

**MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE MINUTES -
20 DECEMBER 2016**

Present: Councillor D Edwards (Chair); Councillors Ayub, Grashoff, Hoskin, Steele, R Williams and Woodward.

8. MINUTES

The Minutes of the meeting of the Sub-Committee held on 11 October 2016 were agreed as a correct record and signed by the Chair.

9. MINUTES OF MAPLEDURHAM PLAYING FIELDS MANAGEMENT COMMITTEE

The Minutes of the meeting of the Mapledurham Playing Fields Management Committee held on 20 April 2016 were received for information.

10. MAPLEDURHAM PAVILION CONDITION AND DRAFT ACCOUNTS

The Director of Environment & Neighbourhood Services submitted a report updating the Sub-Committee on the current condition of Mapledurham pavilion and presenting the draft accounts prior to their submission to the Charity Commission.

The Sub-Committee was advised that an income of £125 from Mapledurham Parish Council had been omitted inadvertently from the draft accounts for 2015/16, which had been circulated with the papers. This sum would be included before submission of the accounts to the Charity Commission.

In addition to the information on the building's condition set out in the report, the Sub-Committee was advised that officers had commissioned work to establish the cost of bringing the Pavilion facilities back into use as quickly as possible, depending upon the decision of the Sub-Committee to either reject or pursue the proposal from the EFA.

Resolved -

- (1) That a decision on either refurbishing or replacing Mapledurham pavilion be made after both the implications of any proposals from the Education Funding Agency (EFA), or other parties, have been considered and affordability established;**
- (2) That the Head of Cultural and Economic Development submit the draft accounts to the Charity Commission subject to auditing from the Accountancy Team and comments from the Management Committee.**

11. PROPOSAL FROM THE EDUCATION FUNDING AGENCY

At the invitation of the Chair, the Sub-Committee received spoken representations from:

Sharon McHale on behalf of the Education Funding Agency

Karen Edwards, Headteacher of The Heights Free School

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Councillor Ballsdon, Chairman of Mapledurham Playing Fields Management Committee and local Ward Councillor

Robin Bentham on behalf of WADRA, Mapledurham Lawn Tennis Club, Caversham Trents Football Club, Friends of Mapledurham Playing Fields and Mapledurham Users Group

Gordon Watt on behalf of Mapledurham Playing Fields Foundation and Fit4All.

Revd. Keith Knee-Johnson on behalf of Mapledurham Parish Council

Further to the discussion at the previous meeting (Minute 5 refers), the Head of Legal and Democratic Services submitted a report advising the Sub-Committee of a revised proposal which had been received from the Education Funding Agency (EFA) in respect of the acquisition of part of Mapledurham Recreation Ground/Playing Fields (the Ground) for the purpose of building a new school for the Heights Free School. The report advised the Sub-Committee that it had delegated authority, with the support of Officers, to discharge the functions as sole charity trustee for the Recreation Ground Charity at Mapledurham (the Charity), and had a duty to make all decisions in what it considered to be the best interests of the Charity in order to advance its charitable objects. Therefore, any decision made in respect of the EFA proposal was required to be in line with all relevant charity law and other legal restrictions.

The Sub-Committee was advised that a legal claim had been issued against the Trustees which sought to remove Reading Borough Council as Trustee of the Playing Fields Charity. The claim had been issued very recently and the Borough Council had not yet responded to it but would do so in due course. In the meantime, the Charity Commission was being kept fully informed of all the deliberations and decisions in respect of the Playing Fields.

The report explained that the EFA's revised proposal was that the Secretary of State for Communities and local Government (acting by the EFA) would acquire a 125 year lease of 1.231 acres of land at the Ground, as indicated on the plan attached to the report at Appendix 1.

The revised proposal from the EFA was reflected in the Heads of Terms which had been discussed by Officers and the EFA since the previous meeting on 11 October 2016. The Heads of Terms were subject to contract, were not legally binding and were set out at Appendix 2 to the report.

The report explained that the revisions made by the EFA to the proposal considered at the October 2016 meeting were as follows:

- The larger area within which the EFA proposed the school should be located had been removed;
- The consideration was no longer split between land and other payment - but was a single lease premium of £1.36m;
- The basis terms for a Community Use Agreement in relation to car parking and the use of facilities (including a MUGA) were referred to in the Heads of Terms;

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- The Heads of Terms also clarified the position in relation to the use of the existing car park which would be retained by the Council;
- The vehicular access route into the site had been clarified, including leaving a route for emergency vehicles.

An independent valuer's report prepared by Bruton Knowles relating to the EFA's proposal and the Heads of Terms, was attached to the report at Appendix 3.

A report prepared by the Council's Leisure and Recreation Manager (the Amenity Report), providing an initial assessment of the impact of the EFA proposal on the amenity value of the Mapledurham Recreation Ground, was attached to the report at Appendix 4.

A report on the latest position in relation to the proposal made by Fit4All, which had been considered by the Sub-Committee at its previous meeting (Minute 7 refers) was attached to the report at Appendix 5.

The legal implications of the proposals were detailed in section 8 of the report.

The Sub-Committee was advised that, if the Sub-Committee decided to proceed with the EFA's offer, the EFA intended to prepare a planning application to be discussed with the Sub-Committee in January 2017 prior to its submission to the Council's Planning Applications Committee.

Resolved -

- (1) That the Heads of Terms and revised plan, attached as Appendices 1 and 2 of the report, be noted;
- (2) That the Property Report attached as Appendix 3 of the report be noted;
- (3) That the Amenity Report attached as Appendix 4 of the report be noted;
- (4) That, taking into account the Property Report, the Amenity Report and the legal advice and other information set out in the report, the EFA's offer is, subject to contract, capable of being in the best interests of the Charity (i.e. considered to be capable of enhancing the amenity value of the ground) and should therefore be pursued in line with the Heads of Terms;
- (5) That this decision be subject to the EFA providing an additional undertaking in respect of the Charity's costs, which the Sub-Committee noted had been agreed for up to £35,000;
- (6) That the Head of Legal and Democratic Services be instructed to:
 - (i) implement a consultation with the Charity's beneficiaries and Management Committee, as anticipated by the heads of Terms;
 - (ii) consult with the Charity Commission, as anticipated in the Heads of Terms;

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- (7) That the Fit4All report be noted and any further progress in relation to the Fit4All proposal made by the Mapledurham Playing Fields Foundation be reported to the Sub-Committee.**

(The meeting started at 6.30 pm and finished at 7.25 pm).