

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
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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 due to 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.