

READING BOROUGH COUNCIL

MAPLEDURHAM PLAYING FIELDS MANAGEMENT COMMITTEE

MINUTES OF THE MEETING HELD ON 15 DECEMBER 2016

Present:

Councillor I Ballsdon	(Chairman)
Councillor E Hopper	
Councillor J Skeats	
Mr N Stanbrook	Mapledurham Users' Committee
Rev K Knee-Robinson	Mapledurham Parish Council

Also in attendance:

Mr R Bale	CARPS (Catchment Area Residents' Preferred Site)
Mr R Bentham	Warren & District Residents' Association
Mr S Bolton	Caversham & District Residents' Association
Mr C Brooks	Head of Legal & Democratic Services
Mr A Maclean	
Mr B O'Neill	
Ms N Simpson	Committee Administrator
Mr G Thornton	Head of Economic & Cultural Development

Apologies:

Mr S Ayers	Friends of Mapledurham Playing Fields
Ms P White	Mapledurham Bridge Club

1. MINUTES & MATTERS ARISING

The Minutes of the meeting held on 10 October 2016 were confirmed as a correct record, subject to deletion of the second paragraph in Minute 4.

Further to Minute 2 (3), where it had been noted that Keith Knee-Robinson and Nigel Stanbrook would be consulting with members of Mapledurham Parish Council and Users of the Pavilion and Playing Fields respectively on both the EFA and Fit4All proposals, Keith Knee-Robinson now reported that he had consulted with members of the Mapledurham Parish Council on the EFA and Fit4All proposals. He said that the Parish Council had felt that there was merit in moving forward on the Fit4All proposal. However, with regard to the EFA proposal, the Parish Council had written to the Trustees saying that it did not see the benefit in the EFA's proposal for the charity and objected to a school being built on the playing fields. It had also raised the ambiguity over the extra area to be used for the school's recreational purposes on the fields, which took a significant proportion of the flat green area of the charity and was therefore against the purposes of the open area for carrying out recreational activity. It hoped that the Charity Commission would object to the proposal.

Nigel Stanbrook said that the feedback from user groups was reflected in his User Group report later on the agenda. He asked whether professional independent legal and property advice for the Trustee had been sought on the EFA proposal, and Chris Brooks confirmed that it had, and the legal advice from expert charitable law solicitors was contained within the legal implications section of the report to the Sub-Committee to be considered later on the agenda, and the property advice in Appendix 3 to that report (see Minute 3 below).

At this point in the meeting, it was established that Bob O'Neill was recording the meeting, without having asked the Chair, the members of the Management Committee or the others present. The meeting discussed whether the recording should be allowed. Chris Brooks advised that recording could be allowed as long it was not done in secret, those present did not object, the fact that recording was happening did not stymie debate, and, if the recording was used to report what had been said, it was reported accurately. All those present were asked if they were happy for the meeting to be recorded and consent was given by all but one observer, who said that, if they spoke at the meeting, they would take a view then as to whether they were happy for that to be recorded.

AGREED: That the positions be noted.

2. MAPLEDURHAM PAVILION CONDITION AND DRAFT ACCOUNTS

Grant Thornton presented a report which had been published for submission to the Mapledurham Playing Fields Trustees Sub-Committee on 20 December 2016, giving an update on the current condition of Mapledurham pavilion and presenting the draft 2015/16 accounts prior to their submission to the Charity Commission.

The report explained that the draft accounts would be submitted to the Charity Commission, subject to any comments from the Management Committee being considered and subsequent auditing by the accountancy team. It also said that, to allow the Council to respond quickly following any decision relating to proposals affecting the playing fields, a review of costs and options to refurbish or partially rebuild the pavilion was being undertaken.

Councillor Ballsdon noted that the draft accounts did not include the usual £125 figure for the Parish Income from Mapledurham Parish Council. It was noted that there had been problems with transfers of cheques in previous years and that the figure might have been in the wrong bank account and therefore not listed in the accounts. Grant Thornton and Keith Knee-Robinson agreed to check and clarify the situation and Grant to report verbally to the Sub-Committee. Councillor Ballsdon also queried why the insurance costs had increased from £196 in 2014/15 to £333 in 2015/16.

AGREED:

- (1) That the report be noted;
- (2) That Keith Knee-Robinson and Grant Thornton check out and clarify the situation with regard to receipt of the Parish Income and its

inclusion in the 2015/16 draft accounts and Grant report verbally to the Sub-Committee;

- (3) That Grant Thornton investigate why the insurance costs had increased from 2014/15 to 2015/16 and email the Management Committee.

3. REVISED PROPOSAL FROM THE EDUCATION FUNDING AGENCY

Further to Minute 2 of the previous meeting, Chris Brooks presented a report which had been published for submission to the Mapledurham Playing Fields Trustees Sub-Committee on 20 December 2016, 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 following documents were attached:

- Appendix 1 - Revised plan showing boundary change to site
- Appendix 2 - Heads of Terms (with a draft lease attached)
- Appendix 3 - The Property Report
- Appendix 4 - The Amenity Report
- Appendix 5 - The Fit4All Report

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 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;
- 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 as Trustee;
- 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. The report recommended that, if the EFA proposal was pursued, a landscape plan should be produced to allow a more detailed assessment of the impact. The report included an initial, non-exhaustive list of improvements that could be carried out and rough costings for these, explaining that not all could be carried out and that they and the landscape plan would be consulted on with the beneficiaries, with the consultation to be arranged in conjunction with the Management Committee.

