

Trustees' Sub-Committee

26 March 2024



Reading
Borough Council
Working better with you

Title	Amendment to the Mapledurham Playing Fields Management Committee's Terms of Reference and Charity Scheme
Purpose of the report	To make a decision
Report status	Public report
Report author	Michael Graham, Assistant Director of Legal and Democratic Services
Lead Councillor	Cllr Jason Brock, Leader of the Council
Corporate priority	Not applicable, but still requires a decision
Recommendations	1. That the proposed new Paragraph 5 for the Charity Commission Scheme on the Committee of Management (Appendix 1) and proposed new Mapledurham Management Committee Terms of Reference (Appendix 2) be approved.

1. Executive Summary

1.1. This report sets out proposals for amendments to the Mapledurham Playing Fields Management Committee powers and duties and composition and has attached:

- Appendix 1 – Proposed new Paragraph 5 for the Charity Commission Scheme on the Committee of Management
- Appendix 2 – Proposed new Mapledurham Playing Fields Management Committee Terms of Reference
- Appendix 3 - Current Mapledurham Playing Fields Management Committee Terms of Reference
- Appendix 4 - Current Paragraph 5 for the Charity Commission Scheme on the Committee of Management
- Appendix 5 - The original Charity Scheme

2. Policy Context

2.1. Reading Borough Council holds the playing fields at Mapledurham (the Ground) in its capacity as trustee of the Charity. The Charity is registered with (and therefore regulated by) the Charity Commission. The 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."

2.2. 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 order to advance the Charity's object.

2.3. The Sub-Committee has delegated authority, with the support of officers, to discharge Reading Borough Council's functions as 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. The Mapledurham Playing Fields Management Committee

3.1. The Mapledurham Playing Fields Charity Scheme (see Appendix 4) specifies in paragraph 5 that:

“The Trustee may delegate to a Committee of Management (the "Committee") such of its powers, duties and functions as relate to the day-to-day administration and management of the Charity and in such manner as the Trustee may from time to time specify in written terms of reference ("Terms of Reference"). Such Terms of Reference shall specify the scope and extent of the authority conferred on the Committee in exercising the powers, duties and functions delegated to it.”

3.2. The Mapledurham Playing Fields Management Committee’s powers and duties are currently as follows (having been amended by the Sub-Committee on 15 October 2019, when the overall terms of reference and membership of the Management Committee were amended):

“1. Duties and Powers of the Management Committee

- The Committee will exercise a general supervision over the activities at the playing fields.
- The Committee shall conform to the regulations and practices of Reading Borough Council with regard to finance and the conditions of service of employees.
- Subject to the objects of the charity and to the Reading Borough Council’s statutory and financial requirements, the Management Committee shall determine the charges to be applied to the hire of the Pavilion.
- The Committee shall review on a regular basis the terms and conditions for lettings and monitor the bookings received and the use of the Pavilion.”

3.3. The current full terms of reference and membership (as amended in 2019) are set out in Appendix 3, and the committee membership within that is as follows:

“2. Membership of the Management Committee

2.1 The Committee shall be made up of a minimum of [7] and a maximum of [9] individuals (each a "Member") who shall be appointed as follows:

- (a) up to [2] individuals appointed in writing by Reading Borough Council (the "Borough Council");
- (b) [1] individual appointed in writing by the Borough Council who shall also be a Borough Council member elected for the electoral ward in which the recreation ground belonging to the Charity is from time to time situated;
- (c) [1] individual appointed in writing by Mapledurham Parish Council;
- (d) [1] individual appointed in writing by the Caversham Treants Football Club;
- (e) [1] Individual appointed in writing by the Mapledurham Lawn Tennis Club;
- (f) [1] individual appointed in writing by the Major Users in accordance with paragraph 5(3) of the Charity Scheme;
- (g) [1] individual appointed in writing by the Warren and District Residents Association; and
- (h) [1] individual appointed in writing by The Heights Primary School (an exempt charity and registered company number 08334593).

2.2 The Trustee shall from time to time confirm such organisations, clubs and other groups (whether formally constituted or not) which it regards as major users (the "Major Users") of the facilities and amenities at the recreation ground referred to

in paragraph 6 of the Charity Scheme. The Chair of the management committee shall invite Major Users to appoint the [1] individual referred to in paragraph 5(2)(f) of the Charity Scheme in accordance with rules set out in the Terms of Reference.”

