Public Meeting about Pomeroy War Memorial Hall (WMH)

Held Wednesday 16th October 2019 at 7pm

At the Duke of York Public House, Pomeroy

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| **Present:** | **Representing:**  |
| Jean Brown (JB) (Facilitator – Chairing Tonight) | Former local resident |
| Brian Burton | Relative of former committee member |
| Holly Cooper | Local resident  |
| Jenny Cooper (JC) | Local resident |
| Bekah Dicken | Local resident |
| Bridget Dicken (BD) | Local resident |
| Gary Dicken | Local resident |
| Andrew Edge  | Local resident |
| Sarah Fanthorpe-Smith | Buxton Drama League |
| John Kingsland (JK) | Buxton Local History Society |
| Lloyd Melland | Local resident and Hartington Upper Qtr PC |
| Jess O’Dwyer (JOD) | Relative of former committee member and acting clerk |
| Neil Quarmby | Local resident |
| Dave Rigley | Relative of former committee member and former local resident |
| Liz Rigley | Former committee member and former local resident |
| Christine Riley | Relative of former committee member |
| Jenny Sherratt | Buxton Local History Society |
| John Sherratt | Buxton Local History Society |
| Ian Saunders (IS) | Local resident and Hartington Middle Qtr PC |
| Liz Saunders (LS) | Local resident |
| Peter Stubbington (PS) | Buxton Drama League |
| Helena Stubbs (HS) | Rural Action Derbyshire |
| Carol Webster | Local resident |
| Ian Webster | Local resident |
| Mary Wheeldon (MW) | Local resident and relative of former committee member |
| Philip Wheeldon (PW) | Local resident and former committee member |

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| **01/10/19** | **Welcome/Opening Remarks** |
| **Summary of Discussion:**JB welcomed everybody and thanked all present for coming to the meeting. She explained that she is just one of the many descendants of Charles Melland, one of the founders of Pomeroy WMH. She is also descended from James Melland (the first secretary of the WMH committee) and Rebecca Melland, both of whom were instrumental in getting the Hall back into use in the 1960’s. Her parents were Jim and Mary Melland who lived over the road at Street House Farm. This is where many documents relating to Pomeroy WMH were found.JB thanked Gary and Bridget for allowing the meeting to be held in the pub. |

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| **02/10/19** | **Introduction of those present** |
| **Summary of Discussion:**JB introduced Mary Wheeldon, her aunt, who can remember the Hall in use as far back as the 1930’s; Philip Wheeldon who was the Chair of the last known committee; Lloyd Melland is on Hartington Upper Quarter Parish Council which covers Sterndale Moor; Ian Saunders is Chair of Hartington Middle Quarter Parish Council. This covers Earl Sterndale which is the electoral parish that Pomeroy and the WMH are located in; Helena Stubbs, Village Halls and Community Buildings Advisor at Rural Action Derbyshire; Peter Stubbington and Sarah Fanthorpe-Smith from Buxton Drama League (the current and long-term users of the Hall) and a large number of local residents. Thank you all for coming. |

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| **03/10/19** | **Apologies and Expressions of Interest** |
| **Summary of Discussion:**Apologies were received from Angela Gow (former local resident) and Adele Metcalfe (Community Planner at the Peak District National Park Authority).Other people have expressed an interest in Pomeroy WMH via the Facebook page <https://www.facebook.com/pomeroymemorialhall/>  |

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| **04/10/19** | **Aims and Objectives of the Meeting** |
| **Summary of Discussion:**The aim of the meeting is to bring together all interested parties and share our knowledge. This will help to establish the current situation and work out what we can do with the Hall. The Hall is nearly 100 years old and both the inside and outside of the Hall is in disrepair. |

