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To: Councillor D Edwards (Chair)
Councillors Ayub, K Edwards, James,
McDonald, Warman and Woodward

Direct: ☎ 0118 9372303

12 October 2018

Your contact is: **Simon Hill (Committee Services) simon.hill@reading.gov.uk**

NOTICE OF MEETING - MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE 22 OCTOBER 2018

A meeting of the Mapledurham Playing Fields Trustees Sub-Committee will be held on Monday, 22 October 2018 at 6.30 pm in the Council Chamber, Civic Offices, Reading. The Agenda for the meeting is set out below.

	<u>WARDS AFFECTED</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES		5 - 10
To confirm the Minutes of the Sub Committee's meeting on 20 June 2018		
3. PETITIONS AND QUESTIONS		
To receive any petitions from the public and any questions from the public and Councillors.		
4. MAPLEDURHAM PAVILION	MAPLEDUR HAM	11 - 14
This report updates the Sub-Committee on discussions with Warren District Residents Associations (WADRA) regarding refurbishment works to the pavilion, and seeks delegated authority to enter into an agreement with WADRA subject to the final agreement of terms.		

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**5. MAPLEDUHAM PLAYING FIELDS LANDSCAPE UPDATE MAPLEDUR 15 - 22
REPORT HAM**

This report updates the Sub-Committee on preparatory work for improvements at Mapledurham Playing Field, including archaeological investigations to inform the development of the Landscape Master Plan and discussion with Caversham Treads FC on the proposed facilities.

**6. CHARITY COMMISSION ADVICE MAPLEDUR 23 - 28
HAM**

This report updates the Sub-Committee on the progress with implementing the decisions made at the 20 June 2018 meeting, including consultation with the Charity Commission on the proposed grant of a lease to the Secretary of State for Housing, Communities and Local Government of part of the Recreation Ground.

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Present: Councillor D Edwards (Chair); Councillors Ayub, K Edwards, Warman and Woodward.

1. MINUTES

The Minutes of the meeting of the Sub-Committee held on 9 January 2018 were agreed as a correct record and signed by the Chair.

2. MINUTES OF THE MAPLEDURHAM PLAYING FIELDS MANAGEMENT COMMITTEE: 3 JANUARY 2018

The Minutes of the meeting of the Mapledurham Playing Fields Management Committee held on 3 January 2018 were received for information.

3. REPRESENTATIONS

With the permission of the Chair the following people addressed the Sub-Committee regarding the Mapledurham Playing Fields Landscape Master Plan and Options Report (Minute 4 and 5 below):

Nigel Stanbrook (Mapledurham Users Group)

Sharon McHale (Education and Schools Funding Agency)

Susan Jones (Heights Primary School)

Steve Brown (Caversham Trents Football Club)

Councillor Ballsdon (Mapledurham Ward Councillor)

Councillor Ballsdon also presented, as Chair of the Mapledurham Playing Fields Management Committee, comments from the Management Committee regarding the officer reports submitted to this meeting of the Sub-Committee.

4. THE HEIGHTS PRIMARY SCHOOL: UPDATE FOLLOWING PLANNING APPLICATIONS COMMITTEE AND CONSULTATION ON MASTERPLAN

Further to Minute 7, 8 and 9 of the Sub-Committee's meeting on 9 January 2018, the Head of Legal and Democratic Services and Valuation Adviser presented a report providing the Sub-Committee with an update on the Heights School (the 'School') planning application, which had been considered by the Local Authority's Planning Applications Committee on 4 April 2018, and the Landscape Master Plan for the Mapledurham Playing Fields ('the Ground').

The Sub-Committee noted that the report would need to be considered in conjunction with the Landscape Master Plan and Options report, on the agenda for the meeting (see Minute 5 below). The Sub-Committee's attention was also drawn to the draft Community Use Agreement, which had been circulated separately.

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The report explained that the Planning Applications Committee had considered the planning application submitted by the Education & Schools Funding Agency (ESFA) at its meeting on 4 April 2018. This had been the subject of an objection by Sport England, to the Secretary of State. The Committee had resolved to grant permission, subject to:

- the outcome of the Sport England call-in request to the Secretary of State;
- planning permission being dependent on the completion of a Section 106 legal agreement/unilateral undertaking to secure the Heads of Terms set out in the report, as amended by the Committee.

The report advised that the Secretary of State had given notice on 4 May 2018 that he would not be calling in the planning application.

The report also advised that the ESFA had offered to pay an additional £375,000 towards mitigation works. The Sub-Committee was reminded that there was an additional existing £85,000 Section 106 contribution which could be spent on the Pavilion.

The Sub-Committee noted that the draft Community Use Agreement covered the use by the Mapledurham Recreation Ground Charity (the 'Charity') and its beneficiaries of the proposed school car park, MUGA, and school hall (including toilet and changing facilities), and provided details of hours when the facilities would be open and available for use by the public. The draft Community Use Agreement included the constitution of a proposed Community Use Committee that would monitor progress against agreed aims and targets, programming usage and financial matters and would put forward recommendations on policy issues. The proposed membership of the Community Use Committee would include the School, the Council and non-voting representatives from user groups. The Sub-Committee was informed that the policy should ensure that the School was able to provide the sport and community facilities on an affordable, cost-neutral basis, with prices similar to local authority-run facilities in the area.

The report advised that, following consideration of:

- the Landscape Master Plan and Options Report (Minute 5 below);
- the draft community use agreement;
- the regulatory advice from the Charity Commission dated 20 November 2017 (the 'Charity Commission Regulatory Advice') considered by the Sub-Committee on 9 January 2018 (Minute 8 refers); and
- the heads of terms and valuation report received by the Sub-Committee on 20 December 2016 (Minute 11 refers),

the Sub-Committee would need to decide whether the ESFA proposal offered the best option for enhancing the amenity value of the Ground for the benefit of the Charity's beneficiaries. The Sub-Committee was also advised that it should consider the Equality Impact Assessment implications, which were attached to the Landscape Master Plan and Options report at Appendix C (see Minute 5 below).

