



North Luffenham Parish Council

Minutes of the **Extraordinary** meeting of the Parish Council (Trust) held at the North Luffenham Community Centre from 6pm on Monday, 13th March 2017

Present: Cllr Cummings (Chairman), Cllr Cade (Vice Chairman), Cllr Inman, Cllr Marson, Cllr Riordan, Cllr Smith, Mrs Ashpole (Clerk)

There were no members of the public present

The Clerk confirmed that Transparency arrangements had been observed and that the rules had been complied with.

- 1. Apologies for absence:** Cllr Burrows
- 2. Declarations of interest**
None
- 3. To consider a request by the Parish Council seeking permission from the Trustee of the North Luffenham Recreation Ground Charity for the installation of 3 pieces of equipment, i.e. a basket swing; a climbing frame; a 25 metre zip wire onto the Oval in locations highlighted in Appendix 1**

Following the outcome of last week's meeting the Chairman conveyed his thanks to Cllr Marson for providing a revised proposal of the installation of 3 pieces of play equipment in a timely manner.

The Chairman explained that the purpose of the meeting was specifically associated with the proposal and, to ensure that Trustee obtained the following provisions from the Parish Council (PC):

1. Before installation of the proposed play equipment was permitted, the Trustee would require from the PC written confirmation from Rutland County Council (RCC) that the proposed installation was permitted under the relevant s106 agreement;
2. The Trustee would receive from the PC formal confirmation that adequate insurance exists and that the PC would adhere to their terms and conditions, as follows:
 - a. Formal weekly play equipment inspection
 - b. Annual maintenance and service
 - c. Instructions for usage for each piece of equipment
3. Formal confirmation from the PC that they would be responsible for keeping any visually impaired residents informed of the project and its practical progress.
4. Formal confirmation from the PC that they would be responsible for the short term and long term maintenance of the equipment and evidenced by formal weekly (short-term) records of inspection, together with external annual records of inspection.

Discussion ensued and key points were noted as follows:

- In considering the proposal, the Trustee must meet compliance with their governing document, i.e. the charity's Scheme. It was agreed that what was being proposed aligned with the objects of the Scheme. These were noted as being "in the interests of social welfare, to improve the conditions of life for the

inhabitants of the area of benefit (i.e. North Luffenham) without distinction of political, religious or other opinions by the provision and maintenance of a recreation ground". It was considered that the installation of the 3 pieces of equipment falls within "the provision and maintenance of a recreation ground".

- The Trustee must also consider its responsibility in relation to the fact that the Oval is a registered village green. It was noted that the installation of play equipment is permitted on village greens.
- It was felt that the equipment would not have a visually detrimental impact to the area.
- Given the above, there should be no reason to refuse the proposal provided that adequate undertakings could be obtained from the PC to protect the Trustee's interests as outlined in the Chairman's introductory remarks.
- Confirmation had been obtained (on the day of the meeting) from AON, the current insurers for both the Trustee and the PC, that an indemnity of £10m public liability was included within the current policy and that there was no need to provide a schedule of play equipment.
- It was considered imperative by all that the PC had adequate insurance cover and would adhere to their terms and conditions for the play equipment.
- A weekly inspection of the existing play area had been formally recorded and signed by Cllr Cade for the past 3 years.
- The PC should confirm to the Trustee that it would underwrite the cost of maintenance if necessary.

It was **resolved** as follows:

To **approve** the PC's proposal, but subject to a requirement that before installation begins:

- a. the PC provides written confirmation from Rutland County Council (RCC) that the proposed installation is permitted under the relevant s106 agreement;
- b. the PC provides formal confirmation that adequate insurance exists to include the new equipment and that the PC will adhere to their terms and condition including:
 - i. formal weekly play equipment inspection
 - ii. annual maintenance and service
 - iii. instructions for usage for each piece of equipment
- c. the PC provides written confirmation that it will underwrite the cost of short term and long term maintenance of the equipment as necessary
- d. the PC provides written confirmation that it has advised any visually impaired residents of the project and will update them on its practical progress.

4. To obtain the trustee's approval of our application to the Charity Commission for registration of the united charity

The Charity Commission application for registration had been circulated to all Councillors prior to the meeting. All present confirmed that they had read the document. All present confirmed that they had read the Declaration that had also been circulated previously. All present confirmed that they were content that contents were true and accurate. It was clarified that there would be no liability to individual Councillors, as it is the PC as a whole which is Trustee, and the Councillors are not themselves trustees.

The Declaration is worded so as to be signed by each of the Trustees, but as the PC is the sole Trustee, it was proposed that two Counsellors sign it on behalf of the PC.

However, Councillors were made aware that there was a possibility that the Charity Commission may still require each of them to sign the Declaration, rather than accept the two signatures. For that reason Councillors were made aware of the specifics of their Declaration, such as understanding the organisations purposes; its rules; that the funds are held in the Charity's bank account; that it is an offence to provide false or misleading information. All present were content that the requirements were met.

It was **resolved** that Cllr Cummings and Cllr Riordan would sign the Charity Commission Declaration Form on behalf of the Trustee.

5. Date of next meetings

- a. Annual Parish Meeting: Monday, 3rd April 2017
- b. PC (Trust) meeting: Monday, 15 May 2017

The meeting closed at 6.25pm and Cllr Marson left due to another prior commitment

Signed: _____ Date: _____