agreement to the resolution in an authenticated document or documents which are received at the principal office within the period of 28 days beginning with the circulation date.

The resolution in writing may comprise several documents containing the text of the resolution in like form to each of which one or more charity trustees has signified their agreement.

12. Delegation by charity trustees

- 12.1 The charity trustees may delegate any of their powers or functions to a committee or committees, and, if they do, they shall determine the terms and conditions on which the delegation is made. The charity trustees may at any time alter those terms and conditions, or revoke the delegation.
- 12.2 This power is in addition to the power of delegation in the General Regulations and any other power of delegation available to the charity trustees, but is subject to the following requirements:
 - 12.2.1 a committee may consist of two or more persons, but at least one member of each committee must be a charity trustee;
 - 12.2.2 the acts and proceedings of any committee must be brought to the attention of the charity trustees as a whole as soon as is reasonably practicable;
 - 12.2.3 no expenditure may be incurred on behalf of the CIO except in accordance with a budget previously agreed with the charity trustees and

12.2.4 the charity trustees shall from time to time review the arrangements which they have made for the delegation of their powers.

13. Meetings of charity trustees

13.1 Calling meetings

13.1.1 Any charity trustee may call a meeting of the charity trustees.

13.1.2 Subject to that, the charity trustees shall decide how their meetings are to be called, and what notice is required.

13.2 Chairing of meetings

The charity trustees may appoint one of their number to chair their meetings and may at any time revoke such appointment. If no-one has been so appointed, or if the person appointed is unwilling to preside or is not present within 10 minutes after the time of the meeting, the charity trustees present may appoint one of their number to chair that meeting.

13.3 Procedure at meetings

13.3.1 No decision shall be taken at a meeting unless a quorum is present at the time when the decision is taken. The quorum is three charity trustees, or the number nearest to one third of the total number of charity trustees, whichever is greater, or such larger number as the charity trustees may decide from time to time. A charity trustee shall not be counted in the quorum present when any decision is made about a matter upon which he or she is not entitled to vote.

13.3.2 Questions arising at a meeting shall be decided by a majority of those eligible to vote.

13.3.3 In the case of an equality of votes, the person who chairs the meeting shall have a second or casting vote.

13.4 Participation in meetings by electronic means

13.4.1 A meeting may be held by suitable electronic means agreed by the charity trustees in which each participant may communicate with all the other participants.

13.4.2 Any charity trustee participating at a meeting by suitable electronic means agreed by the charity trustees in which a participant or participants may communicate with all the other participants shall qualify as being present at the meeting.

13.4.3 Meetings held by electronic means must comply with rules for meetings, including chairing and the taking of minutes.

14. Membership of the CIO

- 14.1 The members of the CIO shall be its charity trustees for the time being. The only persons eligible to be members of the CIO are its charity trustees. Membership of the CIO cannot be transferred to anyone else.
- 14.2 Any member and charity trustee who ceases to be a charity trustee automatically ceases to be a member of the CIO.

15 General meetings and the annual general meeting

Decisions by members

- 15.1 Any decision to:
- 15.1.1 amend the constitution of the CIO;
 - 15.1.2 amalgamate the CIO with, or transfer its undertaking to, one or more other CIOs, in accordance with the Charities Act 2011; or
 - 15.1.3 wind up or dissolve the CIO (including transferring its business to any other charity)

must be made by a 75% majority of those members voting at a general meeting of the CIO (including those voting by proxy or by post, if voting that way is permitted) or unanimously by the members, otherwise than at a general meeting (rather than a resolution of the charity trustees).

- 15.2 Any decision specified in clause 15.1 must be made in accordance with the provisions of clause 26 (Amendment of constitution), clause 27 (Voluntary winding up or dissolution), or the provisions of the Charities Act 2011, the General Regulations or the Dissolution Regulations as applicable. Those provisions require the resolution to be agreed by a 75% majority of members of the CIO voting at a general meeting.
- 15.3 The CIO must hold its first annual general meeting within eighteen months after the date of its registration.