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| **05/10/19** | **Background and Current Situation** |
| **Summary of Discussion:**The background of the Hall was largely covered by the information sent out prior to the meeting (included here as appendix 1).Historically the Hall had six Trustees and a committee of up to 14 people. The building was in full community use as a venue for dances and meetings and was originally very successful. Over the years it became harder to recruit new committee members and it gradually ended up being looked after by the Melland family. The Hall really belongs to the people of the Parish of Earl Sterndale.Buxton Drama League have used the Hall for the last twenty-five years. The original arrangement was a six-monthly renewing lease however over time this has lapsed. There was a more recent verbal agreement that the Drama League did not need to pay the peppercorn rent if the Hall was kept in a reasonable state of repair. The Drama League were never responsible for major repairs. The current situation is that neither party really knows or is in contact with the other. The Hall is in limbo as no one seems to know who owns or who is responsible for the Hall.PW was the Chair of the last committee. He said that his grandparents had done a lot of work on the Hall in the 1960’s and 1970’s. They had been instrumental in getting the Hall connected to electricity and water supplies. PW did a lot of work on the Hall himself in the 70’s and 80’s but really, the committee folded after his grandmother moved to Buxton in the late 1980’s. PW has had nothing at all to do with the Hall since 1993.PS from Buxton Drama League spoke about their involvement with the Hall. He agreed with all the historical information given. The Drama League have used the Hall since the early 1990’s and they did pay a peppercorn rent. PS thought that the rent paid was to be saved up in order to pay for minor repairs. Buxton Drama League have spent their own money on the Hall. In around 1995, some of the ridge tiles were stolen which the Drama League paid to replace. PS had a local builder fix the roof. The builder found the Hall to be in a reasonable state of repair, just a bit damp. The damp seems to be due to the single-skin style of construction as the Hall is fairly weatherproof. As each of the glass windows have failed, these have been boarded up. Though this looks bad, they do keep the weather out. The Hall has been kept reasonably secure and the Drama League have changed the locks a couple of times when people have been found to have camped in the Hall. In recent years the Drama League have tried quite hard to find out who owns the Hall and have spent money on legal advice in their search. This search failed to find any records or evidence of ownership. The reason Buxton Drama League wanted to establish ownership was because they were prepared to spend money on the Hall making it more secure and preserving it. They wanted to take on responsibility for the Hall but didn’t wish to spend a lot of money on the Hall if they weren’t going to get the use out of it. At present the Hall is a valuable store for the Drama League’s equipment, though they would like to make it better and a more useable/practical space. There is no electricity supply at present. The Drama League had been getting bills for electricity even though it was disconnected, although this is now sorted. They are registered for rates but are not charged at the moment as the building is classed as not being in use. The Drama League do feel responsible for the Hall and since they realised it was also a War Memorial, they had considered putting on a public event there to mark the centenary of the end of World War One. However, they realised it was in a poor state of repair for having the public enter the building. As there are no working toilets, no water and no electricity a public event is not possible. There are other difficulties with the building including its position on a main road and the need for a 4x4 vehicle to get out of the muddy “car park” onto the road. The Hall will need a lot of money to be spent on it, especially to open it for public use. From their point of view, the Drama League did not think that anyone was really that interested in the Hall. JB agreed that family members who had previously looked after the Hall had now passed away and that the current Farmer at Street House Farm was most interested in preserving the Hall as a war memorial. The documents relating to the Hall were always kept at Street House Farm until recently. |

