

MENDIP DISTRICT COUNCIL

Minutes of the meeting of the Wells Recreation Ground Trust held on Monday 1 August 2016 in the Main Hall, Wells Town Hall commencing at 6.30 pm.

PRESENT: Councillor: John North (Chair)
Councillors Nigel Taylor (Vice Chair) – Portfolio Holder for Neighbourhood and Community Health Services, Roy Mackenzie – Ward Member, , John Parham – Portfolio Holder for Finance, Governance and Corporate Services, Harvey Siggs, Leader of Mendip District Council, Danny Unwin – Ward Member and Cabinet Assistant on Transformation.

OFFICERS

PRESENT: Stuart Finney - Group Manager, Neighbourhood Services
Donna Nolan - Deputy Chief Executive and Monitoring Officer
Caroline McCafferty - Committee Officer
Duncan Moss - Temporary Deputy Corporate Financial Advisor
Adam Savery - Deputy Corporate Financial Advisor
Jane Sharp - Business Development Officer and Lead Officer
Sara Skirton - Group Manager, Corporate Services
Sarah Tompkins - Partner Management Officer

OTHERS

PRESENT:

Agenda Item Number	Subject	Actioned by
1	Chair's Announcements The Chair requested that mobile phones be turned to silent and explained the evacuation procedures. The Chair changed the order of the agenda – item 10; Finance Report would now become item 4.	
2	Apologies for Absence Councillor John Osman.	
3	Declarations of Interest Councillors John North and Nigel Taylor declared a personal, prejudicial interest in items 6 and 7 as they were both Trustees of the new Trust and the current Trust.	
4	Financial Report The Deputy Corporate Financial Advisor presented a report which stated that the Trust had requested financial updates to be provided at each meeting. Appendix 1 showed the income and expenditure figures at the end of June 2015, the retained fund and the Capital	

	<p>receipt from the sale of Park Cottage.</p> <p>Trustees were asked to note the financial position of the Trust as set out in the report.</p> <p>In the discussion that followed the Deputy Corporate Financial Advisor confirmed that car parking income for the current year was based on actual income not estimates. He also confirmed that whilst Charity Commission returns had been submitted late in the past they were now up to date. He informed the meeting that he would contact the Charity Commission to check if previous returns need to be revisited to show all financial transactions, this had not been a requirement when this had been discussed with the Commission previously.</p> <p>RESOLVED</p> <p>The Trustees:</p> <p>Noted the financial position of the Trust as set out in the report.</p>	
<p>5</p>	<p>Public Participation</p> <p>a. Items on the Agenda</p> <p>Helen Rowling was invited to speak on behalf of Andy Rowling about item 8 - Trial to Raise the Curfew. She stated that she and her husband lived opposite The Bishop's Barn on Silver Street and that they had voted for the 9pm curfew to remain due to concerns about noise and anti-social behaviour which had occurred at previous events.</p> <p>Mrs Rowling made the following points with regard to the trial:</p> <ul style="list-style-type: none"> • The business plan to develop the barn as a venue with a late curfew for amplified music, and the work carried out by The Trustees, Advisory Group, B2 and CDC, had not taken into account previous noise problems. The trial was halted as the noise data confirmed that only 3 events per year should be held with the recorded noise levels. • The pre trial assessment to set noise levels did not work as the data measured in July was high. • 2 events per month were agreed and there were 3 in May. • The curfew in the trial was raised to midnight on Fridays and Saturdays when the guidelines stated 11pm. • At one event, a neighbour asked the hirer to turn the music off as the curfew had been exceeded. <p>Mrs Rowling queried whether the Bishop's Barn lay within an alcohol free zone, as attendees at recent events had taken alcohol into the street while smoking. This was seen, in a poorly lit area, as intimidating to residents, and though security had been employed to attend events, this was only at the end of events.</p>	

Mrs Rowling stated that there were significant traffic problems in Silver Street and requested that the Council took this into account.

Mrs Rowling concluded by saying that there had been positive steps in that a Resident Liaison Officer had been appointed, and noise levels had been properly measured. She hoped that the Bishop's Barn would continue to be used for community and different types of events where noise would not be intrusive, so that residents would be free from future disturbance. She hoped that lessons had been learnt and requested that the Trust continue to engage with local residents to safeguard the much valued recreational space.

Kate Jepson, a resident of Silver Street was invited to speak. She stated that regular late night events at the Bishops Barn would result in Silver Street being overused by vehicles. She felt that proposals prioritised Barn users' parking over that of residents. High speed traffic and speculative parkers had increased since the opening of Morrisons, and that it was an anti-social idea to increase regular events at the Bishops Barn as it would increase car problems further. She concluded by saying that the Bishops Barn lay in a beautiful open space which should be protected and that local residents had the right to expect peace in their homes.

