Appendix to The Frank Montgomery Playing Field Meeting (30-10-17) Minuets

Dear Caroline,
Here are my views/reactions to the two minutes you have asked me to make comment upon. However, before doing so I need to point out;
1) These are my views drawn from experience and reading the relevant documentation
2) They may not be the views of the Parish Council; as a corporate body
3) They have not been examined by anyone with legal knowledge and experience.
I am happy for this email to be attached to the minutes if you feel it would be helpful.

PC / FMPF

"C. Rees reported that she and L. Lodge discussed and agreed that all requests regarding events proposed by the School should be taken by the Parish Council to discuss and decide. This was as a result of recent unfortunate circumstances and that it was C. Rees' view, echoed by L. Lodge, that all the current Committee members have links to the School and it may be seen as biased by residents for a decision to be made by members who could be viewed to have a vested interest, potentially resulting in complaints. L. Lodge also recommended that all proposed events on a Sunday also be devolved to the Parish Council to decide as Sunday's seem to be more controversial"
The majority of the Committee were not supportive of this recommendation and were of the view that all members could make an impartial decision based on the merits of each application. Some Committee members also felt that by removing the remit to make decisions on applications from the School and on a Sunday limited the need for a Committee. The majority of the Committee felt that only applications where a decision cannot be reached should be deferred to the Parish Council. L. Crosbie also made the point that the Parish Council has four councillors who have links to the School, which could also be viewed as undemocratic by residents. C. Rees was asked to speak to Cllr Treacher, Chairman of the Parish Council, to obtain clarification of the situation as the Playing Field Committee is a Sub-Committee of the Parish Council. C. Rees agreed to speak to Cllr Treacher and report back.

My view is requests for organised events on the FMPF from the school should be submitted in the first instance to the FMPF committee for it to decide based on the application form. That is the role (one of several) of the committee irrespective of the membership (and the affiliations of any of the members). The committee is charged with the responsibility of managing the playing field and this is central to that management function.
The only circumstances I can foresee when this course of action may not be appropriate is:
1) the FMPF committee is uncomfortable at making a decision and would rather seek advice (or a decision) from the Parish Council.
2) The FMPF committee is divided on its decision and requests the Parish Council to decide, advise or arbitrate.
3) The FMPF is under pressure to make a quick decision on an application and does not have the time or ability to convene a properly constituted meeting (if a meeting is thought appropriate) but the Parish Council already has a scheduled meeting within the time window. Under such circumstances I think it reasonable a request be taken by the Parish Council in lieu.
If the committee feels it has a lack of balance of members with too many members having an interest in the school, it should seek to use its powers of co-option and look to broaden its membership. (After all the majority of Parish Councillors also have links of some sort with the school, so asking the PC to determine an application is also tainted in a similar manner).
I would apply the same principals to the use of the Playing Field on a Sunday. To reiterate, it is a matter for the FMPF to decide unless it has reason(s) to believe an involvement of the Parish Council

would be helpful. Abdicating its role over Sunday use will not resolve any problems - it will only make it a problem for another body (i.e. the Parish Council).
Personally, I believe use of the playing field on a Sunday should be restricted to occasional use. In recent years this has happened as there have been very few events. In case requests grow in number, the FMPF committee should devise a fair and transparent way of limiting the use (primarily to accommodate the views of near neighbours and keep the facility available for its main purpose - to provide a safe play space for children). I would not advocate a system which discriminated between organisers (eg Church or school) or functions (such a fete or car show) but take each request on its merits as not all events will have the same impact.
If some residents feel the committee has a pro-school bias, they can lobby the committee over forthcoming decisions; lobby the Parish Council or put themselves forward for consideration as a committee member (co-opted).
Each course of action is open to them so long as the committee and the Parish Council operate with openness and transparency. Problems will arise if a small group take decisions in private amongst themselves instead of in the open.
I think bookings should be on a first come, first served basis so the earlier an application, the more likely it will get a favourable answer. Early applications also allow for planning (field maintenance) and good notice for near neighbours.
Changes by applicants (especially a change of date) should be regarded as a fresh application for obvious reasons.
My final point is both these issues (membership and Sundays) are integral to the smooth running of the Committee.
The Parish Council has recently made its clerk available to assist with the running of the Committee. I believe this will help on both these issues. Getting the Parish Council involved runs the risk of disrupting that smooth running.

Trust Document

Cllr Lodge reported that she has contacted Aaron Spencer at Furley Page Solicitors to get some advice on updating the Trust Deeds for the Playing Field following a recommendation from Cllr Treacher. The main item that has been highlighted for updating is the list of village groups who should have representatives on the Committee. Cllr Lodge however noted that Item 7 in the Trust Deed allowed for this eventuality and states that the Parish Council can appoint members to the Committee should no representative from those groups be put forward. As there are costs involved in updating the Trust Deed, C. Rees was asked to speak to Cllr Treacher to clarify what needs updating before perusing the matter any further.

The honest answer is I don't know what needs to be brought up to date with the Trust Deed documentations - or indeed if anything needs to be updated. But I feel it should be reviewed - probably all of it as opposed to "clarify what needs updating".
I do know what some of the problems are. These include:
1) Ignorance in some quarters that the document(s) exist. And its status. When trying to bring it to the attention of others I'm told it is "out of date" and it is inferred it is therefore no longer relevant or pertinent.
2) The document lists organisations to be represented on the Committee - some of these organisations no longer exist.
3) While many of us have now seen the orginal documents at the time the land transfer took place, I don't know of any subsequent changes or updates. Where are the records of all the playing field committee meetings?
4) While the Parish Council clearly owns the land, I don't know who "owns" the Trust status (is it the charity commission for example?).

5) I have had a meeting with one organisation (at least) which has an automatic right to a place on the committee yet they claimed not to know anything about it. Therefore, once we can be certain we can rely on the document(s) we should be pro-active as a Parish Council and recruit accordingly.
6) And so on. I believe we need the input of a suitably qualified solicitor to inform the Parish Council and the village. I think this would be helpful to the Parish Council; the FMPF committee; the primary school and indeed the family who kindly donated the land in the first place.
So why now?
* It is 30 years since the original document was drawn up.
* Things move on. Also the FMPG has undergone (is undergoing?) transformational change. Some organisations quoted as being integral to the make up and running of the playing field no longer exist.
* I have had several serious allegations of mis-conduct made against me. My defence in part has relied on these documents. Are they "reliable"?
* I am trying to move the Parish Council and its committees into line with the current laws governing local government - conduct and accountability. WE now operate under legislation which did not exist when this Trust document was drawn up. Is it fit for purpose? I don't know but I wish to ensure it is.
* There will be a cost implication involved in having the document checked. Currently we can probably afford to have this done. I am reluctant to wait until we (potentially) find ourselves in a legal wrangle before finding out how reliable these documents are.

I hope I have addressed the two questions asked of me. If they require further input or clarification, please don't hesitate in making further requests.

Cllr Robin Treacher
Chairman
Wickhambreaux Parish Council
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