Annual general meetings

- 15.4 An annual general meeting must be held in each subsequent year and not more than fifteen months may elapse between successive annual general meetings. The charity trustees may call a general meeting at any time.
- 15.5 All inhabitants of the area of benefit of 18 years and upward must be entitled to attend and vote on the election of charity trustees as specified in clause 9.4 at annual general meetings. The charity trustees may allow inhabitants who are under 18 to attend (but not vote at) the meeting.

- 15.6 Public notice of every annual general meeting must be given in the area of benefit of at least fourteen days before the date thereof by affixing a notice to some conspicuous part of the property occupied by the CIO or other conspicuous place in the area of benefit and by such other means as the convenors think fit.
- 15.7 The business of each annual general meeting shall be:
- 15.7.1 to receive the annual report of the charity trustees, which shall incorporate the accounts of the CIO referred to below, and give an account of the work of the CIO and its activities during the preceding year;
 - 15.7.2 to receive the accounts of the CIO for the preceding financial year;
 - 15.7.3 to note the names of the persons appointed to serve as charity trustees under clauses 9.3.3 and 9.5 and to elect persons to serve as charity trustees under clause 9.4;
 - 15.7.4 for the members of the CIO only to appoint one or more qualified auditors or independent examiners for the coming year to audit or examine the accounts of the CIO in accordance with the Charities Act 2011;
 - 15.7.5 to consider any other business of which due notice has to be given.

For the avoidance of doubt, inhabitants of the area of benefit of 18 years and upward attending an annual general meeting of the CIO shall only have the right to vote on the election of charity trustees.

16. Notice of general meetings

- 16.1 The minimum period of notice required to hold a general meeting of the CIO is fourteen clear days.
- 16.2 In the case of an annual general meeting, in addition to giving notice to members, the CIO shall post the notice, in a conspicuous place or places in the area of benefit and/or advertised in a newspaper circulating in the area of benefit.
- 16.3 The notice must specify the date time and place of the meeting, the details of anyone being nominated as a charity trustee under clause 9.4 and the general nature of the business to be transacted. If the meeting is to be an annual general meeting, the notice must say so.
- 16.4 The notice must be given to all the members and auditors.
- 16.5 The proceedings at a meeting shall not be invalidated because a person who was entitled to receive notice of the meeting did not receive it because of an accidental omission by the CIO.

17. Proceedings at general meetings

- 17.1 No business shall be transacted at any general meeting unless a quorum is present.
- 17.2 A quorum is three charity trustees present, or the number nearest to one third of the total number of charity trustees, whichever is greater; and entitled to vote upon the business to be conducted at the meeting.
- 17.3 If:
- 17.3.1 a quorum is not present within half an hour from the time appointed for the meeting; or
- 17.3.2 during a meeting a quorum ceases to be present
- the meeting shall be adjourned to such time and place as the charity trustees shall determine.
- 17.4 The charity trustees must reconvene the meeting and must give at least seven clear days' notice of the reconvened meeting stating the date, time and place of the meeting.
- 17.5 If no quorum is present at the reconvened meeting within fifteen minutes of the time specified for the start of the meeting the members present in person at that time shall constitute the quorum for that meeting.
- 17.6 General meetings shall be chaired by the person who has been appointed to chair meetings of the charity trustees.
- 17.7 If there is no such person or he or she is not present within fifteen minutes of the time appointed for the meeting a charity trustee nominated by the charity trustees shall chair the meeting.
- 17.8 The members present at a meeting may resolve by ordinary resolution that the meeting shall be adjourned.
- 17.9 The person who is chairing the meeting must decide the date, time and place at which the meeting is to be reconvened unless those details are specified in the resolution.
- 17.10 No business shall be conducted at a reconvened meeting unless it could properly have been conducted at the meeting had the adjournment not taken place.
- 17.11 If a meeting is adjourned by a resolution of the members for more than seven days, at least seven clear days' notice shall be given of the reconvened meeting stating the date, time and place of the meeting.
- 17.12 Any vote at a meeting shall be decided by a show of hands unless before, or on the declaration of the result of, the show of hands a poll is demanded:
- 17.12.1 by the person chairing the meeting; or
- 17.12.2 by at least two members present and having the right to vote at the meeting.