The Sub-Committee was advised that if it did decide that the ESFA proposal was its preferred option, then in order to implement the planning consent it would also be

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necessary for a Section 106 or unilateral undertaking to be entered into by the Council as Trustee of the Charity to enable the ESFA to carry out works on the site.

The report stated that if, having considered the position in the light of the legal advice set out in the report, the Sub-Committee decided in favour of disposal to the ESFA in accordance with the previously agreed heads of terms then it was recommended that officers be authorised to consult with the Charity Commission in relation to the basis for the proposed disposal and, after taking account into account any regulatory advice or guidance the Commission might have to offer, take all and any such steps as were required in order to facilitate such disposal.

The report stated that concerns have been expressed by some users of the Ground about the composition and role of the Mapledurham Playing Fields Management Committee. The report recommended that the officers institute a review of the remit and membership of the Management Committee and report back to a future meeting.

The Sub-Committee was advised that it could only properly consider the recommended actions set out within the report once it had considered the Landscape Master Plan and Options report and made a decision on its preferred option (Minute 5 below).

Resolved -

That the decision of the Local Planning Authority (LPA) to pass a resolution to grant planning consent for a new school at Mapledurham Playing Fields, subject to conditions; and the decision of the Secretary of State not to call in the determined planning application, be noted.

5. LANDSCAPE MASTER PLAN AND OPTIONS REPORT

The Head of Economic and Cultural Development presented a report noting that, at the meeting on 9 January 2018 (Minute 9 refers), the Sub-Committee had instructed officers:

- (1) to prepare a “masterplan” for the Ground which identified on an indicative basis how the ESFA lease premium could be applied if the ESFA proposal were to be accepted (in line with the Charity Commission Regulatory Advice on this point); and
- (2) to prepare an options report which, taking into account the masterplan, enabled the Sub-Committee to evaluate the impact of the three options on the amenity value of the Ground for beneficiaries of the Charity (also in line with the Charity Commission Regulatory Advice on this point).
[The three options were the status quo, the ESFA proposal, and the Fit4All proposal made by the Mapledurham Playing Fields Foundation].

The report presented the culmination of the work to develop the Landscape Master Plan prepared in accordance with the Sub-Committee’s instructions. The following documents were attached to the report:

- Appendix A - Landscape Master Plan - Mapledurham Playing Fields
- Appendix B - Report on Results of Mapledurham Playing Fields public consultation, *Have Your Say*, summer 2017

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- Appendix C - Equality Impact Assessment (revised 21 May 2018)
- Appendix D - User Report to Mapledurham Playing Fields Management Committee meeting, 29 May 2018
- Appendix E - WADRA Proposal to remedy the structural defects in Mapledurham Pavilion, in the sum of £35,000
- Appendix F - Response to Landscape Master Plan Consultation

The Sub-Committee was advised that the report and its recommendations would need to be considered in tandem with the update report on the planning decision and consultation on the Landscape Master Plan (Minute 4 above refers) in view of the interdependencies with regard to respective recommendations.

The Sub-Committee was advised that the Master Plan had been developed following and in accordance with the Charity Commission Regulatory Advice, namely that a Master Plan should firstly identify on an indicative basis how the ESFA lease premium could be applied if the ESFA proposal were to be accepted, and secondly inform an options report to evaluate the impact of three potential options on the amenity value of the Ground for the benefit of the Charity's beneficiaries.

The report explained that the Landscape Master Plan had been shared, on 14 May 2018, with organisations that historically had used the Ground, including the Pavilion. These included: the Warren & District Residents' Association, Caversham Trents Football Club, Mapledurham Lawn Tennis Club, Mapledurham Tennis Club, Magikats After-school, Soul Ball, Escape Toddler Group, Bridge Club, Spikey Club, 69th Reading Scout Group, Friends of Mapledurham Playing Fields, and Mapledurham Playing Fields Action Group.

The report explained the position with regard to the granting of planning permission for the Heights Free School and the associated Section 106 agreement for the payment of an additional £375,000 to mitigate negative impacts. The report stated that a resulting total of £1.735m was potentially available from the ESFA for mitigation and improvement works.

The Sub-Committee was advised that this figure was additional to the £85,000 of Section 106 funding which had previously been committed towards the Pavilion by the Council, which remained available. It was also in addition to the potential £35,000 from the Warren and District Residents Association and Mapledurham Action Group for repairs to the Pavilion to enable it to be reopened pending complete refurbishment.

The report outlined how the Master Plan might be implemented based on the resources available, informed by the results of the *Have Your Say* public consultation exercise, which had been undertaken with beneficiaries in the summer of 2017.

The report identified the various elements of the works as follows:

- mitigation works that were required to be undertaken should development proceed in accordance with the Planning Permission secured for the school and funded by the £375,000 of Section 106 planning gain;
- core enhancement, reflecting the results of the public consultation;

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- two options for the opening and improvement of the Pavilion;
- further works that could be carried out using the balance of resources available, which would be variable, dependent upon the option chosen for the Pavilion.

The report stated that the conclusion within the Master Plan was that, if implemented, the ESFA proposals would result in a clear net improvement to the overall amenity value of the Ground.

The report outlined the results of the consultation with user groups on the Master Plan and how these had been responded to. It also set out details of the preparatory and implementation works that would be required to deliver the Master Plan proposals.

The report outlined and evaluated the three potential options and restated the previous conclusion of the Sub-Committee that it did not necessarily see the Fit4All option and the ESFA proposal as mutually exclusive with regard to the Ground's longer-term management.