A report on the latest position in relation to the Fit4All proposal made by the Mapledurham Playing Fields Foundation (MPFF), which had been considered by the Sub-Committee at its previous meeting, was attached to the report at Appendix 5. This report should have had appended a note of a meeting held on 2 November 2016 between representatives of the Council and MPFF, which had been omitted in error, and copies of the note were tabled at the meeting.

Chris Brooks updated the Management Committee on the progress made on the conditions set by the Sub-Committee on 11 October 2016 for continuing to discuss the EFA proposal, saying that the location of the 1.231 acre site and the school had now been defined, and that the planning application for the development was being worked on but had yet to be finalised. He said that the Heads of Terms addressed many other issues, such as the width of and improvement to the standard of the access road and providing a tarmac finish to the car park.

He explained that the Sub-Committee would be asked to decide whether (1) The EFA offer as currently articulated in the Heads of Terms was not in the best interests of the Charity and should not therefore be proceeded with any further; or (2) That, taking into account all the information in the report, the offer was, subject to contract, capable of being in the best interests of the Charity (ie capable of enhancing the amenity value of the Ground) and should therefore be pursued, subject to the conditions recommended by officers, and any other conditions the Sub-Committee thought appropriate and necessary. If option (2) was taken, the EFA would need to provide an additional undertaking in respect of the Charity's costs, and consultations with the Charity's beneficiaries, Management

Committee and the Charity Commission would be carried out, as anticipated by the Heads of Terms.

He also noted that, as set out in the report at Appendix 5, officers had met with representatives of MPFF on 2 November 2016 to discuss the Fit4All proposal, where a number of action points had arisen and were being worked on by both sides. He reported that he had checked with Mr Watt from MPFF, and they were still working on a revised Fit4All proposal to be put to the Sub-Committee, hopefully via the Management Committee.

The meeting discussed the timing of production of reports for the Sub-Committee and the lack of time for getting feedback from the User Groups and Mapledurham Parish Council prior to the meeting to make representations at the Sub-Committee. Chris Brooks explained that officers had been working hard to meet the short timescale given to them to produce the reports needed, and had not been withholding the reports. He said that, if option (2) above was taken, there would be more actions to take, including consultations with the beneficiaries and Management Committee. The meeting also agreed that the Parish Council should be informed and consulted, not just Keith Knee-Robinson as its representative on the Management Committee, with the same principle for the User Groups and Nigel Stanbrook.

Keith Knee-Robinson noted that the EFA proposal would block off a recognised local route into the Playing Fields from Hewett Avenue and so a footpath at the back of the houses to the South might be needed to get into the Playing Fields. He also queried whether the area to the North of the school would be fenced.

Councillor Ballsdon said that the consultation period would be an appropriate time to voice specific concerns such as these but asked for any overall views on the proposal from the Management Committee that they would like her to pass on to the Sub-Committee at the meeting on 20 December 2016, when she spoke as Chair of the Management Committee. She noted that others could also ask to speak on the item at the Sub-Committee meeting, by getting in touch with the Committee Administrator for the Sub-Committee.

Nigel Stanbrook raised the issue of whether Councillor Ballsdon had a biased and predetermined position on the EFA proposal on the basis of her previous statements. Chris Brooks explained what predetermination was and that predetermination was only relevant when a decision was to be made. He said that the Management Committee had a clear remit, which did not involve decision-making on the EFA proposal, but in this case was considering the reports going to the Sub-Committee and making any comments. Chris Brooks said that, whilst Nigel Stanbrook might have concluded that Councillor Ballsdon had a predetermined position on the EFA proposal, he was not aware from what he had heard or read that Councillor Ballsdon was in a predetermined position. He noted that, in due course, she could potentially be involved in making decisions at the decision-making Committees that she sat on and it would be for her to consider the issue and take advice as appropriate as to her involvement. Councillor Ballsdon suggested that, if Nigel Stanbrook wanted to make a complaint or articulate his position further, that he should do so in writing to Chris Brooks.

The meeting discussed the fact that everyone wanted the pavilion refurbished or rebuilt as soon as possible, but it was noted that, even if it was considered that the EFA proposal did not affect the current pavilion and so work should start immediately, the situation with regard to the money held by WADRA had not changed, as they would not release the money they held for refurbishment unless the integrity of the Mapledurham Playing Fields Trust was maintained in its entirety. This meant that the funds were not currently available to go forward.