- 17.13 The declaration by the person who is chairing the meeting of the result of a vote shall be conclusive unless a poll is demanded.
- 17.14 The result of the vote must be recorded in the minutes of the CIO but the number or proportion of votes cast need not be recorded.
- 17.15 A demand for a poll may be withdrawn, before the poll is taken, but only with the consent of the person who is chairing the meeting.
- 17.16 If the demand for a poll is withdrawn the demand shall not invalidate the result of a show of hands declared before the demand was made.
- 17.17 A poll must be taken as the person who is chairing the meeting directs, who may appoint scrutineers (who need not be members) and who may fix a time and place for declaring the results of the poll.
- 17.18 The result of the poll shall be deemed to be the resolution of the meeting at which the poll is demanded.
- 17.19 A poll demanded on the election of a person to chair a meeting or on a question of adjournment must be taken immediately.
- 17.20 A poll demanded on any other question must be taken either immediately or at such time and place as the person who is chairing the meeting directs.
- 17.21 The poll must be taken within thirty days after it has been demanded.
- 17.22 If the poll is not taken immediately at least seven clear days' notice shall be given specifying the time and place at which the poll is to be taken.
- 17.23 If a poll is demanded the meeting may continue to deal with any other business that may be conducted at the meeting.

18. Decisions of the members

- 18.1 Decisions of the members may be made either by resolution at a general meeting or, subject to clause 18.2, by resolution in writing, in accordance with clause 18.3.
- 18.2 Except in the case of any decision specified in clause 15.1 (where a resolution in writing must be agreed by all the members who are entitled to vote on it at a general meeting), a resolution in writing may be agreed by a simple majority of all the members who are entitled to vote on it at a general meeting.
- 18.3 A resolution in writing shall be effective provided that:
- 18.3.1 a copy of the proposed resolution has been sent to all the members eligible to vote; and

18.3.2 either the required majority of the members or, in the case of any decision specified in clause 15.1, all the members have signified their agreement to the resolution in a document or documents which are received at the principal office within the period of 28 days beginning with the circulation date. The document signifying a member's agreement must be authenticated by their signature, by a statement of their identity accompanying the document, or in such other manner as the CIO has specified.

The resolution in writing may comprise several copies to which one or more members has signified their agreement. Eligibility to vote on the resolution is limited to members who are members of the CIO on the date when the proposal is first circulated. The date on which a resolution in writing is passed is that of the date of the last signatory.

19. Execution of documents

19.1 The CIO shall execute documents by signature.

19.2 A document is validly executed by signature if it is signed by at least two of the charity trustees.

20. Use of electronic communications

20.1 General

The CIO will comply with the requirements of the Communications Provisions in the General Regulations and in particular:

20.1.1 the requirement to provide within 21 days to any member on request a hard copy of any document or information sent to the member otherwise than in hard copy form;

20.1.2 any requirements to provide information to the Commission in a particular form or manner.

20.2 To the CIO

Any member or charity trustee of the CIO may communicate electronically with the CIO to an address specified by the CIO for the purpose, so long as the communication is authenticated in a manner which is satisfactory to the CIO.

20.3 By the CIO

20.3.1 Any member or charity trustee of the CIO, by providing the CIO with his or her email address or similar, is taken to have agreed to receive communications from the CIO in electronic form at that address, unless the member or charity trustee has indicated to the CIO his or her unwillingness to receive such communications in that form.

20.3.2 The charity trustees may, subject to compliance with any legal requirements, by means of publication on its website:

- (i) provide the members and charity trustees with the notice referred to in clause 16 (Notice of general meetings);
- (ii) give the charity trustees notice of their meetings in accordance with clause 13 (Meetings of charity trustees); and
- (iii) submit any proposal to the members and charity trustees for decision by written resolution in accordance with the CIO's powers under clause 18 (Decisions of the members), and clause 11 (Taking of decisions by charity trustees)

20.3.3 The charity trustees must –

- (i) take reasonable steps to ensure that members and charity trustees are promptly notified of the publication of any such notice or proposal; and
- (ii) send any such notice or proposal in hard copy form to any member or charity trustee who has not consented to receive communications in electronic form.

21. Keeping of Registers

The CIO must comply with its obligations under the General Regulations in relation to the keeping of, and provision of access to, a (combined) register of its members and charity trustees.