Resolved -

- (1) That having considered the Landscape Master Plan and the three options set out in the report in light of their respective positive and negative impacts on the amenity value of the Ground, the Sub-Committee considered that the ESFA proposal offered the best option to enhance the amenity value of the Ground for the Charity's beneficiaries, taking into account the Charity Commission Regulatory Advice and the provisions set out in the Landscape Master Plan at Appendix A of the report;
- (2) That the Landscape Master Plan for the Ground, at Appendix A of the report (subject to relocation of play area), be supported and adopted to form the basis for works to mitigate the impact of relocating the School to the Ground, and to enhance and improve the amenity value of the Ground in the best interests of the Charity and its beneficiaries;
- (3) That the mitigation works set out in paragraph 4.2 of the report be agreed and undertaken to offset the negative impact of the development of the School on the Ground, to be funded from the £375k payment made under the Section 106 Agreement;
- (4) That the improvement and enhancement works set out in paragraph 4.8 of the report be agreed and undertaken as a core improvement to the Ground within the Landscape Master Plan, in the sum of £332k to be funded from the £1.36M lease premium payable by the ESFA;
- (5) That with regard to the remainder of the ESFA's consideration payment, the Sub-Committee adopt Option B for the improvement of the Pavilion, as set out in paragraph 4.9 of the report;
- (6) That the following further improvements be funded and undertaken as identified in paragraph 4.12:
 - (a) installation of pedestrian lighting along the main path from Chazey Road towards the Pavilion;

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- (b) extension of the car park to support use of both the Pavilion and Ground by extending into the area north of the School site with reinforced turf/Grasscrete to allow the area to be used for occasional overflow parking;
- (c) extension of the Pavilion to provide two additional changing rooms to support use of the second adult pitch;
- (7) That any unspent funds be allocated to support funding applications to improve facilities by either the Council as Trustee or partner organisations; this could include new changing rooms, an artificial turf pitch, changing facilities or other recreational facilities and would allow further funding to be levered into improving facilities;
- (8) That the preparatory works set out in paragraph 4.20 of the report be agreed and undertaken;
- (9) That the Head of Legal & Democratic Services and Head of Economic & Cultural Development be authorised to procure and implement the mitigation and enhancement works within the funding limits set out in the report;
- (10) That it be noted that the mitigation and improvement works would require the closure of large sections of the Ground for the duration of the works;

In light of these decisions, and returning to consider the proposed actions in Agenda Item 6 (Minute 4 above refers), the Sub-Committee further

Resolved -

- (11) That a unilateral undertaking be entered into, to enable the Section 106 Agreement to be concluded, subject to heads of terms as envisaged by the Local Planning Authority;
- (12) That, taking into account the Heads of Terms for the proposed lease to the Secretary of State for Housing, Communities & Local Government, the Community Use Agreement and the property report prepared by Bruton Knowles, reported to the Sub-Committee's meeting on 20 December 2016, it be determined that the terms of the disposal by way of lease to the ESFA were the best which were reasonably obtainable for the Charity;
- (13) That the Head of Legal & Democratic Services be instructed to consult with the Charity Commission in relation to the basis for the proposed disposal to the ESFA and, after taking into account any regulatory advice or guidance from the Commission, be authorised to take all and any such steps as are required in order to facilitate such disposal; and
- (14) That the Head of Legal & Democratic Services be instructed to review the remit and membership of the Management Committee and to report back to the Sub-Committee on the options that could be adopted in relation to the composition of the Management Committee.

(The meeting started at 6.30 pm and finished at 7.39 pm).

READING BOROUGH COUNCIL

REPORT BY HEAD OF ECONOMIC & CULTURAL DEVELOPMENT AND VALUATION ADVISOR

TO:	MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE		
DATE:	22 OCTOBER 2018	AGENDA ITEM:	4
TITLE:	MAPLEDURHAM PAVILION		
LEAD COUNCILLORS:	COUNCILLOR EDWARDS	PORTFOLIO:	MAPLEDURHAM PLAYING FIELDS CHAIR OF TRUSTEES
SERVICE:	TRUSTEE OF CHARITY	WARDS:	MAPLEDURHAM
LEAD OFFICER:	BEN STANESBY BRUCE TINDALL	TEL:	0118 937 3276 0118 937 2594
JOB TITLE:	LEISURE AND RECREATION MANAGER VALUATION ADVISOR	E-MAIL:	ben.stanesby@reading.gov.uk Bruce.tindall@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 At your meeting on 20th June 2018 the Sub Committee agreed to proceed with Option B within the Landscape Master Plan and Options report - minute 5 (5). This report updates the Trustees on discussions which have been undertaken with Warren District Residents Associations ("WADRA") regarding works to the pavilion.
- 1.2 To seek Delegated Authority to enter into an agreement with WADRA to carry out the refurbishment works to Mapledurham Pavilion subject to the final agreement of terms by the Head of Legal and Democratic Services in consultation with the Chair, Valuation Advisor and Leisure and Recreation Manager.

2 RECOMMENDED ACTION

- 2.1 That progress to date be noted;
- 2.2 That the Head of Legal and Democratic Services be authorised to agree the final terms of the proposed refurbishment, in consultation with the Chair of the Sub-Committee, the Valuation Advisor and the Leisure and Recreation Manager;
- 2.3 That the Head of Legal & Democratic Services be authorised to execute all legal documents that would be necessary to give effect to the above resolutions.

3. POLICY CONTEXT

- 3.1 Reading Borough Council holds the Mapledurham Recreation Ground and Playing Field ("the Ground") in its capacity as charity trustee ("Trustee") of the Charity. The Charity is registered with (and therefore regulated by) the Charity Commission. The charitable object of the Charity is:

"the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the Borough of Reading without distinction of political, religious or other opinions. "

The beneficiaries of the Charity, are the inhabitants of the Parish of Mapledurham and the Borough of Reading. The Ground is an asset of the Charity and is held "in specie" i.e. specifically in order to advance the Charity's object.

- 3.2 The Sub-Committee has delegated authority, with the support of the Officers, to discharge Reading Borough Council's functions as charity trustee of the Charity. The Sub-Committee has a duty to make all decisions in what it considers to be the best interests of the Charity and its beneficiaries and in order to advance the object referred to above and any such decision must be in line with all relevant charity law and other legal restrictions.