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| **06/10/19** | **Report from Acting Clerk**  |
| **Summary of Discussion:**JOD reported that when all the documents relating to Pomeroy WMH were found, they were boxed up and put in her attic for safekeeping until such a time as someone could do something with them. This information includes deeds and conveyances, letters and receipts. It is clear how much effort people went to in order to get the Hall built, to run events at the Hall and, following the Second World War, renovate the Hall and get it back into use. There was a lot of correspondence from Derbyshire Rural Community Council (now Rural Action Derbyshire) to encourage the Hall to be brought back into use and to provide support and advice for that to happen. It is also clear that Jim Melland went to a lot of effort to find an alternative use for the Hall and looked at several potential uses. None of these came to fruition due mainly to the location of the Hall being too remote, or the amount of time, work and money required to bring the Hall up to a suitable standard and to be able to maintain it. Buxton Drama League were able to use the Hall for storage and this is how they came to be the sole users of the Hall. From this JOD contacted Helena Stubbs at Rural Action Derbyshire to see what current advice would be. From this conversation it was clear that the main problems previously thwarting any projects remained; Who owns the Hall? Who is going to pay for all the work? Where is this money coming from? What funding is available? What would the Peak District National Park Authority allow anyone to do with the Hall? In the past, using the Hall for housing has been rejected. Planning were more positive about a bunk barn type development or use as a low-key workshop.JOD and JB also visited the archives at Chatsworth to see if they had any additional information on file. The Chatsworth Estate gave the land adjoining the Hall for use as a bowling green and recreation ground. Nothing different to the information we already have is held at Chatsworth. The involvement of Chatsworth starts and ends with the gifting of the land. The Chatsworth Estate could not really say whether they had any interest in the Hall until they knew what was happening with it.HS reported that JOD contacted her in April 2019. She found that Rural Action Derbyshire (RAD) had a file on Pomeroy WMH. HS confirmed that the Hall is registered as a War Memorial. HS has done a limited amount of background work on the Hall (this is now a paid-for service as RAD is also a charity and does not receive direct funding to provide advice on village halls). HS confirmed that RAD have copies of the conveyances. Her understanding is that the land on which the Hall was built was gifted by Charles Melland to the Trustees of Pomeroy WMH. The local community raised money to pay for the cost of building the Hall. This was established as a Charitable Trust. This is a normal structure for the formation of most village halls in Derbyshire. A charitable trust is governed by its trustees. The land on which the Hall was built, the Hall and the land to the side of the Hall gifted for recreational use is all owned by the Charity Trustees acting on behalf of all the residents in the Parish. Nothing has changed. The land and hall still belong to the charity. One problem is that there are no Trustees. HS explained that Charitable Trusts must follow Charity Law. Whether you are registered as a charity or not, your organisation is still under the regulation of the Charity Commission. Dissolution of a charity must follow a certain process. Pomeroy is unusual in that it is the only village hall HS has come across that has failed to function as a village hall. However, HS believes that the charitable trust for Pomeroy WMH has never been formally closed or shutdown. Because the land and building have a value, it cannot be owned by no-one. The charity must be dissolved, and this is usually approved by the Charity Commission. In the case of Pomeroy, no-one is certain who the last Trustees were and therefore dissolution would need to be referred to the Charity Commission. If there are still living Trustees, it is their responsibility to shut down the Charity. By law they cannot shirk this responsibility. There were two former committee members present. However, they did not believe that they were Trustees. PW stated that he did not think there had been any Trustees made since the original Trustees when the Charity was founded. HS said normally the people on the committee and known to the village to have been on the committee (who haven’t moved away or emigrated) would be responsible for ending the charitable trust. MW knew of one person still living in Bakewell who was on a previous committee, however he will be extremely old now. HS felt it would be good to get some more guidance on this from the Charity Commission. The parish is likely to need legal advice on dealing with charity land. This is especially so if there are no known Trustees or any Trustee is unwilling to carry out their responsibility. JOD asked HS whether if you were on a committee then technically you were also a Trustee whether you realised it or not. HS understands that normally with village halls, if you are a committee member you would also be a trustee. JOD asked PW for confirmation that he was never aware that he was a Trustee. PW was on the Committee but as far as he was concerned was never a Trustee. PS added that he is a Trustee of his village hall and he did have to sign a document to say that he was willing to be a Trustee. PW had never signed such a declaration.HS went on to say that if the Hall was not going to be used as a village hall or other community building, it may be possible to lease the Hall, which in effect is what has already happened. Guidance should be sought from either a solicitor or the Charity Commission. PS asked whether the Charity Commission had any record of the Pomeroy WMH Charitable Trust. JOD confirmed that the original documents refer to the Hall as a charity, but no evidence can be found to show it was registered as such. HS reiterated that it is possible to be a charitable trust without being a registered charity. In the event of a dissolution of the charity, there would need to be a public meeting where you would try to form a committee. If that fails, there is no alternative but the sell the Hall (if it is freehold) and any assets. The charity commission would need to be involved because they would need to oversee that the proceeds of that sale go to other charitable causes in the parish. HS has tried to engage twice with the Parish Council with the intention of attending a meeting to talk about the Hall but has received no reply. This may be because there has recently been an election and a change of membership. JOD to send new details of the Parish Council to HS. BD asked whether it was straightforward to regenerate the committee. HS said that, having never gone through the process before, it should be easy to contact former Trustees and committee members. Legally they are still responsible even if they didn’t realise that. If you are the one or two remaining Trustees of a charity that is folding, in law you cannot simply walk away. The difficulty comes from former committee members not having signed a declaration to become Trustees. Guidance would be needed to establish whether this makes a difference.JB asked whether it would be possible to build up a committee and appoint trustees if you can gather enough interested people. HS said yes, because the assets still belong to the community. The committee can be resurrected if the community want that to happen, there are enough people coming forward to volunteer and if there is a clear vision of what the Hall will be used for (and how realistically that will happen).JOD asked whether it was possible for the former committee members who may unwittingly have also been trustees to delegate that responsibility to someone else who was willing. HS said most charities have an AGM which is a requirement in their Trust deed on how to administer the Charity. At an AGM a committee would be formed from several people elected from the community along with people from the regular user groups of that Hall. With Pomeroy WMH there is no AGM and only one user group of the Hall, who is more of a lessee than a user group. Nobody remembered there every being a Trustee handover. As such legal advice will be needed.HS said that the community would need to decide what it wanted to do with the Hall. Will it be used? It must be looked at as a business case. If the Hall is renovated, there would need to be enough people using it to cover the running costs. If there was not enough demand for the Hall and no one will use it, there is no point in going to the expense of renovation.LS asked whether there is a current bank account if the Drama League is paying rent. JB confirmed that the Drama League are not currently paying rent and there is no bank account. £391 was found with the documents relating to Pomeroy WMH which is probably the rent collected when it was being paid. This is being kept safe until we know what to do with it.IS asked whether any funds were available for protecting war memorials. HS said there was, but any funder would require evidence of need. You must prove to a funder that their investment is worth their while. You will not get funding just to renovate a Hall, you must prove that the Hall is needed, who will use it, how often, is it going to pay for itself and what benefits will there be to the community? There are funds available if the project is worthwhile. Raising funds is possible but not easy. It takes time and effort and needs really dedicated people to drive it along. This meeting is a great start at getting people together to discuss their ideas for the Hall.JK is a member of Buxton Local History Society and a volunteer for the War Memorial Trust. He felt it would be harder to get funding now as there had been funds available for marking the centenary of the end of the First World War. This fund closed last year. He didn’t think the Hall would have been eligible for that funding either as there wasn’t enough community use. Had the Hall had a memorial service there every year, or even a list of names of the fallen, there might have been a better chance of attracting funds. JK visited the Hall last year to record it as a War Memorial. He has put his report on the War Memorials Online website. Prior to this there was no definitive record of war memorials in the UK. Volunteers find War Memorials, photograph them and try to record the condition. HS thought that hypothetically, if the charity was dissolved and the assets sold, it might be possible for some of the proceeds to go towards another War Memorial or plaque in the parish. JK was unsure that the Hall would ever cease to be a war memorial unless you demolished it. It was dedicated as a War Memorial and would remain so even if the building was sold.HS said that another issue is what the local planning authority would allow the Hall to be used for. The value of the property is dependent on being allowed a change of use.JB said the Hall had been given to the people of Earl Sterndale parish. She had a map showing the Hall within the electoral parish of Earl Sterndale. She had another map showing the Hall to be within the church parish of Chelmorton. There was some debate about local boundaries. JB went on to say that the Hall was given to the people of the Parish. The Vicar of Earl Sterndale was one of the original Trustees. But if the Hall is in the church parish of Chelmorton could this be another complication? JOD agreed that one big problem with the Hall is it is on the edge of everywhere, it is easy for many different groups to claim or disown it depending on the issue. JC asked whether we are talking about the local community being Pomeroy (“nine houses, two farms and a pub”) or a wider area e.g. Flagg, Hartington. JOD thought that originally the Hall had been intended for use by the wider community as Earl Sterndale isn’t that far away on foot. PW asked if it was mentioned in the deeds. JOD to check.HS noticed one item on the deeds she hadn’t seen before. This reads “whereas an unincorporated charitable institution known as the Pomeroy War Memorial Institute aforesaid was founded in the year 1920.” This means there was a committee and the charitable trust was formed before the land was conveyed in 1925. They must have been formed in order to raise money. There can be a “preliminary declaration of trust” before you have land or property to be able to raise money for building a village hall.PW asked who the original Trustees were. JB said they were Charles Melland (who gave the land on which the Hall is built), HRP Lomas (who owned Street House Farm at Pomeroy and the Hydro Hotel in Buxton), James Horobin (Landlord of the Duke of York), Rev T J Pearson (Vicar of Earl Sterndale), Fred Robinson (wheelwright of Chelmorton) and Moses Harrison (of Street Farm, Pomeroy). So even though the Hall is for the parish, most of the founding members were from or directly concerned with Pomeroy.MW asked whether it would be possible to give the Hall to the National Trust. HS said that charities cannot give to other charities (unless your charity is set up to give away charitable funds, which a village hall isn’t). If the charity was dissolved, the proceeds of the sale would go to other charities in the area. Even if it was a hundred years ago, this community paid for the building of the Hall. Therefore, the proceeds should go back to the community. To finish, HS said there was a lot of information on the Charity Commission website about the dissolution of charity land should anyone wish to investigate it. JB thanked HS very much for coming to the meeting. |