22. Minutes

The charity trustees must keep minutes of all:

- 22.1 appointments of officers made by the charity trustees;
- 22.2 proceedings at general meetings of the CIO;
- 22.3 meetings of the charity trustees and committees of charity trustees including:
 - 22.3.1 the names of the trustees present at the meeting;
 - 22.3.2 the decisions made at the meetings; and
 - 22.3.3 where appropriate the reasons for the decisions;
- 22.4 decisions made by the charity trustees otherwise than in meetings.

23. Accounting records, accounts, annual reports and returns, register maintenance

- 23.1 The charity trustees must comply with the requirements of the Charities Act 2011 with regard to the keeping of accounting records, to the preparation and scrutiny of statements of account, and to the preparation of annual reports and returns. The statements of account, reports and returns must be sent to the Charity Commission, regardless of the income of the CIO, within 10 months of the financial year end.
- 23.2 The charity trustees must inform the Commission within 28 days of any change in the particulars of the CIO entered on the Central Register of Charities.

24. Rules

The charity trustees may from time to time make such reasonable and proper rules or byelaws as they may deem necessary or expedient for the proper conduct and management of the CIO, but such rules or bye laws must not be inconsistent with any provision of this constitution. Copies of any such rules or bye laws currently in force must be made available to any member of the CIO on request.

25. Disputes

If a dispute arises between members of the CIO about the validity or propriety of anything done by the members under this constitution, and the dispute cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute by mediation before resorting to litigation.

26. Amendment of constitution

- 26.1 As provided by sections 224 to 227 of the Charities Act 2011 this constitution can only be amended by a resolution passed by a 75% majority of those members of the CIO voting at a general meeting of the CIO called in accordance with clause 15 (General meetings and the annual general meeting) or unanimously by the members otherwise than at a general meeting.
- 26.2 Any alteration of clause 3 (Objects), clause 27 (Voluntary winding up or dissolution), this clause, or of any provision where the alteration would provide authorisation for any benefit to be obtained by charity trustees or members of the CIO or persons connected with them, requires the prior written consent of the Charity Commission.
- 26.3 No amendment that is inconsistent with the provisions of the Charities Act 2011 or the General Regulations shall be valid.
- 26.4 A copy of every resolution amending the constitution, together with a copy of the CIO's constitution as amended must be sent to the Charity Commission by the end of the period of 15 days beginning with the date of passing of the resolution, and the amendment does not take effect until it has been recorded in the Register of Charities.

27. Voluntary winding up or dissolution

- 27.1 As provided by the Dissolution Regulations, the CIO may be dissolved by resolution of a general meeting. Any decision to wind up or dissolve the CIO can only be made at a general meeting of the CIO called in accordance with clause 16 (Notice of general meetings), of which not less than 14 days' notice has been given to members of the CIO:
- 27.1.1 by a resolution passed by a 75% majority of those members voting, or
 - 27.1.2 by a resolution passed by decision of members taken without a vote and without any expression of dissent in response to the question put to the general meeting.
- 27.2 Subject to the payment of all the CIO's debts:
- 27.2.1 Any resolution for the winding up of the CIO, or for the dissolution of the CIO without winding up, may contain a provision directing how any remaining assets of the CIO shall be applied.
 - 27.2.2 If the resolution does not contain such a provision, the charity trustees must decide how any remaining assets of the CIO shall be applied.
 - 27.2.3 In either case the remaining assets must be applied for charitable purposes the same as or similar to those of the CIO.
- 27.3 The CIO must observe the requirements of the Dissolution Regulations in applying to the Charity Commission for the CIO to be removed from the Register of Charities, and in particular:
- 27.3.1 the charity trustees must send with their application to the Charity Commission:
 - (i) a copy of the resolution passed by the members of the CIO;
 - (ii) a declaration by the charity trustees that any debts and other liabilities of the CIO have been settled or otherwise provided for in full; and
 - (iii) a statement by the charity trustees setting out the way in which any property of the CIO has been or is to be applied prior to its dissolution in accordance with this constitution;
 - 27.3.2 the charity trustees must ensure that a copy of the application is sent within seven days to every member and employee of the CIO, and to any charity trustee of the CIO who was not privy to the application.
- 27.4 If the CIO is to be wound up or dissolved in any other circumstances, the provisions of the Dissolution Regulations must be followed.