4. Background

- 4.1 The WADRA proposal to carry out works to the pavilion was considered at the meeting of 20 June 2018. The relevant paragraphs within the Landscape Master Plan and Options report were as follows:

WADRA Proposal

- 1) This is to undertake the urgent repairs to the Pavilion to bring it back into use, in the sum of £35k. The proposal is largely dependent upon the Pavilion being retained in its existing structural design in order to ensure the works undertaken are not abortive (i.e. if the Pavilion is demolished then the works undertaken are effectively lost). Officers are currently working with an Architect working for WADRA/MPFAG to determine appropriateness/effectiveness of proposals

If Option B for the pavilion is chosen as part of the ESFA proposal, officers will continue to work with WADRA/MPFAG to identify an appropriate way of implementing the proposed repairs including identifying the necessary safeguards for all parties.

- 4.2 Officers and members of WADRA/MPFAG have met on a number of occasions to ensure that works proposed are fit for purpose and to minimise any 'wasted' expenditure in the event that the pavilion is fully refurbished in the future.
- 4.3 Detailed Heads of Terms were sent out to WADRA on the 30 September 2018. The delay in sending these out was in the main due to holiday commitments and resource issues relating to officers advising the Trustees.

The Detailed Heads of Terms cover a number of issues including the revised cost of works, the proposal that the Trustees will client the works for tax efficiency reasons and a revised specification.

The main issue which remains outstanding relates to financial liability in the event that unexpected works are identified during the works. Plans showing the proposed works will be circulated separately.

- 4.4 Officers believe that progress is being made and are hopeful that the outstanding issue relating to payment of unforeseen items will be available shortly. As such it is recommended that a Delegation be granted to the Head of Legal and Democratic Services, in consultation with the Chair of the Sub-Committee, Valuation advisor and Leisure and Recreation Manager to approve the final detailed terms.

5. EQUALITY IMPACT ASSESSMENT

- 5.1 The Pavilion will be available to hire by any group and disabled access is provided. As such it is not considered that the refurbishment proposed will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people of their age; people due to their religious belief.

6. LEGAL IMPLICATIONS

6.1 It is envisaged that three legal documents will need to be entered into:

- (1) A contract between WADRA and the Council acting as Trustees in respect of the scope of works and payment of the contractual sum
- (2) JCT minor works contract between the Council and contractor in respect of the work.
- (3) A contract between the Council and the Tanner partnership regarding CDM issues.

7. FINANCIAL IMPLICATIONS

7.1 Whilst the Council will be commissioning the works, the cost of the works will be met in full by WADRA. The issue relating to unforeseen costs is subject to further consideration.

8 BACKGROUND PAPERS

8.1 Heads of Terms between RBC and WADRA.*

- * These documents contain exempt information by virtue of Paragraph 3 of Schedule 12A (as amended) of the Local Government Act 1972 (as amended) and are not open to public inspection in accordance with the commercial sensitivity exemption contained within Part 2 Section 43(2) of the FOI Act.

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READING BOROUGH COUNCIL

REPORT BY HEAD OF ECONOMIC & CULTURAL DEVELOPMENT

TO:	MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE		
DATE:	22 OCTOBER 2018	AGENDA ITEM:	5
TITLE:	MAPLEDURHAM PLAYING FIELDS LANDSCAPE UPDATE REPORT		
LEAD COUNCILLORS:	COUNCILLOR EDWARDS	PORTFOLIO:	MAPLEDURHAM PLAYING FIELDS CHAIR OF TRUSTEES
SERVICE:	TRUSTEE OF CHARITY	WARDS:	MAPLEDURHAM
LEAD OFFICER:	BEN STANESBY	TEL:	0118 937 3276
JOB TITLE:	LEISURE AND RECREATION MANAGER	E-MAIL:	ben.stanesby@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

1.1 At Minute 5 of your meeting on 20th June 2018, it was resolved that a number of actions should be taken including those outlined below:

- (5) That with regard to the remainder of the ESFA's consideration payment, the Sub-Committee adopt Option B for the improvement of the Pavilion, as set out in paragraph 4.9 of the report;
- (6) That the following further improvements be funded and undertaken as identified in paragraph 4.12 [of the report]:
 - (a) installation of pedestrian lighting along the main path from Chazey Road towards the Pavilion;
 - (b) extension of the car park to support use of both the Pavilion and Ground by extending into the area north of the School site with reinforced turf/Grasscrete to allow the area to be used for occasional overflow parking;
 - (c) extension of the Pavilion to provide two additional changing rooms to support use of the second adult pitch;
- (7) That any unspent funds be allocated to support funding applications to improve facilities by either the Council as Trustee or partner organisations; this could include new changing rooms, an artificial turf pitch, changing facilities or other recreational facilities and would allow further funding to be levered into improving facilities;
- (8) That the preparatory works set out in paragraph 4.20 of the report be agreed and undertaken. This included carrying out site investigations from June 2018 onwards to help inform and de-risk the cost issues relating to the site eg: archaeological investigations.

1.2 In this connection:

- (1) Oxford Archaeology has undertaken a series of archaeological investigations to inform the development of the Landscape Master Plan and planning application.

- (2) Preparatory work has commenced on the development of plans for the Pavilion including identification of architects and dialogue with Caversham Trents FC identifying their needs.
- 1.3 Judicial Review Proceedings were commenced on 21st September 2018 in regard of the school planning permission issued 14th August 2018. The Judicial Review Hearing is set for 20 November 2018.
- 1.4 This report updates the Sub-Committee on progress made.

2 RECOMMENDED ACTION

- 2.1 That work to date be noted;
- 2.2 That following representations from Caversham Trents, as identified at point 4.2.1 the inclusion of two additional changing rooms be omitted from the proposed scheme. The monies saved to be allocated to contributory/match funding for future grant applications by the Trust and its partners.

2. POLICY CONTEXT

- 2.1 Reading Borough Council holds the Ground in its capacity as charity trustee ("Trustee") of the Charity. The Charity is registered with (and therefore regulated by) the Charity Commission. The charitable object of the Charity is:

"the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the Borough of Reading without distinction of political, religious or other opinions. "

The beneficiaries of the Charity, therefore, are the inhabitants of the Parish of Mapledurham and the Borough of Reading. The Ground is an asset of the Charity and is held "in specie" i.e. specifically in order to advance the Charity's object.