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| **07/10/19** | **Open Discussion** |
| **Summary of Discussion:**Ideas for the Future of the HallLS asked whether there was any parking available at the Hall and if there was a covenant on the recreation ground regarding its use as anything other than a recreation ground. Several people present remembered the recreation ground being used as a car park when whist drives were held at the Hall. Part of the recreation ground was covered with chatter for this reason. LS said that sometimes land is given for a specific use and it cannot then be used for anything else. JOD had an undated document responding to an enquiry about using the recreation ground as allotments. The committee at that time decided that the land must remain a playground for the children of Pomeroy, and to use it for any other reason without the permission of the committee would result in legal action. As it is undated it is difficult to say with certainty whether this enquiry was made before it became a car park. Someone asked whether the existing access would be acceptable as an entrance to the car park. The access at the side of the building is about 10ft wide and on exiting there is a reasonable view both up and down the road. However, it is steep. PW remembered having around 18 tables at Christmas whist drives so there would have been 70 or 80 people in the Hall, all coming by car. There was a brief discussion about alternative access points, but this would be restricted by who owns the land and permissions from the Peak District National Park Authority and Highways. The brewery owns the land between the Duke of York and Pomeroy WMH and BD did not think Robinson’s would be very keen to create a new access from the pub across the field. An additional problem is that the old Roman road runs behind the Hall. JOD to check the deeds of the recreation ground.Nobody had any ideas about future uses of the Hall. The consensus was that any future use would depend on what the Peak District National Park Authority would allow the Hall to be used for. JOD to speak to Adele Metcalfe.InsuranceOne concern is whether the building and contents are insured, and if there is any public liability insurance. There is no current insurance of any description as far as the Charitable Trust is concerned. PS was unsure what insurance the Drama League had. Their other activities are insured but he wasn’t sure if that covered their use of the Hall. Both parties agreed that because there was no formal agreement between the Drama League and the “Trustees” of the Hall, it was very difficult to know whose responsibility it would be if there were any problems. This is one reason the Drama League had tried to establish who owned the Hall. PW asked how much equipment the Drama League had in the Hall now. There are sets, props and timber. The Drama League have recently had a clear-out of junk to make a more useful space for constructing sets. PS mentioned that the Drama League are now also a charity. PW asked whether the Drama League’s equipment could be put into a corner should someone else wish to use the Hall? There is a small space cleared but this is in use now for building a new set. PS agreed that the equipment could be better organised, but he suspects that it’s a space that no one else would want to use e.g. no electricity, no heating, no water. PW said the electricity was there, just disconnected. The building would need to be re-wired. Someone thought that the posts had recently been taken down so there was no electricity going across the road to the Hall any longer. Someone else thought that the electricity cables went under the road. It may just be the water cables that run under the road. Nobody knew.OwnershipThis was answered previously, the Pomeroy WMH Charitable Trust owns the hall and the land on behalf of the local community, even though there is no functioning committee at present. Finance/BalanceThis was covered in part earlier. There is no bank account. There was a bank account for the Hall, but this was closed in the early 2000’s. Because of the length of time between the closure of the account and JOD’s enquiry earlier this year, the bank was unable to say what the closing balance of the account was. However, £391 in cash was discovered in a tub along with the paperwork for Pomeroy WMH and we presume this is the remaining funds belonging to the Charitable Trust. |

