

Boyes Lane Recreation Ground Charity 504147 Statement on behalf of the Trustees

The following short statement was placed on the PC website on 26th July:

Brief Interim Statement: Boyes Lane Recreation Ground

In advance of a more detailed statement which will be published by 30th July the Trustees would like to share the following information:

It has been confirmed that the buildings/structures on the Recreation Ground do require planning permission. The ERYC Planning Enforcement Officer confirms that the grass area of the field can be used for events provided the buildings and a 2m cordon around them are not used.

At a meeting of Trustees held on 26th July 10.00- 11.30. Trustees voted to:

1. submit a retrospective planning application for the buildings by 31st December 2021.
2. allow the musical event planned for the 7th August to go ahead provided that all relevant risk assessments and insurances were provided to the Parish Clerk by 5.00pm on 29th July.
3. cancel all other activities planned to take place until after 31st December to allow time to submit a planning application and to consult with residents regarding future plans.

It has been confirmed by ERYC Electoral Services Dept that an election will be held to fill the 4 advertised vacancies on Keyingham Parish Council. The process will be managed by ERYC Staff and a timetable for the process will be published shortly.

Summary

Over the last few months there has been a lot of activity on behalf of residents who have a passionate desire to support a vision for Boyes Lane Recreation Ground as natural space.

The Trustees have individually and collectively worked hard, and in good faith to represent the best interest of the Charity and respond to requests from members of the Community. More consultation has been requested and by formalising the process for requesting events there will be opportunities seek the views of residents.

By issuing this statement we have attempted to answer questions fully and clearly. Other sources of information relating to the issues raised can be found in the minutes of the Parish Council, The Charities Commission website, The ERYC Planning Portal and via the PC website.

Timescales for documentation relating to the event on 7th August will be strictly adhered to.

The Trustees would like you to know that although it is very hard to reflect the needs and wishes of the whole community, they have tried hard to be inclusive and responsive.

All this activity has prompted reflection on communication and processes for working together as a community and the Trustees would like to thank everyone for their engagement with this complex issue.

It is evident that better ways of working and improved systems and processes will arise from the things we have learned over the preceding months.

Going forward there will be regular updates via the PC website where a new 'tab' has been created to share news from the Trustees about the Charity, and also in the 'Forward'.

Anyone who feels they would like to become more actively involved in supporting their community may wish to consider applying to become a local councillor – for details see the PC website or contact ERYC Electoral Services Dept.

Statement in Full

Boyes Lane Recreation Ground Charity

On 15th July 2002 the previously titled 'Boyes Lane Allotments Charity' was registered with the Charity Commissioners as 'Boyes Lane Recreation Ground.'

The scheme document which was dated that day, superseded all previous agreements or proposals and became the legal document governing the use and management of the field. This document remains the definitive document relating to the Charity, and its definitions are in current use.

The document states the 'object' or purpose of the Boyes Lane Recreation Ground Charity which is:

“in the interests of social welfare, to improve the conditions of life for the inhabitants of the area, without distinction of political, religious or other opinions by the provision and maintenance of a recreation ground”

This interpreted as maintaining a recreation ground for the use and benefit of as many different groups and individuals as possible.

Recently there have been meetings, discussion groups, social media posts and exchanges of views between residents, members of the Parish Council and the Trustees regarding the use and purpose of the Recreation Ground and in particular which activities should take place there.

At the socially distanced open-air meeting on The Recreation Ground 24th June there were 24 attendees, including residents, Parish Councillors, Trustees and the Headteacher and School Manager from Keyingham Academy.

Discussion between residents at the meeting raised questions about proposed future events and there were differences of opinion as to which activities were appropriate and compatible with each other and with the stated purpose of the Recreation Ground.

Some contributors to the discussion suggest that the area should be as left to remain ‘as wild as possible’ while others favour a zoned approach to allow for different activities in different areas. The advice of the Local Councils Association is that a zoned approach is the best way forward.

A number of residents have expressed reservations about musical events, car boot sales and markets, suggesting that this would have a negative impact on wildlife. Investigating these issues Trustees have discovered that Bees, for example, are not affected by noise, and that wildlife will return once the music has stopped and the people have gone home. The Trustees are committed to ensuring that damage from vehicles is kept to a minimum by avoiding bringing vehicles onto soft ground after rain, and this also applies to all land owned or managed by the Parish Council.

Whilst there are a number of residents who would like to see minimal human intervention of any kind in the Recreation Area, there are also substantial numbers of residents who would like organised events, and activities.

During the period between the first and second lockdown the Parish Council received a petition with over 100 signatures supporting requests for wild spaces, wildflowers, habitats for wildlife and pollinators.