28. Interpretation

In this constitution:

“clear day” does not include the day on which notice is given or the day of the meeting or other event

“connected person” means:

- (a) a child, parent, grandchild, grandparent, brother or sister of the charity trustee;
- (b) the spouse or civil partner of the charity trustee or of any person falling within paragraph (a) above;
- (c) a person carrying on business in partnership with the charity trustee or with any person falling within paragraph (a) or (b) above;
- (d) an institution which is controlled –
 - (i) by the charity trustee or any connected person falling within paragraph (a), (b), or (c) above; or
 - (ii) by two or more persons falling within sub-paragraph (d)(i), when taken together
- (e) a body corporate in which –
 - (i) the charity trustee or any connected person falling within paragraphs (a) to (c) has a substantial interest; or
 - (ii) two or more persons falling within sub-paragraph (e)(i) who, when taken together, have a substantial interest.

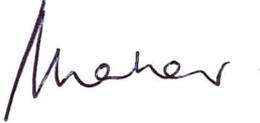
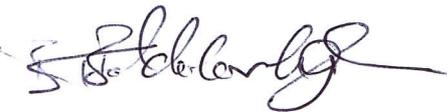
“General Regulations” means the Charitable Incorporated Organisations (General) Regulations 2012.

“Dissolution Regulations” means the Charitable Incorporated Organisations (Insolvency and Dissolution) Regulations 2012.

The “Communications Provisions” means the Communications Provisions in [Part 9,] of the General Regulations.

“charity trustee” means a charity trustee of the CIO.

A “poll” means a counted vote or ballot, usually (but not necessarily) in writing. Sections 249 and 352 of the Charities Act 1993 apply for the purposes of interpreting the terms used in this constitution.

Trustee Name	Signature	Date
Claudia Towner	Claudia Towner	26/7/17
Peter Jones		26/7/17
Martin Walker		26/7/17
Philip Haile		26/7/17
Alexandra Malir	Alexandra M Malir	26/7/17.
Nicholas Stevens	N. Stevens	26/7/17.
John Adler	<u>J. Adler</u>	26/7/17
Joan Benfield	J.M. Benfield	30/7/17.
Penelope Blamey	P. Blamey	27/7/17
Chloe Alexander		2/8/17.
Benjamin Bachelor-Wylam		26/7/17

George Blanchard

From: checplanningltd@gmail.com
Sent: 17 January 2020 14:41
To: Claudia Towner
Cc: George Blanchard; Tessa Hampden
Subject: Re: Freshford Village Memorial Hall

Thank you for this prompt reply.

I just have one further question which is not fully covered in the Constitution.

Part 4 Regulation 13 (b) (vi) in the Neighbourhood Planning (General) Regulations (2012) states that the constitution must 'provide that the organisation has at least 10 members, living in different dwellings to each other, who live in the particular area.'

I note that you have over 10 members. Whilst I do not need the addresses of the members, please can you confirm that at least 10 members live in different dwellings to each other in the area.

Kind Regards

Janet Cheesley

From: Claudia Towner
Sent: Friday, January 17, 2020 1:07 PM
To: checplanningltd@gmail.com
Cc: George Blanchard ; Tessa Hampden
Subject: Re: Freshford Village Memorial Hall

Dear Tessa,

Please find attached the Constitution for Freshford Village Memorial Hall.

Enfranchisement rights seem to relate solely to housing, and therefore we understand are not relevant to this Community Right to Build Order.

Kind regards,

Claudia Towner

Chair, Freshford Village Memorial Hall trustees

On Fri, 17 Jan 2020 at 13:02, <checplanningltd@gmail.com> wrote:

As part of the examination, I can seek matters of clarification. Prescribed conditions for community right to build organisations that are not Parish Councils are set out in Part 4 Regulation 13 in the Neighbourhood Planning (General) Regulations (2012). In order for me to be able to assess the requirements of this regulation, please can I see a copy of the Constitution for the Freshford Village Memorial Hall Trust.

