

**MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE MEETING MINUTES - 10
FEBRUARY 2020**

Present: Councillor Edwards (Chair);
Councillors Ayub (Vice-Chair), Emberson, Gittings and Rynn

7. MINUTES

The Minutes of the meeting held on 15 October 2019 were agreed as a correct record and signed by the Chair.

8. REPRESENTATIONS

With the permission of the Chair the following people addressed the Sub-Committee regarding the reports submitted to the meeting:

Martin Brommell (Warren & District Residents' Association)
Councillor Ballsdon (Chair of the Mapledurham Playing Fields Management Committee and Mapledurham Ward Councillor)

9. LANDSCAPE UPDATE

The Assistant Director of Culture submitted a report updating the Trustees on the programme of works to implement the approved Landscape Master plan for Mapledurham Playing Fields. A plan summarising the progress to date was attached to the report at Appendix 1.

The report explained that completed works included the new 600 m² children's play area, which had successfully opened for the October half term holidays and had been a popular improvement. Breedon gravel footpaths on the west and south sides of the fields had been completed as well as the perimeter wood post and rail fence along the Hewett Avenue boundary connecting the gravel footpaths. A temporary stone path had also been installed to connect the breedon pathway to the new children's play area.

The sports pitch regrading and drainage works had started as planned, with the aim to re-provide improved sports pitches by the start of the 2020 football season. However, exceptionally wet weather conditions had been experienced since late September 2019 through into January 2020, and periodic rain was preventing the ground becoming able to bear the weight of machinery for laying drains. This delay to drain laying would mean grass seed being sown in late spring and therefore an increased risk of pitches not being ready for September 2020. Commencement of use of this area for formal sports would be determined by the external sports consultant and officers would meet with Caversham Trent FC to produce contingency plans, and alternate sports pitches at Christchurch Meadows would be kept available until the area was ready to use.

The report noted that woodchip had been laid on areas of the informal paths around the heras fencing surrounding the Agripower works that had become very muddy, with the area to the west of the fenced area and through the wood still to be completed. Mud around the play area had necessitated a temporary stone chip path. A request had been made to the highways team to improve pedestrian access with a tarmac surface from the

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highway across the grass verge to two of the Hewett Avenue breedon gravel path entrances. Planting of the new avenue of trees had been planned for December 2019 but the location of the avenue overlapped the work area of Agripower, so to prevent risk of damage to the trees planting had been delayed until the following winter. It was planned to install the new central breedon gravel footpath and trim trail in early summer once the Agripower works were complete. The report also gave an update on drainage ditches and the car park.

Resolved -

That the works to implement the landscape plan be noted.

10. PAVILION IMPROVEMENT WORKS

Further to Minute 4 of the meeting held on 15 October 2019, the Assistant Director of Culture submitted a report updating the Trustees on the pavilion improvement works and seeking approval to appoint a contractor and allocate additional funding for the scheme.

The report noted that at its previous meeting the Sub-Committee had approved designs for the pavilion improvements and authorised officers to procure a contractor to carry out the first phase of works. Planning consent had subsequently been granted on 12 December 2019 and a procurement process had been carried out. Following an assessment on price and quality and an interview with the lowest tenderer it was recommended that AYM (Services) Ltd be appointed to carry out the works.

The report explained that the proposed contract sum was £82k over the approved budget for these works and set out the reasons for this increase. The report proposed that an additional £82k be allocated to the pavilion works from the remaining £235k of unallocated improvement funds. If agreed, work was anticipated to start on site on 2 March 2020 and complete in early August 2020.

The report also set out the revenue accounts for 2018/19 for the day to day management of the Mapledurham Playing Fields. Following auditing by the Council's accountancy team, these would be submitted to the Charity Commission.

Resolved -

- (1) That the Assistant Director of Legal & Democratic Services and the Assistant Director for Culture be authorised to appoint AYM (Services) Ltd for £782k to carry out the first phase of the pavilion works, within the funding limits set out in the report;**
- (2) That £82k of unallocated improvement funds be allocated for the pavilion improvement works;**
- (3) That the Council's accountancy team submit the accounts to the Charity Commission after auditing.**

11. MAPLEDURHAM PLAYING FIELDS - DEED OF DEDICATION

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Further to Minute 6 of the meeting held on 15 October 2019, the Assistant Director of Legal and Democratic Services submitted a report on the development of a Deed of Dedication (Deed) for Mapledurham Playing Fields. The draft Deed submitted to the Sub-Committee on 15 October 2019 was attached to the report at Appendix 1 and a revised draft Deed was attached to the report at Appendix 2.