The Proposal

- 3.4. The other recreation grounds or playing fields for which the Council is Trustee (e.g. Albert Road Recreation Ground and Sol Joel Playing Fields) are managed by the Council, in line with the way that other parks in the Borough are managed, with decisions being made by the Council through established Council processes, such as fees and charges being set as part of the Council budget-setting process.
- 3.5. Mapledurham unlike other Parks has an endowment fund derived from the disposal of part of the site for The Heights Primary School. Spending from this capital fund is subject to approval of the Trustee. No change to this process is proposed.
- 3.6. Some of the current powers and duties of the Management Committee are inconsistent with the powers and duties of the Council and with the reality of how the site is managed day to day.
- 3.7. It is proposed that the powers and duties of the Mapledurham Management Committee are amended to remove the determination of charges to be applied to hire of the pavilion, and that the Management Committee's remit be amended accordingly to advise the Council generally on changes to fees and charges by way of its minutes to the Trustee Sub-Committee. Legally, the Council must set the fees and charges for the site. As councillors will be aware the fees and charges are set annually by Council and is not permitted to delegate a Council function to a Management Committee such as this. The Council is only lawfully permitted to delegate its functions to a Committee of the Council, an officer of the Council, another local authority, or a joint committee with another local authority.
- 3.8. It is also proposed to amend the current powers and duties to remove references to the employment of staff. The Management Committee does not employ staff, all human resources for the upkeep of the Ground are provided via the Council or via contracts let by the Council.
- 3.9. It is also proposed that the membership of the Management Committee be amended to remove the three individuals set out in 2.1 (a) and (b) of the terms of reference appointed by the Council. The individual in (b) has to be a Councillor from the local Ward, and the two individuals in (a) appointed by the Council are currently the other two Ward Councillors from Caversham Heights. The terms of reference and paragraph 5 of the Charity Scheme would be amended accordingly and the membership would reduce to six. There is nothing to stop councillors attending the Management Committee if they feel it is helpful to them in a ward capacity. Consultation with current councillors suggests that an obligation to have three councillors and for the Management Committee only to be quorate with them, is excessive.
- 3.10. Historically, the Management Committee has been heavily dependent on council officers for the production of agendas and minutes, items of business and general organisation. This is inappropriate. The resources devoted to the Management Committee are out with the support provided to any other community organisation and it is an inefficient use of Council Tax Payers' resource. It is proposed to withdraw the resource of the officer from Committee Services and the officer from Leisure Services.
- 3.11. Consequential amendments are also proposed for the quorum of the Management Committee, and where minutes of the Committee should be reported.

4. Contribution to Strategic Aims

- 4.1. The Council's new Corporate Plan has established three themes for the years 2022/25. These themes are:
- Healthy Environment
 - Thriving Communities
 - Inclusive Economy
- 4.2. These themes are underpinned by "Our Foundations" explaining the ways we work at the Council:
- People first
 - Digital transformation
 - Building self-reliance
 - Getting the best value
 - Collaborating with others
- 4.3. Full details of the Council's Corporate Plan and the projects which will deliver these priorities are published on the [Council's website](#). These priorities and the Corporate Plan demonstrate how the Council meets its legal obligation to be efficient, effective and economical.
- 4.4. Ensuring a proper use of Council resources supports the Foundations element of the Corporate Plan.

5. Environmental and Climate Implications

- 5.1. The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).
- 5.2. There is nothing in this report which is relevant for Climate Change.

6. Community Engagement

- 6.1. The Council will consult the current Management Committee who will be invited to address the Trustee Sub-Committee. No further consultation is proposed, nor is it required.

7. Equality Implications

- 7.1. 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.
- 7.2. An Equality Impact Assessment (EIA) is not relevant to the decision. The recommended decision will not have a differential impact on people with protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (gender) or sexual orientation.

8. Other Relevant Considerations

- 8.1. There are no other relevant considerations.

9. Legal Implications

- 9.1. Under section 280 of the Charities Act 2011, the Council (as charity trustee of the Charity) has the power to amend the administrative provisions of the Scheme dated 20 September 1985 (as amended in 2019) which presently governs the Charity.

- 9.2. This statutory power can be exercised by way of a resolution of the Trustee Sub-Committee since all powers of the Council as Trustee are vested in your Sub-Committee. The consent of the Charity Commission is not required, although a copy of the resolution must be filed with the Commission once it has been passed.

10. Financial Implications

- 10.1. There are no financial implications arising from changing the composition and terms of reference of the management committee. There will be a saving in officer time from Democratic Services and from Leisure Services.

11. Timetable for Implementation

- 11.1. After consideration by the Trustee Sub-Committee the relevant paperwork will be filed with the Charity Commission.

12. Background Papers

- 12.1. There are none.

Appendices

1. Proposed new Paragraph 5 for the Charity Commission Scheme on the Committee of Management
2. Proposed new Mapledurham Management Committee Terms of Reference
3. Current Mapledurham Management Committee Terms of Reference
4. Current Paragraph 5 for the Charity Commission Scheme on the Committee of Management.
5. The original Charity Scheme