The Chair stated that he would raise the issue of high speed traffic with the local police, and discuss local parking further with Somerset County Council.

Peter Stickland of the Advisory Group was invited to speak. He accepted the idea of a larger scheme, but felt it was high risk and queried whether Officers would have time to undertake the necessary work in conjunction with other Council priorities.

Mr Stickland asked, as the Trust required £2m for the project and currently had £600,000, whether the necessary £1.5m could be raised via grants and donations. He stated that a subsidy of up to £50,000 extra would be required from Council Tax payers.

Mr Stickland further stated that the Recreation Ground and Bishop's Barn were left in a charity to benefit the people of Wells in 1887, but feared that future hire prices may be too high for ordinary people.

He concluded by requesting further dialogue and for a meeting before the next meeting of Cabinet.

Dick Hodgson, an engineer and member of the Advisory Group was invited to speak. He stated that the Consultant had advised that usage depended on the Bishop's Barn being heated, but felt that this was incorrect, as use between May and September was acceptable without heating. He further stated that the proposed heating system was not capable of delivering sufficient heat and that the fuel costs would be in excess of revenue. He added that there was no provision in the budget for sound control and ventilation, essential for the health of the Barn and its users. He stated that he did not wish to be associated with the CDC Report recommendations.

Alex Kolombos was invited to speak. He wanted to look at the Council's track record as sole trustee. He stated that a major decision had been taken to approve the freehold sale of Park Cottage subject to a betterment clause with the Council having 75%. The betterment clause was never included. Park Cottage was sold for £550,000 and was currently worth over £1 million which resulted in a loss to the Trust of £350,000. Renovations and repairs to the barn were recommended, however the only improvements made over last 10 years was putting in 4 double sockets. Over the last 10 years the Trust's investments had produced an income of £84,000, whereas if funds had been invested with a commercial venture, the return would have been closer to £210,000. This resulted in a loss of £125,000 income to the Trust. He added that there would be no future income if the Trust wished to invest most of its funds into a high risk scheme. He questioned who could afford to hire the Barn at £650 per day. He had shown over 50 potential hirers around the Barn, who were captivated by its historic charm and affordability, and understand its summer appeal. He concluded by saying that the Advisory Group had tried to engage with the Trust but had been ignored and silenced, and the Group no longer had any trust in the Council. He said that he had no wish to be further involved.

Jo Brown, a representative from the "Love our Rec in Wells" Group was invited to speak. She stated that the decision to relocate the play area, taken at the 24 November 2015 meeting of the WRGT, had been made with "manifest predetermination". She added that the CDC report stated that the new Trust's business plan that was driving the play area had failed and that Mendip District Council had no authority to action a business plan on behalf of a Trust that did not possess its assets.

Mrs Brown said that the group felt that no-one was speaking up for the recreation ground and that the glory of the uncluttered clear open green space in the middle of Wells had been seriously undervalued and was about to be disposed of. She requested that the installation of the play equipment be stopped, and a meeting of all interested parties be convened to start the whole process again.

Mrs Brown concluded by saying that the group agreed with the recommendation to dissolve the advisory group and to keep trusteeship within Mendip District Council.

Penny Billington was invited to speak. She said she had been disempowered by the whole process and requested protocols were put in place for dealing with the community. She reiterated her concern over devaluing the green space and suggested that the play area could be revamped in its current location. She stated that the Recreation Ground should be preserved as a place for quiet enjoyment, particularly for local vulnerable people. She concluded by saying that as Central Government had taken a step back from Hinckley Point C, that the WRGT Trustees could take a step back to review earlier decisions.