The report explained that the Council's External Legal advisers (VWV) had negotiated with Fields in Trust (FiT), as authorised by the Sub Committee, and had agreed in principle a revised draft Deed of Dedication. VWV had consulted with the Charity Commission on the amended draft Deed and the Charity Commission had acknowledged that other Charities (including other Councils acting as trustee) had entered into similar arrangements.

VWV's advice was that, taking into account the wide consultation that had been carried out amongst the public and the amendments to the draft Deed that had been agreed with FiT, the Sub-Committee were able to decide to enter into the Deed if they concluded that this was in the best interests of the charity and its beneficiaries. VWV had confirmed that in its view the Council would be acting properly in deciding to enter into the Deed.

The report noted that the revised draft Deed essentially provided for the Council (as trustee of the Charity) to undertake that it would not take certain steps in relation to the Ground, or that it would only do so with FiT's consent. The key undertakings were set out in clause 3 of the draft Deed as amended, and included the following:

- Not to use the Ground for any purpose other than as a recreation ground for the benefit of those who live in the Parish of Mapledurham and Borough of Reading (the "Purpose");
- Not to allow third parties to use the Ground for anything other than the Purpose without FiT's consent;
- Not to sell, lease or otherwise dispose of all or part of the Ground without the prior written consent of FiT;
- Not to construct (or allow a third party to construct) buildings or structures on the Ground (or make material alterations to them) for any use other than the Purpose without FiT's consent;
- Not to construct (or allow a third party to construct) buildings or structures on the ground where their area would exceed 4% of the total area of the Ground (the revised deed had reduced the proposed figure from 20% to 4%).

The intention was that these undertakings would last in perpetuity, and taken together the provisions would mean that the Council could not in the future: dispose of all or part of the Ground by way of sale or the grant of a lease to a third party without FiT's consent (unless to buy replacement property or to another charity); build new buildings on the Ground for anything other than the Purpose or for the Purpose but outside the 4% total

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area restriction; use or allow the Ground to be used for anything other than the Purpose without FiT's consent.

The Sub-Committee were asked to consider, in relation to the revised Deed of Dedication, whether it was in the best interests of the Charity and its beneficiaries to add a requirement for FiT's consent to any disposal of part or all of the Ground in the future. Effectively, the revised Deed of Dedication would enable FiT to make a judgement about this in addition to the Council. This requirement for consent was how FiT operated in order to prevent recreational land from being used for purposes other than recreation, but the Sub-Committee were asked to consider whether the benefits of the draft Deed outweighed the disadvantages, the main disadvantage being that the Council would lose a degree of discretion and flexibility in relation to the future.

It was reported at the meeting that, although at the time of writing the report officers had understood that FiT had approved the revised draft Deed, further discussions with FiT had since been held and were still ongoing. FiT had requested that an obligation be placed on the conveyance to note the Deed, that in Clause 4 on Replacement Property the obligation should be extended to any licence the Trustee may grant (this was the only matter which was still outstanding in the discussions) and had proposed that in Clause 7 the site name should be "Green Space for Good - Mapledurham Recreation Ground".

Resolved -

- (1) That it be noted that VWV had sought the views of the Charity Commission on the entry into the Deed and confirmed that the Council as trustee would be acting properly in deciding to enter into the Deed;**
- (2) That it be noted that a revised draft Deed of Dedication had been negotiated with, but not yet approved by, FiT;**
- (3) That the advice in the report and given at the meeting be noted and officers be authorised to enter into the Deed of Dedication as set out in Appendix 2, with the inclusion of the site name "Green Space for Good - Mapledurham Recreation Ground" in Clause 7, subject to any further changes that might be required in order to reach agreement with FiT and were considered necessary and appropriate.**

(The meeting closed at 7.10 pm)