Recently on one of the social media platforms a spontaneous survey of views, initiated by a resident, showed responses in favour of the following activities:

<i>Organised activities:</i>	700
<i>Other</i>	500

Of the activities listed these were identified in order of popularity:

<i>Craft/ Farmers Markets</i>	182*
<i>Bees</i>	152*
<i>Picnics</i>	147*
<i>Bird Watching</i>	128*
<i>Tree Planting</i>	116*
<i>Outdoor Classroom</i>	106*
<i>Dog Walking</i>	104*

<i>Car Boot Sales</i>	89*
<i>Outdoor Games</i>	72
<i>Open Air Concerts</i>	65*
<i>Folk Music</i>	47

This information is included to show that opinions, of equal value and importance, differ considerably regarding the use of the Boyes Lane Recreation Area. It is interesting to note that organised activities of some kind make up over half of the responses.

It is also excellent feedback for the Trustees as a means of comparing their recent activities in supporting the development and management of the Recreation Ground. ‘Starred activities are those that have been actively pursued in the last 12 months.

As you can see there are wide and varied views across the village as to what activities should be promoted.

The Trustees are grateful for the time taken by residents to join in the debate about the area and have considered a very wide range of contributions to the discussion.

Prompted by resident’s questions and as part of a due diligence approach to considering the issues raised, the Parish Council sought procedural and legal advice from National Association of Local Councils the Charities Commission.

The advice received has prompted some changes in the way the meetings of the Trustees are managed, which are now separate from meetings of the Parish Council and will take place quarterly including an AGM.

Advice received was very helpful in clarifying the following points which will inform the future operation of the Charity:

- All Parish Councillors are automatically Trustees of BL Recreation Ground Charity
- This is the Charity Commission’s preferred approach to ensuring continuity and consistency of Trusteeship.
- The roles of Councillor and Trustee are separate – two different ‘Hats’
- The Trustees should hold a separate meeting – ideally quarterly including an AGM.
- Only the Trustees can vote on matters affecting Boyes Lane Recreation Ground
- The Trustees define ‘Recreation’ and what activities take place in accordance with the object/purpose of the Charity.
- A ‘group of residents or ‘volunteers group’ can be formed, and there is no limit to the numbers of members it can have – but it is not a committee of the Parish Council or of the Trustees and its members have no formal voting rights.
- The Chair of the Trustees should be different from the Chair of the PC

In order to achieve a ‘separation of functions’ between the Parish Council and the Trustees of the Charity, the Parish Council will continue monitor the spend of the precepted funds for Boyes Lane Recreation Ground but decisions relating to the interpretation of the object/purpose, events, activities and management of the Recreation Ground will be taken by the Trustees.

In order to ensure that the decision-making process is fair and transparent, the process for making an application to hold an event on Boyes Lane Recreation Ground will be via a request form which will go to a Trustees Meeting to be considered. The form will have space to record a decision and give feedback to the applicant. Future decisions to hold events will only be taken via this process.

The same process will be followed by the PC for each of the other sites owned or managed by the Parish Council.

As you will appreciate, this separation of functions will take some working through, and there will no doubt be times when further advice will be needed. The Local Councils Association has pledged their full support and will be available to guide us.

At the meeting held on 14th July the Trustees voted that the Car Boot Sale planned for the 24th should be cancelled. The reason for the cancellation was to enable the Parish Council to respond to the email received from the ERYC Planning Enforcement Team regarding the cabins on the BL Recreation Ground. The email contained a letter indicating a possible breach of planning regulations relating to buildings and structures and it was agreed that advice would be sought on what actions were required and how best to address the issues. (A copy of the letter is available on the Parish Council website. www.keyinghamparishcouncil)

The Trustees also voted in favour of a residents Group to support the work of the Trustees of Boyes Lane Recreation Ground.

A third motion, to vote on events planned to take place in August and September, was suspended pending a meeting with ERYC Planning Enforcement Team.

A site meeting with ERYC Planning Enforcement confirmed that a retrospective planning application was required for the buildings and advice was offered to support the submission of an application. The application which is now in progress will be submitted by the end of December 2021.

It was also confirmed by the Planning Enforcement Officer that an application for ‘change of use’ for recreation was not required, provided that the activities took place on the grassed areas only, with no use of the buildings, for less than 14 days in any calendar year.

While it is important to note that the events in question do not constitute a material breach or require an application for change of use in planning enforcement terms, The Trustees

acknowledge that some people will still feel that these activities are not consistent with what they believe to be the intended purpose of the space.

