

Minutes of a meeting of the **SOUTH HOLLAND DISTRICT COUNCIL** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 19 June 2013 at 5.00 pm.

**PRESENT**

R Clark (Chairman)  
R M Rudkin (Vice-Chairman)

P E Coupland	A Casson	C J Lawton
F Biggadike	M G Chandler	A M Newton
B Alcock	R J H Creese	R Perkins
G R Aley	G K Dark	A Puttick
D Ashby	R Gambba-Jones	M D Seymour
J Avery	R Grocock	S-A Slade
M D Booth	A Harrison	E J Sneath
S M Booth	M Howard	D J Wilkinson
C J T H Brewis	H R Johnson	C N Worth
G J Taylor	J L King	

Apologies for absence were received from or on behalf of Councillors A C Tennant, A Miller, G A Porter, P S Przyszlak, S Wilkinson and A R Woolf,

In Attendance: Deputy Chief Executive, Leisure and Tourism Facilities Manager and Legal Services Lincolnshire.

**21. DECLARATIONS OF INTEREST.**

There were no declarations of interest.

**22. SIR HALLEY STEWART PLAYING FIELD**

The meeting had been called following a question without notice raised at the Annual Council meeting on 15 May 2013. During the question a request had been made to call a meeting of the trustees of the Sir Halley Stewart Playing Field to discuss:

- Placing the playing field with the Fields in Trust, and
- Applying for Section 106 monies to transform the playing field into a public park and playing field.

The Portfolio Holder had agreed to hold a meeting and update the Council regarding the latest information from the Charity Commission.

Members noted that legal advice received had stated that as the District Council was the trustee, the meeting should be conducted as a meeting of full Council.

The Portfolio Holder informed the Council that the Charity Commission had asked for more detailed information about the playing field being available for the benefit of the inhabitants of Spalding, as required. Evidence of this was being collated and would

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be sent to the Charity Commission. The Charity Commission would then inform the Council if it was in breach of its terms of agreement.

The Portfolio Holder referred to an original newspaper article from 1951 that referred to a playing field for the benefit of the town. The playing field was in use currently, predominantly by Spalding United, but it was available for anyone to use for sporting purposes and could be booked through the Council.

Councillors sought clarification regarding their role. Legal Services Lincolnshire advised that the Council was the trustee, and the Councillors collectively made the decisions of the trustee. As with any decision taken by the Council it was subject to regulation. The Charity Commission could find that the Council was in breach of its terms. If it was in breach of civil terms then as the corporate body it was the Council that would be subject to such action. If however the Charity Commission found a breach in criminal terms then it would be a matter for the police and individuals could be subject to such action.

A question was raised regarding the solvency of the Trust, and how this was monitored. It was noted that there was statement about the playing field included in the annual accounts that were approved by full council and that the Trust's accounts were available to view on the Charity Commission. Councillors discussed whether the playing field was financially viable if subsidised by the Council through Spalding Special Expenses. It was noted that the way it was recorded within accounts had to include officer time and back office costs and so did not give a direct representation of the financial position. However, put simply, if the Council was solvent then the trust was solvent.

Councillors stressed the importance of being kept up to date with information about the playing field in order that they could carry out their duties effectively. The Portfolio Holder agreed and said that he would be pleased to hold the trustee meetings on a regular basis if that was requested.

Councillors briefly considered whether the playing fields should be placed with the Fields in Trust organisation. However, it was felt that it would be beneficial to wait until the views of the Charity Commission were known before discussing this further.

Councillors also considered whether Section 106 monies should be applied for to transform the playing field into a public park and playing field. It was noted that £225,000 was available through a bidding process. Again, it was felt that until a response had been received from the Charity Commission no decision should be made on whether to apply for Section 106 monies. However, a Councillor did suggest that maybe the Performance Monitoring Panel would like to examine the options available to progress the issues discussed at the meeting.

In discussing correspondence with the Charity Commission, Members asked whether they could see copies of the letters. The Portfolio Holder agreed to make these letters available.

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**DECISION:**

That no decision be taken whilst awaiting a response from the Charity Commission.

(The meeting ended at 6.40 pm)

(End of minutes)