- 2.2 The Sub-Committee has delegated authority, with the support of the Officers, to discharge Reading Borough Council's functions as charity trustee of the Charity. The Sub-Committee has a duty to make all decisions in what it considers to be the best interests of the Charity and in order to advance the object referred to above and any such decision must be in line with all relevant charity law and other legal restrictions.

3. CURRENT POSITION

Archaeology

- 4.1.1 A geophysical survey was undertaken across Mapledurham Playing Fields to identify features that may contain archaeology. This is illustrated in Plan 4.1.2 below.
- 4.1.2 A series of 30 trenches approximately 30m in length, 1.8m wide and 0.5m deep were dug across the site by Oxford Archaeology to investigate the features identified in the geophysical survey. These are also identified in Plan 4.1.2.

Plan 4.1.2: Geophysical survey with 30no archaeology trenches



Figure 2: Caversham Playing fields, Mapledurham. Proposed Trench plan with geophysical interpretation

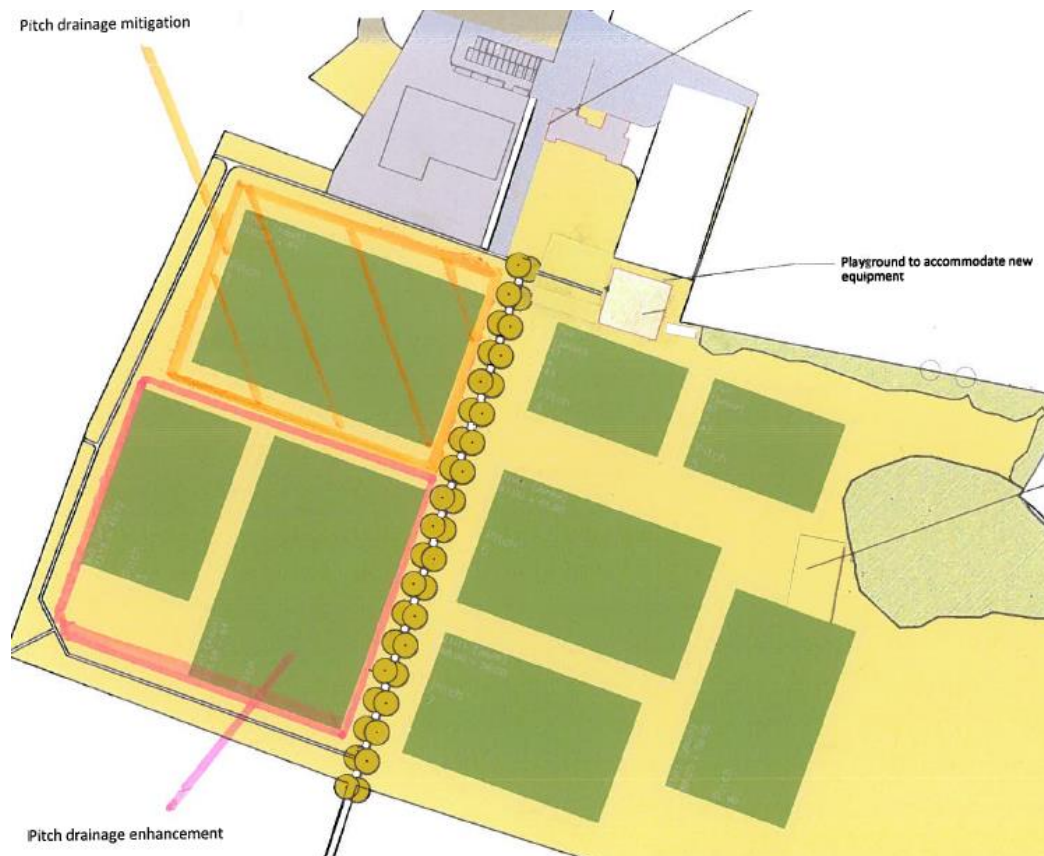
- 4.1.3 Following these trenches, further deep excavations were undertaken at locations across the site again by Oxford Archaeology to establish whether or not any Palaeolithic archaeology is present. These test pits, identified in Plan 4.1.3 below, were 2m*2m* 3m deep in size and were located off the football pitches.

Plan 4.1.3: 8no Palaeolithic test pit locations



- 4.1.4 The geophysical survey indicated there might be a number of features on the site of archaeological interest and these were investigated by the 30 trenches and most found to represent variations of natural geology. Archaeological features were found in trenches 1,3,7,10,11,20, and 25. Towards the centre and eastern side trenches 20 & 25 contained late 19th-20th century field boundary ditches and to the northeast the site also contained four NE-SW aligned furrows. Towards the northwest side of the site within trenches 1,3,7, and 10 a large D-shaped Roman enclosure was found. The area within the enclosure was also tested in trench 7 and two post holes were found measuring 0.45-0.48m in diameter and contained later Iron Age pottery. The enclosure ditches also contained pottery dating from 1st-2nd Century and were dated later than the post holes. The presence of a samian ware mortarium fragment suggests a date c.AD 170. The D-shaped enclosure may have been associated with several phases of occupation and potential industrial activity. In 1998 similar Roman features were discovered c 250m northwest of the site and rectangular cropmarks suggest this area could be part of a substantial late Iron Age / Roman rural settlement. Additional deeper test pits were dug across the site to check for anything of palaeolithic archaeological interest in the deeper gravel layers. Nothing of significance was found.
- 4.1.5 The Landscape Master Plan will now be amended to protect the Roman archaeology found to the northwest corner of the sports fields. This work is ongoing and will be reported to a future meeting. It is likely that the drainage will be moved from the western side of the main axial path to the eastern area. The full range of mitigation and enhancement previously reported is still believed to be deliverable within the budget identified.