At the point of creating this statement the Trustees have not, as yet, been able to discover documentation relating to the original 'gift' of the land or any insights into the intentions of the person gifting it and so would ask that any anyone who has documentary evidence would please share it.

During the period between 14th and 30th July residents who support the vision of Boyes Lane Recreation Ground as space which is predominantly for wildlife with minimal management or intervention, have attended meetings, organised petitions, submitted letters and emails and staged a peaceful protest to show the strength of their feelings.

The Trustees acknowledge that a broad section of the residents of Keyingham are passionate in their desire to designate this space as 'haven' for people and for wildlife and hope that a positive dialogue between residents and Trustees will continue to shape the development of this area.

At the beginning of this exchange, during lockdown, when meetings were not possible, permission was given for a musical event to raise funds for a children's cancer charity.

At an extraordinary meeting on 25th July Trustees voted to go ahead with the musical event on the proviso that

1. *A two metre cordon be placed around the buildings and they were not used in any way*
2. *Copies of all relevant risk assessments and insurances received by the Parish Clerk by 5.00pm on Thursday 29th July.*

This decision was communicated directly to the organisers.

Trustees also voted to suspend all other events until 31st December 2021 to allow time retrospective planning permission for the buildings and to consult with residents on the future plans for the Boyes Lane Recreation Ground.

Many people have thought deeply about this issue and the questions they have raised have helped to develop better ways of working.

Below are some of the frequently asked Questions and Answers:

Q1. When the Scheme was set up it was originally given charity status on the understanding that it was for the benefit of local wildlife, flora and fauna. Why has this changed and is a change of use required?

The scheme was given charity status as a Recreation Ground. The reference to Flora and Fauna is taken from a section of the charity website which describes how the scheme spends it funds. There is no requirement to apply for change of use for recreation activities.

Q2. Has a change of use been discussed by the Parish Council?

A change of use of the recreation ground has not been discussed PC.

Q3. Were the residents consulted regarding what was being planned and given a chance to object?

Residents were not consulted, because similar events have been held in the past without issue. In future a more formalised planning process with a longer lead will provide opportunities for consultation.

Q4. Surely there is a conflict of interest as the main charity is for wildlife and conservation of the field, not to hold commercial and fundraising activities for other charities?

The main purpose/object of the charity is recreation. The Trustees had planned to hold a small number of events, requested by residents as a form of recreation for those wishing to participate in them.

Q5. The Charity states that it was for the benefit of the parishioners of Keyingham only, so a car boot sale would surely be for all the villages around?

There does not appear to be anything in the documentation which states that recreation activities cannot include others. The School has children from neighbouring villages, the sports teams also, scouts and guides groups made up of children from surrounding villages come to engage in recreation activities in Keyingham. The charity is inclusive.

Q6. Have all public liability insurances and permits been applied for and granted?

Copies of insurance documentation, permits and assessments are requested. In future they will be required at point of application.

Q7. Why can these events not be held at Saltaugh Road or Eastfield Road where there is a Car Park?

Events can be held on other sites and this will be taken into consideration when considering requests for future events.

Q8. When and how will a democratic, transparent Boyes Lane sub-committee be elected?

Following the Advice of the Local Councils Association there will be an opportunity for residents to join a group to support the work of the Trustees. When enquiring about this we were advised that only Trustees are able to vote on matters affecting the Charity.

Q9. Who sanctioned the events to go ahead and why is the council planning to put electricity to the field?

During lockdown, when meetings were not possible, permission was given by Trustees for a musical event. The purpose of exploring possibilities for a power supply was to provide safety lighting at the entrance, for maintenance, and to progress the vision of a 'learning zone' in partnership with the School.

Q10. Why are there portable buildings on the field?

The portable buildings provide a wildlife viewing area, they provide storage to prevent furniture and equipment from being stolen and damaged when not in use and offer potential as a learning space.

Q11. Have planning applications been made?

Planning applications are in progress.

More recently queries have been raised about the water supply to the field and also the materials used in the construction of the staging in front of the buildings. We can confirm that the water is provided via a metered supply and details of payments appear in the accounts section of the PC minutes quarterly as billed. The materials used in the construction of the stage are part of what is known as the ‘curtilage’ of the buildings is part of the area and will be subject to this process.

Thank you to all those residents who have written in, raised queries, shared views with the Trustees/Parish Council. All your concerns have been noted.

We will endeavour to acknowledge all contributions to this debate and provide feedback in due course. Wherever possible this will be done collectively via the statements shared on the Parish Council Website.

Thank you for your engagement and please continue to bear with us at this very busy time.

Kind Regards

The Trustees of Boyes Lane Recreation Ground.