1.0 BACKGROUND

1.1 The Council established the Sir Halley Stewart Playing Field Task Group at its meeting 11 December 2013. This was in response to concerns raised by the Charity Commission over the perceived level of public benefit being derived from the Playing Field (the Playing Field is a registered charity). The Council took detailed legal advice from a specialist Barrister which concluded that the Council was acting lawfully. Nevertheless, the Council wished to ensure that public access to the Playing Field was as wide as possible within the constraints of the title deeds (including a trust deed).

1.2 The scope for the Task Group was

“to consider whether it is possible for the Council to change the deeds, and if so, whether they should be changed and to make recommendations back to the Council”

1.3 At its first meeting, the Task Group concluded that the legal obligations set out in the deeds, and in particular the trust deed, could not be changed. As a result, the Task Group revised the scope as follows:

“to consider whether it is possible for the Council to extend and widen public access to the Field within the terms of the Deeds and to make recommendations back to the Council”

1.4 The Task Group met on a number of occasions to consider the deeds, legal advice, statutory provisions and Charity Commission Guidance. A number of internal and external witnesses were called and a site visit was conducted. Full details are set out in the appended report.

2.0 OPTIONS

2.1 The Council may:

   a) Approve the Task Group’s Final Report and recommendations
   b) Approve the Task Group’s Final report and recommendations in part only and/or determine that additional action be taken
   c) Do nothing
2.2 If the recommendations are not approved, reasons should be given.

3.0 REASONS FOR RECOMMENDATION

3.1 The Task Group has considered the operation of the Playing Field and has set out detailed reasons/rationale for its recommendations in the appended report.

4.0 EXPECTED BENEFITS

4.1 If the recommendations are approved a number benefits can be expected and these are detailed in the appended report. The most important of these are: (i) ensuring that access to the Playing Field is widely available for sporting purposes; (ii) ensuring that the Council remains compliant with the law, the deeds, and Charity Commission Guidance; and (iii) ensuring that the Council does not incur unreasonable cost in operating the Playing Field.

5.0 IMPLICATIONS

5.1 Carbon Footprint / Environmental Issues

5.1.1 One of the recommendations is that hirers who use heat and light should meet the associated cost of gas and electricity. This will help to ensure that users are not wasteful, which will in turn be beneficial for our carbon footprint.

5.2 Constitution & Legal

5.2.1 Constitution and Legal issues have been considered, and in the opinion of the report writer, all relevant implications are detailed in the appended report.

5.3 Contracts

5.3.1 If the recommendations are approved, there will be certain limited contractual implications. Those booking the Playing Field will be entering into a contractual relationship with the Council, as will those third parties who undertake any approved works (such as installing signage). Approval of the recommendations will also help to make it clear that, despite Spalding United Football Club having certain obligations by virtue of its league membership, any works necessary to meet league requirements may only take place with the Council’s approval.

5.4 Corporate Priorities

5.4.1 The Corporate Plan 2010-15 recognises the importance of sports and leisure facilities. Indeed, sports facilities are integral to a thriving, living, working rural community.

5.5 Crime and Disorder

5.5.1 Maintaining the current policy of keeping the site locked when not in use will help to minimise the risk vandalism and other anti-social behaviour.

5.6 Equality and Diversity / Human Rights

5.6.1 The Task Group’s proposal to widen public access to the Playing Field for a range of sporting activities helps to ensure that equality and diversity rights are recognised.
5.7 **Financial**

5.7.1 Financial implications are detailed in the appended report.

5.8 **Health & Wellbeing**

5.8.1 Wider access to sporting facilities provides an opportunity for improved health and wellbeing for a wider range of users.

5.9 **Risk Management**

5.9.2 Risk Management issues have been considered, and in the opinion of the report writer, all relevant risk implications are detailed in the appended report.

5.10 **Staffing**

5.10.1 It is the opinion of the report author that there are no implications.)

5.11 **Stakeholders / Consultation / Timescales**

5.11.1 Consultation and involvement of stakeholders to date, together with proposed interaction with stakeholders, is detailed in the appended report.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 The Playing Field is located in the Spalding Castle Ward. However, users of the Playing Field come from a much wider area.

7.0 **ACRONYMS**

7.1 None

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**Background papers:- None**

**Lead Contact Officer**
Name and Post: Mark Stinson
Telephone Number: 01775 764612
Email: mark.stinson@breckland-sholland.gov.uk

**Officer who will be attending the Meeting**
Name and Post: Mark Stinson,
Legal Services Co-ordinator

**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Discretionary Service**

**Appendices attached to this report:**

Appendix A – Final Report of the Sir Halley Stewart Playing Field Task Group