

**Minutes of a Meeting of the
Trustees of Duloe and Staploe Village Playing Field
held at 9pm on Tuesday 17th July 2018 in the Village Hall at
Wyboston Village Hall.**

Present:

J. Ibbetts (Chairman)	G. Meola	One member of the public
V. Zwetsloot (Vice Chairman)	R. Squire	
J. Thomson	D. Smith	
E. Meola	L. Crawford (Clerk)	

Apologies for absence. A resident of Duloe

1. Declarations of Interest

Cllr. G. Meola and Cllr. E. Meola (neighbours to the Playing Field) and Cllr. R. Squire (neighbouring landowner).

2. Public Open Forum

A resident of Duloe sent an e-mail in advance of the meeting to say:

The parish field was left in trust for the benefit of all residents to use recreationally. Who does selling off the field benefit? Funds raised would only have to be ploughed into buying more land and building so nothing would be gained.

We'd also have grave concerns that it is someone's plan to try and sell that land to shoe horn in as many houses as they can for profit. A. This would not be contra to what the trust intended with that field when it was gifted to the parish and B. there isn't the infrastructure to take lots of development in the village. We continue to have a very serious (unresolved) traffic/speeding problem and the roads continue to be too narrow and badly patched up by the council. The last repairs are already starting to fail again.

Selling the field with the potential for development is going to make these problems much worse.

Further, if it is the council's plan to purchase a new plot to build on our concern is that the plot would be greatly reduced in size thus limiting current and/or future opportunities for its use by residents of the parish.

If the land is sold, depending on use of the land there is the potential for considerable increase in noise (noise nuisance) both in the immediate future (assuming development was the intention) and for the residents of Woodhouse Lane moving forward. This would, I believe, impact the value of their homes and impact on their future living standards. Further there is the question of increased traffic whether in the interim or more permanently when having regard to the lack of footpath through Duloe. There are many people who walk through the village on the road. It is not safe to increase traffic and certainly from a

personal view point I already seem to spend a lot of time flagging down drivers to slow down because I know my cat frequently wanders in the middle of the road.

We would both be vehemently opposed to the sale of the field.”

A resident of Duloe, who was present at the meeting, explained that he likes going to the playing field with his dog for training and walks. He believes that the field works well with the Village Hall and he supports rebuilding the hall. He likes the fact that it is a quiet location and believes others do to. He used to use it to play football with his children when they were younger. He couldn't understand why anyone would want to build houses on it.

Cllr. V. Zwetsloot explained that the suggestion to sell the field and develop some houses on it was made in order to fund moving and rebuilding the hall so that it would be further from houses and would not disturb residents but she emphasised that it was just a suggestion from a resident and that there was no proposal at present. She asked the resident whether he would support moving it. He explained that he would be concerned that there might be anti social behaviour and vandalism if the hall was far from houses. Cllr. V. Zwetsloot suggested that both of these things were already an issue but she urged him to complete his questionnaire re the Village Hall.

Cllr. G. Meola emphasised that the hall and playing field are two separate charities and Councillors should not mix the two. She reminded Councillors that the meeting had been called to address matters relating to the Playing Field.

Cllr. R. Squire and Cllr. D. Smith suggested that the hall and playing field could not be considered in complete isolation and that we needed to consider the whole. Cllr. R. Squire explained that the new hall will need to generate an income but there have been complaints regarding noise and parking in the past.

Cllr. J. Thomson explained that the new hall would need to be self-sustaining and so we would need to consider all options to make sure it was able to be used enough to be sustainable.

Cllr. E. Meola expressed that he would not support any sale of the land or move. He said it was important to establish the need for a hall before considering how to make it sustainable. He suggested the Clerk research the running costs of a hall eg. Colmworth.

Cllr. G. Meola suggested that the Parish Council investigate whether the playing field meets the needs of all the villages and consider whether a safe space might be needed in each village. She suggested that the playing field was important to residents of the flats in Duloe who did not have gardens.

The parishioner from Duloe suggested that residents would not walk a long way to a playing field and hall “in the middle of nowhere” and that if a hall was not sustainable a pavilion might be more suitable to assist those using the field for sport.

Cllr. J. Ibbett suggested that we postpone the discussions until the results of the Village Hall are available.

L. Crawford suggested that there was no point in building on the playing field unless the playing field and hall were to be moved – otherwise there would be a risk of more complaints regarding noise and traffic from new residents even closer to the hall and field.

3. Clerk's report on the role of the Parish Council and its members as trustees of the charity

The Clerk had circulated the following information prior to the meeting:

Guidance sourced from

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/352409/Local_authorities_as_charity_trustees.pdf

The Council is itself the charity trustee. This is clearly set out in the Charity Commission scheme at point 2. See the scheme here:

<https://www.staploedulohoneydonparishcouncil.bedsparishes.gov.uk/assets/documents/playing-field-scheme>

Therefore, individuals as Councillors are not trustees and do not have the responsibilities or liabilities of a trustee.

What responsibilities do Councillors have?

