

**Confidential extract of Minutes of a Meeting of Middleham Town Council held in the Garden Room at Middleham Key Centre on Wednesday 2 November 2022 at 6.30 pm.**

Item 6.5 Key Centre.

The Clerk referred to his earlier comments regarding declaration of interests in this matter. As it was unlikely that a substantive decision be made at the current meeting, he did not feel that it was necessary to exclude participation by those Councillors were also MKCL Trustees.

Cllr Fairhurst asked Trustees how much work was outstanding before the MKCL trustee report could be finalised; residents were frequently asking her about the Centre's future, and she felt constrained from sharing the current position. She did not believe that the matter should remain confidential. She was also concerned that, as Council had applied for and received funding for a housing feasibility in March 2022, these investigations had stalled.

Cllr Fairhurst further questioned why Racing Welfare had been informed by Cllr Byford that the Centre might be available whilst the housing feasibility was ongoing, as the Trustees did not have a mandate from Council for this. She further felt that Council had not been adequately informed of all discussions regarding Trustees' research into the Key Centre's future.

Cllr Byford, as chair of MKCL Trustees, explained that the outstanding work was due diligence on both potential counterparties, as unanimously agreed at the recent Trustee Board meeting, for which legal advice was required. The Clerk opined that at the current time, publicly available information about both parties was probably sufficient to form an opinion whether each had competence and that detailed review, possibly involving legal input, was more appropriate at a later stage as part of pre-contract enquiries.

Cllr Fairhurst also asked why the Trustees were opposed to winding up the charity. Cllr Byford explained that this was the prerogative of the Trustee Board only, although in light of the current lease terminating on 31 March 2023, this should now be considered. She anticipated that an extension to the lease might be required, pending a final decision, which would reduce potential financial impact upon Council. Kim Duke had prepared an updated cashflow projection indicating that MKCL could continue until Easter 2023 (7 April 2023).

Regarding the approach to Racing Welfare, Cllr Byford commented that this had been during a meeting at which Cllr Fairhurst had also been present. Cllr Byford felt that Council had been kept apprised of all developments.

The Clerk referred to Cllr Byford's email of 21 October 2022 which asserted that he had exceeded his authority regarding the current meeting agenda; he rejected the assertion that he had disclosed the trustee report as it had neither been received nor circulated by him and the agenda item for the current meeting referred to a trustee report arose from the previous meeting minutes stating that the report would be submitted to the current meeting. The Clerk also resented the inference that he over-focused on process to deliberately impede the Trustee Board and explained that his prerogative as Clerk and Proper Officer was to advise Council and recommend appropriate but straightforward and efficient administration processes and structures. As this was his designated role, he regretted agreeing to attend a recent Trustee meeting.

In response Cllr Byford stated that her email had been sent prior to the agenda despatch and was not a formal complaint, but she did not wish to withdraw any of the statements made.

In conclusion, Cllr Byford agreed that the Trustee Board would reconvene within the next week to finalise its report. The Clerk suggested that it should prepare a marked-up plan of the building showing specific facilities, rooms (including size and location) that could be shared with both Broadacres and Racing Welfare so that they could update their outline space utilisation proposals around a specified area suitable for Middleham's own use. It was agreed that legal advice was not required at this stage.