

**MINUTES OF ST CUTHBERT (OUT) PARISH COUNCIL  
AS TRUSTEE FOR DULCOTE RECREATION GROUND  
HELD IN DINDER VILLAGE HALL, DINDER, BA5 3PF  
ON MONDAY 5TH FEBRUARY 2018, 7:00PM**

**Present:** Cllrs E Danson; M Gilson; E Handford; T Mallinson; M Mitchell; J Reeves; J Walker.

**In Attendance:** Ms Michele Exton (Parish Clerk).

**1. Apologies for Absence**

Apologies from Cllrs J Baker; J Henderson.

**2. Purposes of the Charity and Governing Document**

The meeting considered the purposes of the charity:

- To be used as a public recreation ground for the benefit of the inhabitants of the village of Dulcote.
- To foster encouraging and providing the means of healthy recreation for the inhabitants of the said village of Dulcote.

The governing document which is a Codicil to the Will of Miss Myrtilla Baker dated 12/12/1936 was discussed.

**3. Role of the Board of Trustees**

The Clerk had received confirmation from the Charity Commission that St Cuthbert (Out) Parish Council is the Sole Trustee and explained the role of the Trust as a corporate body. To avoid potential conflicts of the interest, the Parish Council must keep its role as Trustee separate to its role as the Parish Council. All decisions can only be made at Trustee Board meetings and not at Parish Council meetings and these meetings must always be separate.

**4. Appointment of the Management Committee**

The wording of the governing document provides the Board of Trustees with the flexibility to choose how the recreation ground is managed. The various mechanisms were considered. In view that the Parish Council has been managing the amenity for several years and that the Board of Trustees would like to keep the management of the amenity as simple as possible, the consensus of the meeting was for the Parish Council to continue managing the amenity.

The Board would like all meetings to be open to the public. It was suggested that an annual meeting of the Board of Trustees could take place following the Annual Parish meeting.

It was agreed that the Council's Clerk must continue to have delegated powers to instruct emergency repairs before seeking Full Council approval. When emergency repairs are needed, the Clerk should consult with the Parish Council's Chairman, Vice-Chairman and Chairman of the Finance & Scrutiny Committee.

Seven Members of the Board of Trustees attended this meeting. There were discussions but no resolutions. The Board want to keep the running of Dulcote Recreation Ground simple. If a Management Committee is created, it will mean extra bureaucracy, staff time and has cost implications to achieve what the Council has been achieving since 2007. It doesn't make sense with the Council taking on more and more things. The Council has a

proven record of adhering to the governing document. A Management Committee would have to seek the Trust's approval for any expenditure.

**Action:** The Clerk to discuss with Somerset Playing Fields Association (SPFA) that the Board of Trustees want to manage the amenity as a body corporate without a Management Committee.

**Action:** The Clerk to ask SPFA if as a paid employee of the Council, the Clerk can be a member of the Trust or a Management Committee if appointed – could the Clerk replace the Trust's Treasurer's role? (organise repairs, delegated powers for emergency repairs, accounts).

**Action:** The Clerk to create a basic Terms of Reference.

**Action:** The Clerk to read LGA guidelines on managing charity monies.

**Action:** The Clerk to discuss winding up the charity and what happens to assets with SPFA, the Charity Commission and the Chairman.

## **5. The Management Committee Constitution**

A model constitution provided by SPFA was considered. Amendments were suggested and Cllr Walker undertook to produce a draft constitution.

**Action:** The Clerk to discuss the amended draft constitution provided by Cllr Walker with SPFA.

## **6. Assets**

The Council has a separate bank account for Dulcote Recreation Ground. A donation to the Parish Council from one of the previous Trustees and the annual wayleave payment from Western Power Distribution for 2017 has been deposited in the account. The account balance is £1,629.16. The Clerk submitted the Charity Commission's 2016 return on 04/09/17.

## **7. Insurance**

The Clerk confirmed that anything owned or the responsibility of the Parish Council is covered for public liability under the Council's existing insurance. However, if a Management Committee was set up which included non-Cllrs, separate insurance would be required. This would incur an additional cost for the Trust whose only income is less than £40 per annum from the annual wayleave.

**Action:** The Clerk to obtain an insurance quote which would cover non-Cllr involvement in the management of the amenity or members of the community in an advisory capacity.

## **8. Facility Maintenance**

In 2003, a previous Trustee requested financial help from the Parish Council as the Trust was no longer able to keep the grass maintained and pay for public liability insurance. It is believed that the Council has been maintaining this amenity since circa 2007.

The Clerk informed the meeting that the amenity and equipment is currently inspected and maintained on a monthly basis within the maintenance package for the rest of the Council's play areas. This has enabled the cost of maintenance to be lower than if the amenity was maintained as a separate entity. The Clerk suggested that the Board of Trustees should make an application to the Parish Council for the service of grass maintenance.

Some equipment repairs are necessary, and a tree survey undertaken in 2016 needs to be considered.

**Action:** The Clerk to ask SPFA if the Board of Trustees could extend their application for a grant to cover equipment maintenance.

### **9. Registering of Title**

The Clerk had contacted the Solicitors Regulation Authority and Underwood & Co (Solicitors) to try and trace the Will of Miss Mytilla Baker Deeds and the deeds for the amenity but neither organisation was able to do this. Advice had been sought from the Council's Solicitor on registering the title. He had advised that the Council would probably only get a possessory title based on long use, and this could be difficult. Land Registry rules say that the Land Registry will usually only register this sort of title if the party claiming ownership can show that it has excluded use by the public generally and usually evidence of inability for people to get in needs to be proved. This is completely conflicting with the purposes of the charity. As registering the title could be expensive, the consensus was to leave this until the mechanism for managing the amenity had been decided.

### **10. Application to Fields in Trust Deed of Dedication Scheme**

The Board of Trustees was in agreement that the amenity should be protected in perpetuity. An application for a Fields in Trust Deed of Dedication can be made either at the same time as registering the title or after registering the title.

**Action:** Clerk to speak to SPFA to confirm this is correct.

### **11. Date and Venue of Next Meeting**

TBA.