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| **08/10/19** | **Setting Up Trustees and Forming a Committee** |
| **Summary of Discussion:**JB asked whether it was possible to form a committee and appoint Trustees. At present there is only one known Trustee still living and two former committee members. HS said any setting up of Trustees, forming a committee or dissolving a charitable trust would need to be done at a public meeting. It may be possible for the two former committee members to nominate other people if they wish to have nothing further to do with the committee. HS will get advice on this and how to set up Trustees for a lapsed committee that has not actually folded.HS asked JOD to get clarification on change of use from the National Park Authority.HS suggested asking a chartered surveyor to provide valuations for residential and commercial use of the Hall. Sometime surveyors will agree to do this for free if it is for a charity. Sometimes it is possible to use a surveyor from the local community or is known to someone involved with the Hall. If they could provide a basis structural analysis this would be very useful. JB to action.PW had approached an accountant about Trustee status but was not able to get much further because at the time, he was unsure who owned the Hall.Someone asked whether, because one of the original Trustees was the Vicar of Earl Sterndale, does this devolve down to other clergy? At present there isn’t a Vicar at Earl Sterndale. HS clarified that if this could be handed down, the original document naming Trustees would mention “heirs and assigns”. JOD to check the original conveyances and deeds. HS added that there are two sets of trustees usually. There are “Holding Trustees” who are there purely to sign documents on behalf of the Charity. There are also “Charity Trustees” who are the people serving on the Committee. One person cannot be both. This is because in law, unincorporated bodies cannot own land, so you have holding trustees to sign documents for you. |