Russell Lillford from the Somerset Building Preservation Trust was

	<p>invited to speak. He stated that he had met with Historic England, MDC Conservation and B2 Architects. They had discussed minimal improvements to the barn including the kitchen area and toilets to make the it more usable in the short-term. He had discussed the Bishop's Barn with his board in June 2016, and they had approved Somerset Building Preservation Trust involvement.</p> <p>Tony Robbins of Wells City Council was invited to speak. He wished to reconfirm that Wells City Council was eager to be more closely involved with the running of the Trust with a view to becoming the sole Trustees in the future. He requested the names of both Councillor and Officer who would be the single points of contact. He concluded by requesting that Wells City Council have representation on the Trust so they are there at the start of the conversation.</p> <p>The Chair thanked all of the public speakers for their contributions.</p> <p>b. Items not the Agenda None</p>	
<p>6</p>	<p>Previous Minutes</p> <p>The previous minutes of 24 November 2015 were approved, subject to the following clarification of item 4, Public Participation on page 2;</p> <p>Line 1 – “Chairman” should read “Chairman of the Advisory Group” Line 3 – “Chairman” should read “Chairman of the Wells Recreation Ground Trust”.</p> <p>Councillors John North and Nigel Taylor left the meeting for the following 2 items.</p>	<p>Caroline McCafferty</p>
<p>7</p>	<p>Christina Dixon Consulting (CDC) Report and Next Steps</p> <p>The Portfolio Holder for Finance, Governance and Corporate Services presented a report which stated that following the submission of two alternative financial models for the future of the Wells Recreation Ground Trust (WRGT), one from Benjamin and Beauchamp (B2) and the other from the Advisory Group, the Council had commissioned Christina Dixon Consulting (CDC) to independently review the alternatives and propose the best way to deliver the vision and ambitions of the Trust. The report summarised the findings of the CDC report and recommended the next steps.</p> <p>It was recommended in the report:</p> <ol style="list-style-type: none"> 1. To endorse the CDC preferred financial model, as summarised under key recommendations in 3.1 of the report and take a report to Cabinet on 12 September 2016 for approval. 2. That the report to Cabinet would recommend that the following was agreed: <ol style="list-style-type: none"> a. That delegated authority is granted to the Group Manager 	<p>Jane Sharp</p>

for Corporate Services, in consultation with the Chair of the WRGT Committee, the Portfolio Holder for Finance, Governance and Corporate Services and relevant heritage conservation officers to undertake preliminary steps for recruiting a Project Development Manager; with the appointment of the Project Development Manager being endorsed by Cabinet at a later date.

- b. That delegated authority is granted to the Group Manager for Corporate Services, in consultation with the Chair of the WRGT Committee and the Portfolio Holder for Finance, Governance and Corporate Services, to enter into an appropriate legal agreement with the Somerset Building Preservation Trust to deliver the schedule of urgent minor repairs as detailed at Appendix C.
- c. That delegated authority is granted to the Group Manager for Corporate Services, in consultation with the Chair of the WRGT Committee and the Portfolio Holder for Finance, Governance and Corporate Services, to enter into an appropriate legal agreement with the Somerset Building Preservation Trust to appoint them as the Trust's advisor on the appointment of the Project Development Manager and on the conservation needs of the barn in relation to the larger barn improvement scheme.

It was confirmed that no decisions had yet been taken on the details of a larger Bishop's Barn improvement scheme and that this meeting was to agree an approach to moving things forward.

RESOLVED

It was resolved by the Committee:

- 1. To endorse the CDC preferred financial model, as summarised under key recommendations in 3.1 of the report and take a report to Cabinet on 12 September 2016 for approval.
- 2. That the report to Cabinet would recommend that the following was agreed:
 - a. That delegated authority is granted to the Group Manager for Corporate Services, in consultation with the Chair of the WRGT Committee, the Portfolio Holder for Finance, Governance and Corporate Services and relevant heritage conservation officers to undertake preliminary steps for recruiting a Project Development Manager, with the appointment of the Project Development Manager being endorsed by Cabinet at a later date.
 - b. That delegated authority is granted to the Group Manager for Corporate Services, in consultation with the Chair of the WRGT Committee and the Portfolio Holder for Finance, Governance and Corporate Services, to enter into an

	<p>appropriate legal agreement with the Somerset Building Preservation Trust to deliver the schedule of urgent minor repairs as detailed at Appendix C.</p> <p>c. That delegated authority is granted to the Group Manager for Corporate Services, in consultation with the Chair of the WRGT Committee and the Portfolio Holder for Finance, Governance and Corporate Services, to enter into an appropriate legal agreement with the Somerset Building Preservation Trust to appoint them as the Trust's advisor on the appointment of the Project Development Manager and on the conservation needs of the barn in relation to the larger barn improvement scheme.</p>	
8	<p>Governance Implications of the CDC Report.</p> <p>The Portfolio Holder for Finance, Governance and Corporate Services introduced a report which stated that the proposal was that the Trust remained a charitable trust governed by the three conveyances (and the Regulations). The Council would remain the sole trustee in the short-term and once improvement works were complete in 3-4 years time (possibly more) then it was proposed that the trusteeship of the Trust would be transferred to a different locally accountable community-based body.</p> <p>This decision required the approval of Cabinet and the Charity Commission.</p> <p>As a matter of good governance, the Trust would follow best practice and adopt modern rules, rather than rely on outdated conveyances. The modern rules would be in the form of a fully regulating scheme which would be requested from the Charity Commission. The scheme may re-use principles and aspects of the Articles of Association drafted for the new Trust.</p> <p>The Council would also need to enhance how it managed the Trust's finances and strengthen and clarify how Trust decisions were made. The Council would continue to meet its legal obligations, such as filing annual accounts and returns.</p> <p>Trustees were asked to consider the following recommendations:</p> <ul style="list-style-type: none"> • To endorse changing the governance model as proposed in the CDC report, reporting the matter to Cabinet on 12 September for approval. For clarity, the Council would remain sole trustee in the short term and then once improvement works had been completed, transfer the trusteeship to a different body. • To dissolve the Advisory Group with immediate effect. <p>Councillor John Parham thanked the advisory group for its input.</p>	Jane Sharp