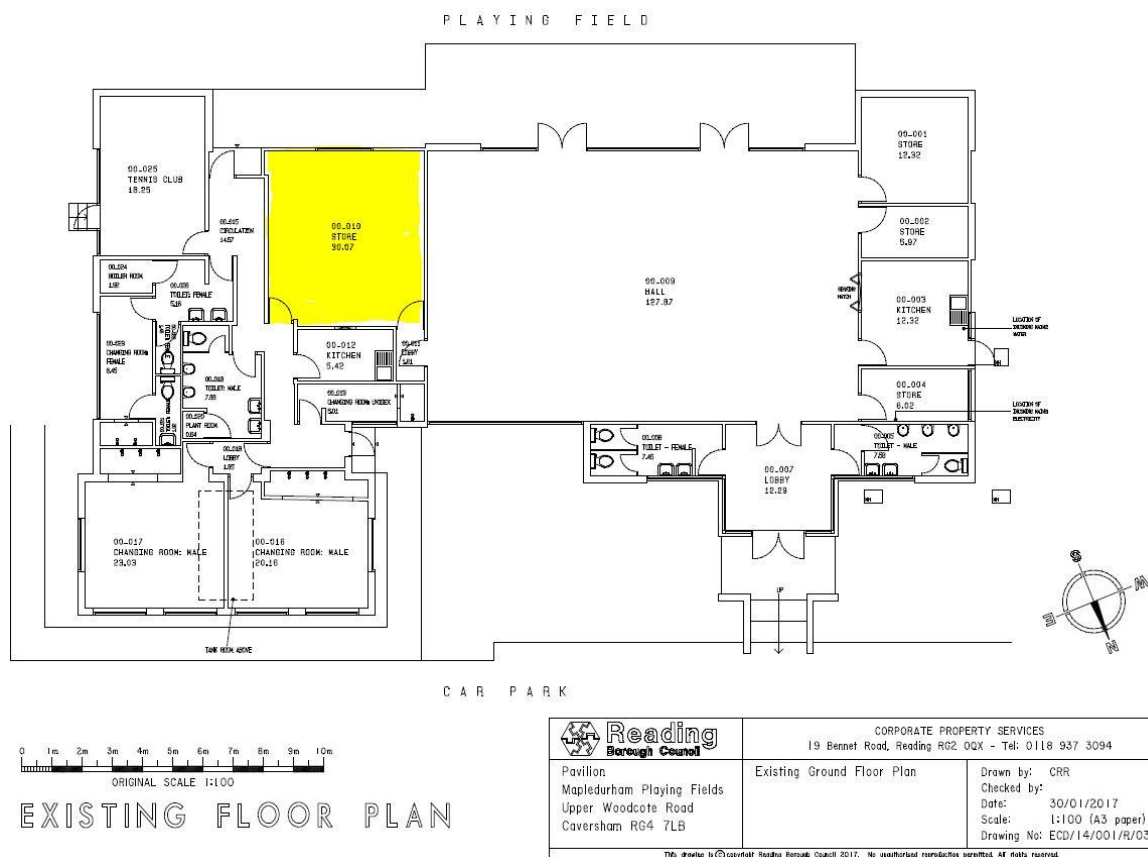
Plan 4.1.5 June 2018 location plan of drained pitches



- 4.1.6 The digging of the 30 trenches was undertaken in the summer as soon after the June Sub-Committee as possible to reduce the impact on football. Where possible, trenches were sited off football pitches but given the geophysical survey, it was necessary to disturb some pitches.
- 4.1.7 Where pitches were affected, the disturbed ground was seeded, dressed and irrigated to promote re-establishment of turf as quickly as possible. On areas which were not within sports pitches, less intense work and no irrigation was undertaken. These areas will re-establish naturally. An ongoing programme of stone removal from affected areas of pitches is being carried out. We are grateful for the co-operation from Caversham Trent's FC in temporary reconfiguration of pitches and training areas.
- 4.1.8 Archaeological investigations within the school site are still to be undertaken by the EFSA. They have agreed to undertake these in November onwards, after the turf on pitches has re-established and activity displaced from these areas to the school site can revert back to their original location. This work will be organised and funded by the EFSA.

Further options

- 4.2.1 Since the Trustees Sub-Committee meeting in June 2018, Caversham Trent's FC has written to the Trustees and met with officers stating that match funding towards the provision of an artificial turf pitch and other improved facilities would be more beneficial to the club than the inclusion of additional changing rooms within the Pavilion during the rebuild.
- 4.2.2 The Pavilion should therefore be refurbished throughout, retaining the existing layout as per the decision of the Sub-Committee on 20th June 2018 but omitting the additional changing rooms. This will still allow for subsequent addition of changing room provision in the future to the south of the tennis club room and store (highlighted) below. The highlighted store may also be converted to a changing room in the future.



4.2.3 There are likely to be minor amendments to meet building control regulations and ensure adequate provision of disabled facilities.

4.2.4 The cost savings from excluding the additional changing rooms will be allocated to a fund for match/contributory funding by the Trust or partner clubs for improvement to facilities on the playing fields such as an Artificial Turf Pitch.

Next steps

4.3.1 In light of the archaeology investigations an updated landscape masterplan including the location of the children’s play area would be presented to Committee in early December 2018. This will include the June 2018 committee approved additions of lighting the central avenue and providing a small overflow ‘grasscrete’ carpark area to the north of the proposed school.

4.3.2 The external works to the playing field including a new children’s play area requires planning approval. In order for the external works to start in the summer 2019 for the pitches to be playable September 2020, a planning application would be submitted in early January 2019 for planning committee review in late March 2019. During this same period January-March 2019 procurement of a main contractor for the external works would take place. Please note the above dates for the planning application submission and contractor procurement for the external works would not take place until the outcome of the Judicial Review of the planning permission issued 14th August for the EFSA school is known and thus these dates could be further delayed.

4.3.3 The design work and contractor procurement for the pavilion refurbishment and the associated costs have been put on hold until after the outcome of the above Judicial Review is known and therefore progress has been slowed.

5. CONSULTATION

5.1 A comprehensive consultation exercise was undertaken in the summer of 2017 to establish the views of beneficiaries, which generated 3,313 valid responses. This was

reported in detail to the Sub Committee on 9 January 2018.