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| **09/10/19** | **Date and Time of Next Meeting** |
| **Summary of Discussion:**It was decided to delay setting a date for another meeting until all the necessary information mentioned above had been gathered.If anyone has any feedback from the meeting or any suggestions about potential uses for the Hall (or wishes to get in touch for any reason at all) please email jod1@talktalk.net  |

Meeting ended 8.20pm

APPENDIX 1

Background of Pomeroy Memorial Hall

Pomeroy Memorial Hall was built after the First World War to commemorate those killed and injured in the War, whilst providing a much-needed facility for local people. The building was made possible by fundraising from local people; generous donations of land by The Duke of Devonshire and Mr Charles Melland, local farmer and money from prominent businessman Mr H R P Lomas Esq. The names of the main contributors to the project can still be seen engraved on foundation stones around the base of the Hall. Built in 1921, the Hall was well utilised for dances and other social gatherings throughout the 1920’s and 30’s. The Hall was also used as a Sunday school between the wars.

During the Second World War the building was requisitioned and used by the Home Guard. After the war, the Hall was again used for dances although their popularity appears to have declined throughout the 1950’s and into the 1960’s.

The Hall was revived by local people in the late 1960’s. Sufficient funds were raised from holding whist drives and a Christmas raffle to modernise the Hall. A new stove was built, and electricity and water were installed later in the 1970’s.

From the mid 1980’s popularity and interest declined again. Apart from a few occasional events, the Hall was mainly used by a local music group for practice. Derbyshire Rural Community Council (now Rural Action Derbyshire) became involved in finding suitable uses for the Hall. Several options were considered and rejected before the Hall became used for storage by Buxton Drama League. The Hall remains in use for storage but needs extensive renovation and repair. The future of the Hall is uncertain.

We are holding a meeting to discuss the future of this building and would welcome anyone with an interest to come along and share their ideas and views. The meeting will be held on:

**WEDNESDAY 16th OCTOBER 2019 at 7.00pm**

At the Duke of York pub, Pomeroy

For more information please contact:

07971 236688 or 07815 027001

Or email: jod1@talktalk.net