Part 6 Regulation 22 (f) in the Neighbourhood Planning (General) Regulations (2012) refers to details of enfranchisement rights, if any, which the qualifying body proposes are not exercisable. As I have no details in the submission documents, please can the Trust confirm that I can assume that this Regulation does not apply.

Please can this request and a copy of the reply be placed on the Bath and North East Somerset Council's website.

Kind Regards

Janet Cheesley

--

Claudia Towner
Fairlawn
Park Corner
Freshford
Bath
BA2 7UP
01225 723924

George Blanchard

From: Claudia Towner <claudia@towner.org.uk>
Sent: 17 January 2020 14:48
To: checplanningltd@gmail.com
Cc: George Blanchard; Tessa Hampden
Subject: Re: Freshford Village Memorial Hall

I can confirm that all members live in different dwellings to each other in the area. No one shares the same dwelling.

Claudia

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I just have one further question which is not fully covered in the Constitution.

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Summary of comments submitted to the Freshford Memorial Hall Community Right to Build Order - Reglation 23 Consultation

Name/Consultee	Comment Type	Date	Comment
Bristol Water	Organisation	03/09/2019	Please note, this site is outside of Bristol Water's area of supply
Sam Lascalles	Public - Support	05/09/2019	15th Bath (Freshford) Scout Group meets at the Memorial Hall and this redevelopment will give us a much better facility from which to deliver scouting to young people in the area.
Highways England	Organisation	06/09/2019	Highways England has no objection to the application
Gavin Bate	Public - Support	06/09/2019	This proposal is a much needed development for the area and would be a positive move should planning consent be given. I am very much in support of the Doctor's surgery and pre-school extension. The pre school already does a fantastic job for the children in our community;additional space and facilities would be definitely used and appreciated.
Tania Pascoe	Public - Support	06/09/2019	I support the right to build order to modernise the Freshford village hall. A) Because we need better facilities for the pre-school (which is a heart of the community service - allowing many young children to walk to pre-school and mothers to access work). B) Because Freshford and its community needs a doctors surgery in the village, ensuring easy access to medical care and advice.
John Fletcher	Public - Support	08/09/2019	I fully supportthis application
Craig Underdown	Public - Support	09/09/2019	A well considered proposal sensitively positioned and moderated in its current form, an asset to the village.
Wendy Fletcher	Public - Support	09/09/2019	I fully support this application
Peter King	Public - Support	10/09/2019	I would like to register my family's very strong support for this application. As residents of Freshford for the last 20 years we have experienced the benefits to the village community of the Memorial Hall in Freshford Lane and the plans reflect the need for such an enhanced facility in the future. When our Surgery was forced to close last year, due to inadequate premises, we were extremely concerned, not only for ourselves and our family, but for the many members of our community who have been reliant on the surgery for all their primary care medical needs over many years. This imaginative proposal to include, inter alia, a new surgery in the upgrade of the Memorial Hall has my strongest support and reflects the vital importance of this project, in many other ways as well as a new surgery, to the whole of Freshford, Limpley Stoke, Park Corner and Sharpestone communities. It is worthy of strong support
Wales and West Utilities	Organisation	10/09/2019	Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.
J P Jenkins	Public - Support	10/09/2019	Freshford is in need of the proposed enlargement to the Hall to accommodate a newly provisioned, suitability designed surgery and dispensary, and to provide more space for its popular Pre-School. I therefore support the application.