- 5.2 A further round of consultation will be undertaken as part of the planning application for the Landscape Master Plan.

6. EQUALITY IMPACT ASSESSMENT

- 6.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to-

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 6.2 In this regard you must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.

- 6.3 An updated equality impact assessment (EIA) was undertaken and reported to the June 2018 Sub-Committee. There has been no material change to the proposals being made and further review is not required at present. On completion of the review of the Master Plan, the EIA will also be reconsidered.

7. LEGAL IMPLICATIONS

- 7.1 Legal implications of the Judicial Review are identified elsewhere in reports to the Sub Committee.

8. FINANCIAL IMPLICATIONS

- 8.1 The 20th June Sub Committee approved the proposal from the Council to spend the £375k of S106 mitigation funding for works to the playing field to mitigate the presence of the proposed school on the site.

- 8.2 The exclusion of the additional changing rooms from the pavilion refurbishment will result in a sum of £138,000 being allocated to use as contributory or match funding for grants or similar funding. This may be used by either the Charity or partner organisation(s) to lever in further monies to provide new or improve the facilities within the playing.

- 8.3 Archaeology investigation costs of £43,091 and £7,492 of drainage investigations have been expended to date as part of the approved pre-planning preparatory works. These costs totalling £50,583 are allocated equally between mitigation/enhancement (Council Section 106/Trust) funding basis. The expenditure is currently at risk and has been funded by the Council pending the outcome of the Judicial Review and receipt of the £1.36m premium.

9 BACKGROUND PAPERS

Mapledurham Playing Fields Trustees Sub-Committee - 20th June 2018.
Mapledurham Playing Fields Trustees Sub-Committee - 9th January 2018.
Oxford Archaeology report - August 2018

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READING BOROUGH COUNCIL

REPORT BY HEAD OF ECONOMIC & CULTURAL DEVELOPMENT AND VALUATION ADVISOR

TO:	MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE		
DATE:	22 OCTOBER 2018	AGENDA ITEM:	6
TITLE:	UPDATE ON THE ADVICE FROM THE CHARITY COMMISSION		
LEAD COUNCILLORS:	COUNCILLOR EDWARDS	PORTFOLIO:	MAPLEDURHAM PLAYING FIELDS CHAIR OF TRUSTEES
SERVICE:	TRUSTEE OF CHARITY	WARDS:	MAPLEDURHAM
LEAD OFFICER:	CHRIS BROOKS	TEL:	0118 937 2602
JOB TITLE:	HEAD OF LEGAL AND DEMOCRATIC SERVICES	E-MAIL:	chris.brooks@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 Following the decisions taken by this Sub-Committee at its meeting on 20 June 2018, including the decision that the grant of a 125 year lease to the Secretary of State for Housing, Communities and Local Government (the "Lease") of part of the Recreation Ground would best enhance the amenity value of the Ground for the benefit of the Charity's beneficiaries, the Head of Legal & Democratic Services has consulted with the Charity Commission in relation to the proposed grant of the Lease.
- 1.2 This Sub-Committee also resolved on 20 June 2018 to instruct the Head of Legal & Democratic Services to take all and any such steps as are required in order to facilitate the grant of the Lease to the Secretary of State, having first taken into account any regulatory advice or guidance the Commission may have had to offer.
- 1.3 This purpose of this report is to update members of the Sub-Committee in relation to the steps taken since their last meeting.
- 1.4 The Sub-Committee will be aware from another report on the agenda this evening that Mr Martin Brommell has applied (on behalf of the Mapledurham Playing Fields Action Group) to the High Court for a judicial review of the decision taken by the Council (as planning authority) to grant planning permission for the construction of The Heights Free School on part of the Ground. This is due to be heard by the High Court on 20 November 2018.

2 RECOMMENDED ACTION

2.1 The Sub-Committee is asked to resolve that Officers be authorised to:

2.1.1 Negotiate and agree the terms of the agreement for lease ("AFL"), community use agreement ("CUA") and Lease on the basis proposed in Section 4;

- 2.1.2 Arrange for the AFL to be entered into by the Council as trustee of the Charity;
- 2.1.3 Subject to the resolution of the judicial review proceedings on a basis which Officers consider enables the Council as trustee of the Charity to properly grant the Lease, to arrange for the Lease and CUA to be entered into by the Council as trustee of the Charity;
- 2.1.4 Take all other such steps as Officers consider to be reasonably necessary to implement the decisions taken by the Sub-Committee on 20 June 2018;
- 2.1.5 Report back to the Sub-Committee on the completion of the AFL, CUA and Lease and on any other issues which Officers consider should be brought to the attention of the Sub-Committee;
- 2.1.6 Report back to the Charity Commission on such milestones and other developments as Officers consider appropriate.

3 Charity Commission

- 3.1 Following the Sub-Committee's meeting on 20 June 2018, the Head of Legal & Democratic Services instructed VWV (external solicitors advising the Council as trustee of the Charity) to write to the Charity Commission to notify them of the decisions taken by this Sub-Committee and to seek their views and advice on the power of disposal exercisable by the Council (as trustee of the Charity) in order to grant the Lease.
- 3.2 Members of the Sub-Committee will recall from previous advice given by Officers that the grant of the Lease was always intended to be subject to the views and (if necessary) the consent of the Charity Commission, so that a process of consultation with the Commission would be required.
- 3.3 Having reviewed all of the material supplied to the Sub-Committee prior to their meeting on 2018 and the decisions taken at that meeting, the Commission have now confirmed that:
 - a) They agree that the Council (as trustee of the Charity) can rely upon the statutory power of disposal conferred by section 6 of the Trusts of Land and Appointment of Trustees Act 1996 ("TLATA") in order to grant the Lease to the Secretary of State; and
 - b) They also agree that the Council (as trustee of the Charity) has complied with the statutory requirement under section 121 of the Charities Act 2011, so that no further publication of the proposal to grant the Lease is required.
- 3.4 This advice was issued as "regulatory advice" pursuant to section 15 of the Charities Act 2011.
- 3.5 The Charity Commission also advised that the Council (as trustee of the Charity) does not need the Charity Commission's consent to grant the Lease and that the Charity Commission will now close its regulatory authority case in relation to the Charity. The Charity Commission will not be pro-actively monitoring the implementation of the decision to grant the Lease but has suggested that this Sub-Committee may wish to notify them of any key developments and milestones. Officers suggest that this would be appropriate.
- 3.6 The Charity Commission's advice means that, subject to the points raised below, the Sub-Committee is now in a position (under charity law) to grant the Lease.

