

# MICHELMERSH & TIMSBURY PARISH COUNCIL

## Minutes of the Parish Council Meeting held on Wednesday 20<sup>th</sup> September 2006 at 7.30 p.m. in the Jubilee Hall, Timsbury.

**Present:** Parish Councillors, Mr. R. Vie (Chairman), Mr. P. Pritchett-Brown, Mr. N. Cooper, Mr. D. Cowling, Mr. R. Fitzgerald, Dr. M. Subramanyam, Parish Clerk, Mr. P. Buist, Mr. Paul Allen of the National Playing Field Association and two members of the public.

### Action

#### 1. Apologies

Received from Mr. A. Jones.

#### 2. Open Period

There were no matters raised

#### 3. Declarations of Interest

Cllr. Fitzgerald declared that he was an ordinary member of the Sports Club and his house overlooked the recreation ground. He did not believe that this was a prejudicial interest.

Cllr. Vie declared that he was a near neighbour of the person applying for planning permission at Burwood. He did not believe that this was a prejudicial interest.

The Clerk also made it known that he was a neighbour of the person applying for planning permission at Burwood.

#### 4. Presentation from Playing Fields Association on the creation of a Deed of Dedication for the Recreation Ground.

*This was an open period to allow the representative from the National Playing Fields Association (NPFA) to make a presentation and to enable the Council to put questions to and receive answers from the NPFA.*

The Chairman welcomed Mr Allen from the NPFA and invited him to present on the NPFA and the role it might play in securing the recreation ground.

Mr. Allen said that the NPFA deals with many local authorities. It is a registered charity and makes no charges and receives no fees for the work that it does. It was established in 1975 and operates under a Royal Charter. It was a legal certainty that any land placed in a deed of dedication with the NPFA would remain undeveloped. Many Parish Councils think that recreation land is safe provided that the Parish Council owns it. However, the Parish Council has the right to dispose of land. The actions of future Councils were unknown. There was an ongoing demand for land and land used for recreation had to be protected.

The NPFA had used several methods to secure recreation land, but had settled on the deed of dedication as the best method. In this scheme the freehold of the land was not transferred to NPFA, but retained by the Council. The NPFA had no management powers and the management of the land could remain with the Council or a local group set up for the purpose. The Parish Council would sign a deed of dedication as a corporate body. That would secure the land for only recreational purposes. The land could not be developed but erecting any structures for sports facilities would be acceptable.

In reply to questions:

The number of recreation grounds under NPFA protection disposed of was unknown, but could be provided. Disposal was possible if the nature of a village changed and the community wanted to move the recreation facility to another location or if there was no point in having the facility.

The local group to manage the ground could be the Parish Council, but they may set

up a committee or appoint an association. The Parish Council as a corporate body could act as trustees for the ground.

The NPFA is funded through membership subscription, and by those that support its aims. There are also a number of corporate members and large benefactors. Further details of who they are could be provided.

The cost of legal fees would be met by NPFA.

The NPFA had around 2000 protected sites. In 2003/4 there were nearly 1300 planning applications to build on recreation grounds of which around 800 gained approval. The deed provided no protected from compulsory purchase, however if this situation arose, the NPFA would fight it, seek maximum compensation and acquire more land.

The land was designated a charity and could not be wound up. It would be overseen by the Charity Commission. It was not known if an annual report to the Charity Commissioners was required, but separate accounts might be required. This would be checked by NPFA.

The NPFA could provide details of reference Parish Councils.

If Parish Councils were abolished, the deed of dedication would still protect the ground and a committee could be formed to carry out the administration.

The ultimate sanction was that the NPFA would refer the matter to the Charity Commissioners or start legal proceedings to halt any breaking of the deed.

Upon signing of a deed, any existing agreements with users of the recreation ground would continue to be valid.

The deed of dedication would be registered with the Land Registry.

The NPFA has a commitment to the local community. If, for example, some supermarket chain offered to buy the land and offered another site some miles away, this could not be accepted.

If a Parish Council set up its own trust and then there was a demise of the Council, the situation as regards to the land became unclear.

The Chairman thanked Mr. Allen for attending and answering the Councils questions.

*Mr. Allen and members of the public left the meeting. The Council meeting continued in closed session.*

## **5. Planning Applications**

### **5.1 Erection of a detached 2 bedroom bungalow and creation of new vehicular access at Burwood, New Road.**

No objection.

### **5.2 Fell 9 Silver Birch trees at Four Seasons, Haccups Lane.**

No objection.

## **6. Chairman's Mandate.**

The Chairman was mandated to speak on behalf of the Parish Council on the items contained in these minutes.

Peter Buist  
Parish Clerk  
25 September 2006