Stephanie Jenkins	Public - Support	10/09/2019	This development strengthens Freshford's identity as a vibrant community in a number of ways. The preschool, which serves families and provides a smooth route into primary education, will benefit tremendously from a bespoke space rather than having to camp out in a village hall. The opportunity to reinstate the village surgery is so important, saving villagers the trek to Beckington or Frome, journeys that can only be done using private cars. The hall itself, a hub for the many clubs and social activities, is in need of updating. I cannot stress how strongly I support this application.
Jennifer Harper	Public - Support	10/09/2019	The proposed redevelopment will improve access to/the quality of health and early years education provision for the village and surrounding communities and reduce the need to travel to facilities further afield.
Philip Rodgers	Public - Support	10/09/2019	A good and well thought out proposal that will add significant benefits to the village and surrounding area. Whilst a decision on heating source hasn't been made I believe ASHP can be noisy and that GSHP (bored) may be a more suitable alternative potentially with a greater renewable heat incentive. Appears that a couple of timber cladding types used. May be nice for some bath stone to be used as part of the scheme as well.
Debbie Giles	Public - Support	10/09/2019	This would be a great community space!
Lisa & Ben Rodd	Public - Support	11/09/2019	We think this will be a wonderful opportunity for the Pre-School, school as well as the community as a whole, to benefit from increased, modernised and essential facilities much needed in the village.
Wessex Water	Organisation	12/09/2019	Wessex Water has no objections to this application
Graham Jenkinson	Public - Support	12/09/2019	A detailed proposal representing significant volunteer and professional commitment. Freshford has previously demonstrated what a cohesive community can achieve and I sincerely hope that this submission will be approved.
B&NES Landscape Environment	Organisation	13/09/2019	Object/Scope for revision. The site lies within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty. A number of trees would be removed as a result of the proposals and trees to be retained would have their Root Protection Areas encroached upon as a consequence of the development. I consider that the development proposals are not acceptable in their current form because they would have an adverse impact on landscape which has not been adequately mitigated and an adverse impact on trees for which insufficient compensatory provision has been proposed
Wiltshire Council	Organisation	13/09/2019	I have received correspondence from the Head of Wiltshire Council development management team who has studied the said document, which is clear that the development is all within the BANES area and therefore, does not wish to make any formal comments
Jon Phillips	Public - Support	13/09/2019	I fully support this application. The improved facilities will be a real benefit to the local community, and having a GP surgery available once more in the village would be much better for residents than having to travel to Beckington or into Frome for medical appointments.
Jo Elias	Public - Support	15/09/2019	The proposed community development project in Freshford has the potential to impact positively on our and many families in relation to the preschool facilities and scope for more local community medical services. Our daughter attends the preschool and we would welcome more up to date facilities providing the development could proceed in a timely fashion.

B&NES Drainage & Flooding	Organisation	16/09/2019	No objection
Alistair Brandon-jones	Public - Support	16/09/2019	I think that this is a great opportunity to bring the Freshford Village Hall into the 21st century. The plans have been well considered and I believe that they will lead to further flourishing of our community.
Stephen Ashcroft	Public - Support	17/09/2019	Will enhance a valuable facility for the community
Caroline Ford	Public - Support	17/09/2019	The project to develop the hall has been well planned to improve the services it can provide to all local residents.
Coal Authority	Organisation	19/09/2019	Having reviewed your document, I confirm that we have no specific comments to make on it.
B&NES Highways and Traffic	Organisation	19/09/2019	The highway authority does have significant concerns regarding the level of parking that would be provided as part of the scheme. The submitted evidence indicates that there would be a sizeable shortfall at certain times of the day, and the additional site uses would result in an increase in parking demand. Overspill parking onto Freshford Lane is a road safety concern at this location, and it would clearly be unreasonable for visitors to the building to park along the road and have to walk some distance to the building. As noted above, three of the proposed spaces would be unusable and there is no cycle parking shown on the site layout. It is requested that the applicant revisits this element of the scheme. The highway authority cannot support the scheme as currently presented.
Natural England	Organisation	20/09/2019	NO OBJECTION Based on the plans submitted and the advice below, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or protected landscapes and has no objection.
B&NES Ecology	Organisation	23/09/2019	Requires Revision/Further information required. The scheme appears to require removal of habitat (trees) that has not been assessment in sufficient detail and for which there does not appear to be a reasoned justification. Revisions to the scheme to avoid and minimise impacts would be expected and the scheme should include proposals of all necessary mitigation and compensation with new areas for habitat creation and tree planting shown on the plans.
Hinton Charterhouse Parish Council	Organisation	25/09/2019	Hinton Charterhouse Parish Council (HCPC) met on 24th September and voted unanimously to Support this planning application.
Andrew Orme	Public - Support	26/09/2019	This well-planned proposal will enable the Memorial Hall to contribute to the sustainability of the community in the years to come by developing its role as part of the community hub, as defined in the Freshford and Limpley Stoke Neighbourhood Plan. I give it my full support.
Joanna Whitehead	Public - Support	26/09/2019	I support this application for the community of Freshford Village.
B&NES Planning Policy	Organisation	27/09/2019	The benefits of providing this enhanced community hub are recognised. PMP LCR1 and Community Development Policy 1a from the NDP weigh in favour of the proposal. However, there are concerns with the overall bulk of the building in the context of the Green Belt. It will be for the decision maker to determine if the increase of this magnitude would result in a disproportionate addition, and if so, do 'very special circumstances' exist to outweigh the harm caused to the Green Belt.
Historic England	Organisation	30/09/2019	On the basis of the information available to date, we do not wish to offer any comments