4 Discussion with the Education and schools funding Agency (ESFA)

- 4.1 In line with the Sub-Committee's decisions at their meeting on 20 June 2018, the Head of Legal & Democratic Services has engaged with the ESFA (on behalf of the Secretary of State) in order to seek to agree the arrangements for the grant of the Lease. The implementation of those arrangements will be subject to the outcome of Mr Brommell's application of judicial review.
- 4.2 Subject to this, Officers propose that:
- 4.2.1 An AFL and form of Lease should now be negotiated and agreed with the ESFA. The Lease should be substantially in the form of the draft lease previously provided to and approved by the Sub-Committee and in line with the non-legally binding heads of terms previously entered into with the ESFA.
 - 4.2.2 The AFL should be entered into as soon as possible, but the grant of the Lease will be subject to the judicial review proceedings having been completed (and assuming of course that Mr Brommell's application fails).
 - 4.2.3 A CUA for use of the Free School's facilities will be entered into with the School and the agreed form will be annexed to the AFL.
 - 4.2.4 The AFL and Lease should both be entered into by the Council as Charity trustee of the Charity in reliance on the general power conferred by TLATA to dispose of land.
 - 4.2.5 The premium of £1.36m due from the Secretary of State in respect of the grant of the Lease will be paid on completion of the Lease.
 - 4.2.6 Provisions will be agreed with the ESFA in relation to the consequences of any legal challenge being brought in relation to the entry into the AFL and/or the grant of the Lease.

5. POLICY CONTEXT

- 5.1 Reading Borough Council holds the Ground in its capacity as charity trustee ("Trustee") of the Charity. The Charity is registered with (and therefore regulated by) the Charity Commission. The charitable object of the Charity is:

"the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the Borough of Reading without distinction of political, religious or other opinions. "

The beneficiaries of the Charity, therefore, are the inhabitants of the Parish of Mapledurham and the Borough of Reading. The Ground is an asset of the Charity and is held "in specie" i.e. specifically in order to advance the Charity's object.

- 5.2 The Sub-Committee has delegated authority, with the support of the Officers, to discharge Reading Borough Council's functions as charity trustee of the Charity. The Sub-Committee has a duty to make all decisions in what it considers to be the best interests of the Charity and its beneficiaries and in order to advance the object referred to above and any such decision must be in line with all relevant charity law and other legal restrictions.

- 5.3 At its meeting on 20 June 2018 the Sub-Committee resolved as follows:

- 5.3.1 That the decision of the Local Planning Authority (LPA) to pass a resolution to grant planning consent for a new school at Mapledurham Playing Fields, subject to conditions; and the decision of the Secretary of

State not to call in the determined planning application, be noted;

- 5.3.2 That the Landscape Master Plan and Options Report (including the Landscape Master Plan) be considered in the light of the consultation with stakeholder groups and the terms of the Community Use Agreement to be tabled at your meeting and, in the light of this consideration, the Sub-Committee is asked to decide whether:
- 5.3.3 the ESFA proposal still offers the best option to enhance the amenity value of the Ground for the benefit of the Charity's beneficiaries and, if it does;
- 5.3.4 to enter into a unilateral undertaking to enable the Section 106 Agreement to be concluded, subject to heads of terms as envisaged by the Local Planning Authority;
- 5.3.5 That in the event that the Sub-Committee decides (in line with paragraph 2.2 above) that the ESFA proposal still offers the best option to enhance the amenity value of the Ground for the benefit of the Charity's beneficiaries, the Sub-Committee is asked to decide whether, taking into account the Heads of Terms for the proposed lease to the Secretary of State for Housing, Communities & Local Government, the Community Use Agreement and the Property Report, the terms of the disposal by way of lease to the ESFA are the best which are reasonably obtainable for the Charity.
- 5.3.6 That in the event that the Sub-Committee agrees (in line with paragraph 2.3 above) that the terms of the disposal by way of lease to the Secretary of State are the best which are reasonably obtainable for the Charity, the Head of Legal & Democratic Services be instructed to consult with the Charity Commission in relation to the basis for the proposed disposal to the ESFA and, after taking into account any regulatory advice or guidance the Commission may have to offer, be authorised to take all and any such steps as are required in order to facilitate such disposal.
- 5.3.7 That the Head of Legal & Democratic Services be instructed to review the remit and membership of the Management Committee and to report back to the Sub-Committee on the options that could be adopted in relation to the composition of the Management Committee.

6. Background

- 6.1 See purpose and summary of this report

7. LEGAL IMPLICATIONS

- 7.1 The legal implications are contained within the body of the report.

8. FINANCIAL IMPLICATIONS

There are no direct financial implications.

9. BACKGROUND PAPERS

The Landscape Master Plan - 20 June 2018

Options Report - 20 June 2018

The Heads of Terms for the lease with the Secretary of State, as reported to your meeting on 20 November 2016

<http://www.reading.gov.uk/media/6539/Item-6/pdf/item06.pdf>

- a) The Property Report prepared by Bruton Knowles, reported to your meeting on 20 December 2016
<http://www.reading.gov.uk/media/6539/Item-6/pdf/item06.pdf>
- b) The regulatory advice from the Charity Commission, reported to your meeting on 9 January 2018 and summarised in paras. 7.7 to 7.8 of Legal Implications below
http://www.reading.gov.uk/media/8120/Item-5-and-appendices/pdf/Item5_and_appendices.pdf
- c) The Community Use Agreement with the Secretary of State for Housing, Communities & Local Government for the School's occupation of the Ground

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