It was noted that, if the EFA proposal was pursued, the £1.36m lease premium might potentially be available within the next 24 months, depending on progress of the planning application and other outstanding issues. It was queried whether a bridging loan might be a possibility to make progress on the pavilion, and Chris Brooks said that this would have to be looked at. It was also suggested that a phased approach could be taken and that the EFA should be asked to pay a deposit on exchange of contracts, to provide a pot of money for the pavilion work, although Chris Brooks said that this was not currently in the contract, a purchaser would be unlikely to give a deposit and the EFA would be unlikely to accept this.

In relation to consultation on the EFA proposal and the development of the landscape plan, it was suggested that the Trustee should present a vision so that people could see the situation holistically rather than piecemeal. It was also suggested it would be helpful for everyone to know what the format and timescale would be for the consultation and that it would be useful for the Management Committee to have a meeting with users early in the consultation to ensure that all views were considered.

The Management Committee discussed the issues that they wished to be raised with the Sub-Committee by Councillor Ballsdon in her statement, and agreed the following points:

- Should the Sub-Committee decide not to pursue the EFA proposal further, the Mapledurham Management Committee, users and beneficiaries should have a meeting with the Sub-Committee as soon as possible to work out how to refurbish and reopen the pavilion using existing funds.
- Should the Sub-Committee be minded to pursue the EFA proposal further, then:
 1. The Sub-Committee be informed again, as previously stated, that the User Groups would like the pavilion to be refurbished and rebuilt as soon as possible, and the Management Committee suggest that the Sub-Committee should give consideration to asking the EFA to provide a deposit before completion, in order to start the refurbishment/rebuild of the pavilion as soon as possible.
 2. The Sub-Committee be asked to provide an outline of the consultation process, the form it would take, and the timetable, as the Management Committee and users would like to know as soon as possible.
- The Sub-Committee also to be informed that the consultation should be directed both to the Mapledurham Parish Council, and to its representative on the Mapledurham Management Committee, Rev. Keith Knee-Robinson; and both to the User Groups of the Pavilion and Playing Fields, and to their

representative on the Mapledurham Management Committee, Nigel Stanbrook.

AGREED:

- (1) That the reports and position be noted;
- (2) That Councillor Ballsdon address the Mapledurham Playing Fields Trustees Sub-Committee meeting on 20 December 2016 as Chairman of the Management Committee, presenting the points set out above;
- (3) That anyone else wishing to speak at the Mapledurham Playing Fields Trustees Sub-Committee meeting on 20 December 2016 contact Peter Driver, Committee Administrator for the Sub-Committee.

4. MAPLEDURHAM PLAYING FIELDS USERS REPORT

Nigel Stanbrook submitted a report as the representative of Users of Mapledurham Playing Fields and Pavilion, giving an update since the report to the previous meeting on information given to the users and feedback from user groups.

Nigel Stanbrook referred back to a position taken previously by the Management Committee against sale of land at the playing fields and expressed concern that if land was sold for a school, this could set a precedent and there was no guarantee that there would not be further loss of land, which would not be in the interest of the Trust. Councillor Hopper noted that officers had explained previously that there was no guarantee currently that nothing would be built on the playing fields and that this would not change if something was built, as each case had to be considered separately; if land was sold, this did not make it more likely that more land would be sold. Chris Brooks explained that sale of land for development was hugely restricted and use for a school was the only contemplated use which might realistically meet the special circumstances for planning consent within land protected by open space policies, as set out in the property report at Appendix 3 to the previous item. He also said that the statement within the Users report "Further loss of land at Mapledurham Playing Fields if the school goes ahead is now a potential reality as a direct consequence from implementation of the EFA proposal, as confirmed by the RBC Head of Legal Services." was inaccurate, as he had not confirmed such a statement.

Councillor Ballsdon noted that, when valuation of the land had been carried out, the recommendation had been not to put it to market, as only the EFA proposal was likely to be successful. She expressed concern that people were being needlessly worried by scaremongering about a potential domino effect following any successful EFA proposal, and said that this would not happen.

Nigel Stanbrook asked a question about a potential Deed of Dedication being entered into, and whether this might provide protection in perpetuity. Chris Brooks replied that officers had committed to investigate and report back to the Sub-Committee on the Deed of Dedication's implications at the Sub-Committee meeting on 11 October 2016; officers were still carrying out this investigation and

would report back to the Sub-Committee once a clear position had been established.

Nigel Stanbrook reported that Steve Ayers was in discussion with Giles Sutton, the Council's Ecologist, about the best way that the woodlands at the playing fields could be protected, and that Steve, Giles and Ben Stanesby would be meeting to look at the site regarding the ecological value of the woodlands.

Nigel Stanbrook also reported that, on 9 December 2016, Mapledurham Tennis Club had been given the Community Venue of the Year Award by the Lawn Tennis Association.

AGREED: That the report be noted and the Tennis Club be congratulated on its award.

5. DATE AND TIME OF NEXT MEETING

It was suggested that the next meeting could possibly be combined with a consultation meeting with the beneficiaries, but that it would depend on the Sub-Committee's decision and the timescale of the consultation process.

AGREED: That the next meeting be organised by email when needed, depending on the decision of the Mapledurham Playing Fields Trustees Sub-Committee on 20 December 2016.

(The meeting started at 6.30pm and finished at 8.25pm)