	<p>RESOLVED</p> <p>Trustees resolved to:</p> <ul style="list-style-type: none"> • Endorse changing the governance model as proposed in the CDC report, reporting the matter to Cabinet on 12 September for approval. For clarity, the Council would remain sole trustee in the short term and then once improvement works had been completed, transfer the trusteeship to a different body. • Dissolve the Advisory Group with immediate effect. <p>Councillors John North and Nigel Taylor returned to the meeting.</p>	
9	<p>Trial to Raise the Curfew</p> <p>The Lead Officer introduced a report which stated that a trial to raise the curfew at the Bishop’s Barn was agreed in February 2016 allowing up to 12 events in 2016 to finish at 11pm.</p> <p>Four events had taken place within the trial, and noise complaints had been received from three of them.</p> <p>It was proposed that no further late bookings would be agreed until the Trust and CAMG had reviewed the trial.</p> <p>It was recommended that Trustees agree:</p> <ul style="list-style-type: none"> • That the 11pm curfew should cease with immediate effect and that no further late bookings will be agreed until the Trust and CAMG have reviewed the trial. • To review the effectiveness of the noise limiter in controlling noise and ensure that a fit-for-purpose solution is in place. • That a report be brought back to the Trust outlining how future events are booked and managed, ensuring there is a strong focus on community events and those with recorded music and exploring a 10pm curfew. This exercise will include consultation with neighbours on the draft proposals. • To inform neighbours of future events so they are aware. <p>It was noted that noise measurement had been taken at an event in July, both at the Bishop’s Barn and at a local resident’s property. The measurement of 65 dB (A) meant that the frequency of events could be 1 to 3 per year.</p> <p>Trustees were asked to agree an amendment to the first recommendation; change the word ‘cease’ to ‘be suspended.’</p> <p>The Trust needed to learn lessons from the trial, and if the trial were to be continued it would need to be carried out in a very robust way.</p> <p>In the discussion that followed, Trustees agreed that further</p>	Jane Sharp

bookings should be suspended rather than ceased. Trustees felt that residents had not been fully informed in the past and that a balance was required. It was noted that a return to the large dances of the past were not desirable, but there was a need to have the Barn available for a wide range of appropriate uses.

RESOLVED

Trustees agreed:

- That the 11pm curfew should cease with immediate effect and that no further late bookings will be agreed until the Trust and CAMG have reviewed the trial.
- To review the effectiveness of the noise limiter in controlling noise and ensure that a fit-for-purpose solution is in place.
- That a report be brought back to the Trust outlining how future events are booked and managed, ensuring there is a strong focus on community events and those with recorded music and exploring a 10pm curfew. This exercise will include consultation with neighbours on the draft proposals.
- To inform neighbours of future events so they are aware.

10

Update on the New Play Area and Gym Circuit

The Lead Officer presented a verbal update on the installation of the play area and location of the gym circuit. She advised that the installation should be complete around 31 August 2016 and the play area would be launched in September. The proposed location of the gym circuit was parallel to the path and 15 metres from the play area as required by regulations. The positioning of the gym circuit would not affect the location of junior football pitches or the kickabout area.

In response to questions, Trustees clarified that the size and position of the play area and gym circuit had been part of the original consultation. It was confirmed this was the case. The overall vision was for the open spaces to be used by all ages in the community. Trustees were disappointed with the earlier references to the play area being 'clutter'.

With regard to the size of the football pitch, it was clarified that there had been no bookings for an adult-sized pitch in the past and that due to lack of facilities, a league game could not be held there. There was however, a junior-sized pitch available.

Trustees confirmed that all decisions taken by the Trust had been done in the proper manner, with transparency and not predetermined.

In response to questions, it was clarified that open spaces were paramount and this was not the beginning of a piecemeal development.

RESOLVED

The Trustees:

	<p>Noted the update on the play area installation.</p> <p>Endorsed the location of the gym circuit as indicated in the plan circulated.</p>	
11	<p>Urgent Business</p> <p>None</p>	

The meeting closed at approximately 7.40 pm