Staploe Parish Council are the corporate trustees of the charity. See the following for guidance for Councillors on Local Authorities acting as Corporate Trustees:

Managing charitable trusts safely

Local authorities have the skills, public knowledge and professionalism to manage charitable trusts very effectively but care needs to be taken to ensure that unnecessary problems do not arise. Councils and council members should be aware of the following principles:

- For a body to be a charity, it must be independent, i.e. it must exist and operate solely for charitable purposes, not as a means of carrying out the policies or directions of the local authority.
- Where a local authority is a trustee of a charity, it is the corporate body, acting in accordance with its usual procedures, which is "the trustee." While ongoing management may be delegated to officers, responsibility for decision-making and oversight rests with the councillors.
- The terms of the charity must be clearly understood. Nearly all problems that occur stem from a lack of clarity regarding these terms, or indeed failing to recognise that a charity exists in the first place. If there is any doubt about the terms of a charity or how they should be interpreted, appropriate advice should be sought, for example from legal advisors or from the Commission.

Playing Field July 2018

- The management of the charity should be kept separate, as far as possible, from the business of the local authority. Depending on the size and circumstances of the charity, it may make sense for a committee of councillors to be allocated this task. It must not be forgotten, however, that responsibility continues to rest with the whole council.
- Equally the finances of the trust must be kept separate from those of the council. The assets must be accounted for separately and income and expenditure should be channelled through discrete cost centres. The local authority may top up the finances of the trust but no funds should pass from the trust into the council's own accounts – although the council may, depending on the circumstances, recover the costs of administration.
- If the original terms of the charity can no longer be realistically followed, because circumstances have changed, the local authority should approach the Commission to see if the charity's governing document can be amended or updated. The Commission can advise on the most appropriate way of doing this.
- The Commission's registration and reporting requirements must be observed. For example, all charities must produce annual statements of accounts under charity law. Depending on the financial size of the charity, it may have to register with the Commission, or be subject to higher levels of accounting scrutiny.
- If any issues arise about whether the terms of the trust have been properly followed, the local authority should contact the Commission and work with them in finding a solution.

Sourced from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/351608/council_as_charity_trustee_overview.pdf

What does this mean for the playing field?

1. The Playing Field Charity needs to be independent of the Parish Council and decisions made in the interests of the charity not the Parish Council
2. Decisions re the charity need to be made by the Parish Council as a body
3. The terms of the charity need to be clearly understood. Councillors should be familiar with the Charity Commission Scheme available here:
<https://www.staploedulohoneydonparishcouncil.bedsparishes.gov.uk/assets/documents/p-laying-field-scheme>
and the conveyance and trust deed (the governing document) available here:
<https://www.staploedulohoneydonparishcouncil.bedsparishes.gov.uk/assets/documents/p-laying-field-conveyance-and-t-2>
The charity commission scheme overrides the trust deed if there is any difference. Eg. the scheme clarifies that the PC is the trustee – the conveyance and trust deed talks about the appointment of individual trustees – this bit is not longer relevant as it has been replaced by the scheme.
4. The management should be kept separate as far as possible from the business of the council. Hence the separate meeting after the next PC meeting and an AGM in October.
5. Finances must be kept separate so we now have a separate bank account. We can transfer money to the Playing Field Charity but we can't transfer it back again easily. I have reported that there have been no transactions in previous years but will need to report finances to the Charity Commission now that we are paying to maintain it.
6. If the original terms of the charity have changed we can apply to update the governing document.
7. We are registered with the Charity Commission on 1050387

4. Consider formally changing the name of the charity to the Noel Bates Memorial Field as per the conveyance and trust deed. It is registered as Duloe and Staploe Village Playing Field on the Charity Commission website.

It was agreed that the name “Noel Bates Memorial Field” only applies to the field, not the charity. Therefore there is no need to change the name. Proposed by Cllr. G. Meola and seconded Cllr. R. Squire.

5. Consider whether to grant permission to extend the Village Hall onto the playing field if requested.

Cllr. J. Ibbett proposed that in principal the Parish Council would be happy to give due consideration to an extension of the Village Hall onto the Playing Field if a formal request was made by the Village Hall Committee. We would need further information to assist our decision such as how much land was required, what the purpose was ie. hall building or parking, what the benefit would be and how it would be managed in future. Cllr. J. Thomson seconded the proposal and Councillors were unanimously in favour.

6. Confirm that the boundaries and trees are in good condition and there is a post and wire fence on the eastern boundary. Item 4c of the governing document.

There are gaps in the eastern boundary. Cllr. R. Squire offered to fill these.

7. Agree a schedule of meetings. The trust deed specifies an AGM in October and two further meetings – is this still appropriate?

It was unanimously agreed to hold an AGM of the Playing Field Charity on 30th October 2018 and agree a schedule of meetings then.

8. Consider changes to the quorum – should it still be not less than a third of the members ie. 2 or should it be 3?

Cllr. R. Squire proposed that this should be a minimum of 3 and Cllr. J. Thomson seconded. Councillors were unanimously in agreement.

9. Consider how to advertise for new hirers.

Cllr. D. Smith proposed that the Clerk should continue free advertising, repost it on Facebook and ask Bedford Borough Council and St. Neots Councils if there were any sports clubs looking for facilities. Seconded by Cllr. R. Squire and Councillors were unanimously in agreement.

The meeting closed at 10pm