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## MINUTES OF THE ANNUAL GENERAL MEETING OF THE RECREATION GROUND TRUST HELD ON TUESDAY 7 OCTOBER 2014 – CHARITY NO: 286433

Trustees Present: Bryan Pitman (Chair) Terry McGrath  
David Charles Brian Murchie  
John Harwood-Bee Francis Ridley

Secretary present: Marty Kilby  
12 members of the public

### **1. Welcome**

The Chairman welcomed everyone to the first Trust Annual General Meeting. He gave a summary of how the Recreation Ground Trust came about in 1931 and gave a background of the land held by the Trust and the duties of the Trustees. It was explained that although the Parish Council is the registered Trustee, all parish councilors have to take on the role of trustee. The difference between Trust meetings and Parish Council meetings was explained and the fact that when parish councilors attend a Trust meeting they are acting as Trustees and not as parish councilors in accordance with the legal duties put on them by the Charity Commission. The Charity Commission rules mean that the Trust has to hold separate meetings, one of which must be an annual general meeting. Because the Trust and the Parish Council have now had the procedure clarified, this is the first Trust Annual General Meeting.

### **2. Apologies**

No Trustee apologies. One parishioner apology (Mr Julian Bishop)

### **3. Chairman's Annual Report**

The Chairman gave a summary of the Trust activities over the past eighteen months.

#### **13<sup>th</sup> November 2012**

A Trust meeting held on this date was attended by all six trustees and the Secretary.

It was unanimously resolved to accept the offer of £4000 for granting easements across the green for 3 and 4 Home Close.

It was agreed that Neville Chuck should be asked to assist in marking up an Ordnance Survey Map to show the area of the Village Greens which the Trust wished the Land Registry to register in the name of the Trust. (The registration has now been completed for the majority of the Green's area, however some areas were not registered and these anomalies are being investigated).

J W Salmon Ltd was asked to survey the trees on the Greens and advise on the work necessary for public safety.

#### **8<sup>th</sup> January 2013**

A Trust meeting was held with all Trustees and the Secretary

The Solicitors reported that the sum of £4000, for the easements for 3 and 4 Home Close had been accepted by the future owner.

A full and detailed report on 141 trees on the Greens was received from J W Salmon Ltd, which identified trees which needed immediate attention. This work was then authorised by the Trustees and financed from Trust funds.

It was resolved that £1000 should be transferred to the Parish Council as a contribution towards the cost of cutting the Greens.

It was agreed that in order to clearly identify the separate activities, responsibilities and finances of the Parish Council and Parish Green Trustees, a public Annual General Meeting of the Trust should be held at sometime in the autumn of every year.

### **19<sup>th</sup> March 2013**

A Trust meeting was held in order to progress the ongoing activities authorised at the 8<sup>th</sup> January meeting. The only new business being a request from the owners of The Copse to install posts on the Green to protect damage to their driveway.

### **21<sup>st</sup> May 2013 Meeting**

Following recommendations in the internal auditors report a set of rules were drafted to direct the way the Trust should operate. These terms and conditions are to be available to the public and to be available on the website.

### **3<sup>rd</sup> September 2013**

A meeting was held to finalise the final version of the Trust guiding rules.

### **10<sup>th</sup> December 2013**

A meeting attended by all the Trustees and the Secretary principally to ratify the newly created guidance rules, which were then issued with the minutes.

Other matters at the meeting included the following: -

- 1) A list of easement agreements held by the solicitors.
- 2) A request from residents to protect the greens alongside the right of way easements of the Shepherds and Hawthorns properties.
- 3) The construction of a bus shelter on Trust land near the recreation ground.
- 4) The Trust agreed that Dr Roger Gomm could plant a replacement tree on Cross Green.

### **4<sup>th</sup> February 2014**

Meeting attended by all Trustees and the Secretary.

Resolution passed that Secretary should be paid initially from PC funds and then PC funds to be reimbursed from Trust funds.

Shepherds and Hawthorns rights of way easements widths to be established to ensure adequate protection of the green and prevent parking.

Concern expressed that driveway into Old Post Office was cut up and that the correct boundary should be determined.

The Trust's Solicitor to be asked to progress the establishment of an easement for the services, water and electricity that have been routed across the green in front of the Lordship Farm Old Barn.

### **7<sup>th</sup> October Current Status**

It has been established by Hertfordshire County Council that the strip of land between the Old Barn and the A1037 is registered as part of Village Green<sup>29</sup> which was registered by HCC on 6<sup>th</sup> April 1073. The Parish Council is therefore continuing to establish an easement and associated payment. The Solicitor and Chartered Surveyor progressing claim.

A copy of the Village Green 29 registered map will be available on the website. The Register of Common Land has listed Cottered Parish Council as owner of the Village Greens and the Parish Council has to ensure they remain as village greens.

### **4. Financial Report Year End 31 March 2014**

The Secretary presented the audited financial report for year end 31 March 2014 to the meeting. The 2014 Annual Return to the Charity Commission for the Trust (Recreation Ground Charity No. 286433. It was explained that the Parish Council acted as agent for the Trust on some matters, such as grass cutting, and that the auditor advice is that the Trust has to repay the Parish Council for monies expended by the Parish Council on behalf of the Trust. There were no questions on the finances.

The formal part of the AGM closed at 8.00 pm and was followed by questions and discussion.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## **Open Discussion**

(8.05 pm)

The main complications which were discussed and required explanation to parishioners was the understanding that although the land gifted to the parish in 1931 under the 1859 Recreation Ground Act, (as a Scheme under the Secretary of State for Education and subsequently after changes in Acts of Parliament, registered by the Charity Commission as Charity No. 286433) includes much of the open space roadside greens within the parish, there are some open space greens within the parish that fall outside this Deed of Gift, but are separately registered as either Village Green or Common Land under the Commons Registration Act 1965 with the Parish Council listed as 'owner'.

The majority of the 1931 Deed of Gift land had now been registered with Land Registry on 21 January 2014 – which for some years has been the strong advice given by Government to all parish and town councils who had not registered with Land Registry the odd parcels of land which lay within their boundaries.

Part of the green verge outside The Old Barn, Lordship Farm appeared to not be contained in the 1931 Deed of Gift. However this parcel of land was clearly indicated as being registered Village Green by Hertfordshire County Council in April 1973. Copies of the register had been obtained as was a digitized map sent by HCC and both were before the meeting. Copies of the original maps relating to the Village Green 29 and Common Land 103 have been requested from HCC and will be made freely available directly they are received, hopefully within a week.

In the meantime reassurances were given to the meeting that the current trustees had not had any part in the 1973 registration of the village greens and common land.

Some parishioners were disturbed because their understanding was still that the current trustees were trying to take pieces of land from current owners and registering them as village greens. The trustees explained the situation and procedures again.

There was a query about parking on both village green land and Trust land. It was confirmed that where easements and rights of way had been granted, such agreements related only to the passing over/under of the land as appropriate. A list of all easements granted over village greens and Trust land was available on request. Parking was not permitted on village greens or Trust land, though it was recognised that short-term stopping of vehicles for deliveries etc should be sensibly and reasonably allowed. The Trustees were asked to consider what actions they will be taking to restrict long term parking and also to protect greens and Trust land from damage by vehicles.

The Trustees were asked again to stop registering land as Village Green. The Trustees reiterated that the Village Green registration started in 1968 and became final in 1973, over 40 years ago and was not something in which the current Trustees had taken any part.

The open discussion closed at 9.10 pm.