Freshford Parish Council	Organisation	04/10/2019	Freshford Parish Council strongly supports this application which is entirely in accordance and consistent with the Freshford and Limpley Stoke Neighbourhood Plan 2014 – 2039. The Parish Council would like to suggest that the design is updated in line with the development of sustainable technologies so the building will be the most sustainable it can be in terms of energy use and generation at the time of its completion.
Bristol Water	Organisation	12/11/2019	Please note, this site is outside of Bristol Water's area of supply
Historic England	Organisation	14/11/2019	On the basis of the information available to date, we do not wish to offer any comments
Highways England	Organisation	15/11/2019	Highways England has reviewed the latest information and we are content that there is no material change in terms of the impact on our network so our previous formal response of 6th September 2019 remains extant.
B&NES Arboriculture	Organisation	20/11/2019	Object/ Scope for resvision. The application does not adequately demonstrate due consideration of policy CP7 of the adopted Core Strategy and policies NE1 and NE6 of the Placemaking Plan.
Paul Wainwright	Public - Support	20/11/2019	I support the current plans. It provides vital services to the Village at a location that has become the hub of the community
Ken Taylor	Public - Support	20/11/2019	As we live close to the site, the availability of parking is not an issue for us. We would have no problems walking to the rebuilt hall and Surgery. What is significant from the recent consultation, is the number of current users who would be willing to reduce their use of parking spaces to make the new usage plans fully practical. Having the surgery back in the village is a must. This makes it possible, without detriment to other users needs.
B&NES Drainage & Flooding	Organisation	21/11/2019	No objection
C Wainwright	Public - Support	21/11/2019	As a community, we use the hall. We used the Dr surgery. By the surgery returning, it supports the community and the go ahead to be given for ancillary services, that would be most excellent.
B&NES Ecology	Organisation	22/11/2019	Requires Revision/Further information required
B&NES Landscape Environment	Organisation	25/11/2019	Object/Scope for revision. I continue to consider that the development proposals are not acceptable in their current form because they would have an adverse impact on landscape and the visual amenity of the Green Belt which have not been adequately mitigated and an adverse impact on trees for which insufficient compensatory provision has been proposed.
B&NES Highways and Traffic	Organisation	26/11/2019	Having reviewed the additional information, the highway authority can accept that the applicant would be willing to manage the parking demand and the parking allocations at the site. It is recommended that this is secured by condition, and the detail of the Plans can be agreed at a later date but before the proposed development is open. In summary, the highway authority now raises no objection to the scheme, although the following conditions are recommended.
Coal Authority	Organisation	02/12/2019	Having reviewed your document, I confirm that we have no specific comments to make on it.

B&NES Development Management	Case Officer summary	19/12/2019	<p>Officers have considered all matters and have concluded that, on balance the overall development can be supported subject to a number of conditions being attached to the Order.</p> <p>The benefits of providing this enhanced community hub are recognised. The proposal will improve a highly valued community asset including the village hall, pre-school and also the reinstatement of the village surgery. Whilst the development is considered to constitute inappropriate development in the Green Belt, officers are satisfied that there are very special circumstances to outweigh the harm caused to the Green Belt.</p> <p>Whilst the proposals do not fully demonstrate a suitable landscaping scheme, which is both necessary to reduce any visual impact as well as to ensure the development is ecologically acceptable, this can be secured via a condition on any confirmed Community Right to Build Order.</p> <p>Suggested conditions listed in the report</p>
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