

# **MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE MINUTES - 22 OCTOBER 2018**

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

**Apologies:** Councillor Woodward

## **6. MINUTES**

The Minutes of the meeting of the Sub-Committee held on 20 June 2018 were agreed as a correct record and signed by the Chair.

## **7. MAPLEDURHAM MANAGEMENT COMMITTEE**

Councillor Ballsdon 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. She also made comments as the ward councillor for Mapledurham.

## **8. MAPLEDURHAM PAVILION**

Further to Minute 5 of the Sub-Committee's meeting on 20 June 2018, the Head of Economic & Cultural Development and Valuation Adviser submitted a report updating the Sub-Committee on discussions with Warren District Residents Association (WADRA) regarding refurbishment works to bring the Mapledurham pavilion back into use, and seeking authority to enter into an agreement with WADRA to carry out the works subject to the final agreement of terms.

The report noted that a proposal from WADRA to carry out works to the pavilion had been considered and agreed at the meeting of 20 June 2018. Officers and members of WADRA/Mapledurham Playing Fields Action Group had subsequently met on a number of occasions to ensure that the works proposed were fit for purpose and to minimise any 'wasted' expenditure in the event that the pavilion was fully refurbished in the future. Detailed Heads of Terms had been sent to WADRA and covered a number of issues including the revised cost of works, the proposal that the Trustees client the works for tax efficiency reasons and a revised specification.

The report explained that the main outstanding issue related to financial liability in the event that unexpected works were identified. It was hoped that this could be resolved shortly, and the report therefore recommended that the Head of Legal and Democratic Services, in consultation with the Chair of the Sub-Committee, Valuation Advisor and Leisure and Recreation Manager, be authorised to approve the final detailed terms.

A plan showing the proposed works was tabled at the meeting.

**Resolved -**

- (1) That progress to date be noted;
- (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;

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- (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.

**9. MAPLEDURHAM PLAYING FIELDS LANDSCAPE UPDATE REPORT**

The Head of Economic and Cultural Development submitted a report giving an update on preparatory work for improvements at Mapledurham Playing Fields, including archaeological investigations and discussion with Caversham Trents FC on the proposed facilities.

The report explained that Oxford Archaeology had undertaken a series of archaeological investigations to inform the development of the Landscape Master Plan and planning application. A geophysical survey had been undertaken across the Playing Fields to identify features that might contain archaeology, and a series of trenches had been dug across the site to investigate the features identified in the geophysical survey. Most had been found to represent variations of natural geology, but various archaeological features including a large D-shaped Roman enclosure had been found. Further deep excavations had then been undertaken, at locations off the football pitches, to establish whether any Palaeolithic archaeology was present, but nothing of significance had been found. Archaeological investigations within the school site would be undertaken by the EFSA from November 2018 onwards.

The report stated that as a result of the investigations the Landscape Master Plan would be amended to protect the Roman archaeology found to the northwest corner of the sports fields, but that the full range of mitigation and enhancement previously reported was still believed to be deliverable within the budget identified. An updated Plan including the location of the children's play area, and the additions of lighting the central avenue and a small overflow 'grasscrete' carpark area to the north of the proposed school, as approved by the Sub-Committee at the previous meeting, would be submitted to a future meeting. The report set out a projected timetable for securing planning approval for the external works.

The report also noted that preparatory work had commenced on plans for the Pavilion, including dialogue with Caversham Trents FC, who had stated 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. It was therefore proposed that the refurbishment of the Pavilion retain the existing layout, and omit the additional changing rooms, with the cost savings to 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.

The report also informed the Sub-Committee that Judicial Review Proceedings in regard of the Heights School planning permission had been commenced on 21 September 2018, and that a Judicial Review Hearing had been set for 20 November 2018. The planning application submission and contractor procurement for the external works would not take place until the outcome of the Judicial Review was known, and it was therefore possible that these could be delayed.

**Resolved -**

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- (1) That the work to date be noted;
- (2) That amendments to the Landscape Master Plan to protect the Roman archaeology be reported to a future meeting of the Sub-Committee;
- (3) That, following representations from Caversham Trents, the inclusion of two additional changing rooms be omitted from the proposed scheme and the monies saved be allocated to contributory/match funding for future grant applications by the Trust and its partners.

**10. UPDATE ON THE ADVICE FROM THE CHARITY COMMISSION**

Further to Minute 5 of the meeting held on 20 June 2018 the Head of Legal and Democratic Services submitted a report providing the Sub-Committee with an update on the steps taken to facilitate the grant of a Lease of part of the Recreation Ground to the Secretary of State, and an update on consultation with the Charity Commission in relation to the proposed grant of the Lease.

The report explained that, following the Sub-Committee's meeting on 20 June 2018, the Head of Legal & Democratic Services had 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 the 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. Having reviewed all of the material submitted to the Sub-Committee and the decisions taken at that meeting, the Commission had confirmed that they agreed that the Council (as trustee of the Charity) could 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 that they also agreed that the Council (as trustee of the Charity) had 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 was required.

The Charity Commission had also advised that the Council (as trustee of the Charity) did not need the Commission's consent to grant the Lease and that the Commission would now close its regulatory authority case in relation to the Charity. The Commission would not be actively monitoring the implementation of the decision to grant the Lease but had suggested that the Sub-Committee might wish to notify them of any key developments and milestones. The Commission's advice meant that, subject to the points raised below, the Sub-Committee was now in a position (under charity law) to grant the Lease.

The report also explained that, following the Sub-Committee's decision at the previous meeting, the Head of Legal & Democratic Services had engaged with the Education and Skills Funding Agency (ESFA) in order to seek to agree the arrangements for the grant of the Lease. It was proposed that, subject to the outcome of a judicial review, officers be authorised to take the following steps:

- An Agreement for Lease (AFL) and form of Lease should be negotiated and agreed with the ESFA; the Lease to be substantially in the form of the draft lease previously approved by the Sub-Committee and in line with the non-legally binding heads of terms previously entered into with the ESFA;

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- The AFL should be entered into as soon as possible, but the grant of the Lease be subject to the judicial review proceedings having been completed and the review being unsuccessful;
- A Community Use Agreement for use of the Free School's facilities to be entered into with the School and the agreed form annexed to the AFL;
- The AFL and Lease should 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;
- The premium of £1.36m due from the Secretary of State in respect of the grant of the Lease to be paid on completion of the Lease;
- Provisions to 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.

**Resolved -**

- (1) **That the Head of Legal and Democratic Services be authorised to:**
  - a) Negotiate and agree the terms of the agreement for lease ('AFL'), community use agreement ('CUA') and Lease on the basis proposed in Section 4;
  - b) Arrange for the AFL to be entered into by the Council as trustee of the Charity;
  - c) Arrange, subject to the resolution of the judicial review proceedings on a basis which it was considered enabled the Council as trustee of the Charity to properly grant the Lease, for the Lease and CUA to be entered into by the Council as trustee of the Charity;
  - d) Take all other such steps as considered to be reasonably necessary to implement the decisions taken by the Sub-Committee on 20 June 2018;
  - e) Report to the Charity Commission on such milestones and other developments as considered appropriate.
- (2) **That a report be submitted to the next meeting of the Sub-Committee on the completion of the AFL, CUA and Lease and on any other issues it was considered should be brought to the attention of the Sub-Committee.**

(The meeting started at 6.30 pm and finished at 6.49 pm).