

**Public meetings of both the of Junior Playing Field Trust & Carwinion Playing Field Trust to be held concurrently on Monday 8<sup>th</sup> November at 7.30pm in Mawnan Bowling Club.**

**Agenda**

1. To receive apologies for absence
2. To received minutes from the last joint trust meeting on 26th November 2020
3. Any matters specifically arising from previous minutes

**Junior Playing Field**

4. To receive details of current financial position
5. Update from Mr Sadler on fencing, boundary and tree works.
6. To receive quote(s) to replace fencing with the boundary of St Michaels' Court as agreed.
7. Any information on refurbishing playground equipment (relaying grassmat under zipwire,) or purchasing new equipment (rocker).

**Carwinion Trust**

8. To receive details of current financial position
9. To discuss information received in relation to the agreed rent reduction clause within the MCA lease (based on maintenance works undertaken in lieu of rent)
10. To discuss the funding of additional 'landlord works' noted in the MCA meeting
11. To consider the application to enter into a Deed of Dedication with Fields in Trust for Carwinion Field after the public meeting of 13<sup>th</sup> September 2021.
12. To receive information and discuss the MUGA/ Carwinion Changes project update (is the a Trust or Parish project; project scope; what had been the agreed size of MUGA; outline costings; fundraising) following on from MUGA meeting on 3<sup>rd</sup> November
13. To discuss any noted issues for either site
14. Public comments - please be aware that questions can be asked to the chairman only and it may be that responses may have to be deferred to the next meeting

## Associated Papers

Item 2 – draft minutes attached

Item 3 -

Item 4 - JPF accounts

**Junior Playing Field Trust (Reg Charity 1173926)**  
**Annual Accounts for the Year 1<sup>st</sup> April 2021 to 31st March 2022**

	2020-21	2021-22
<b>INCOME</b>		
<b>Regular activity</b>		
Parish Council Grants (Section 19)	£ -	£ -
other income	£ 3,924.50	£ -
<b>Total Income</b>	<b>£ 3,924.50</b>	<b>£ -</b>
<b>EXPENDITURE</b>		
<b>Administration</b>		
Insurances	£ -	£ 1,560.70
Equipment inspections	£ 1,868.40	£ 150.00
Wages (subcontracted administrator)	£ 150.00	£ -
<b>Maintenance</b>		
Tree works	£ 241.30	£ -
New equipment	£ -	£ -
H&S	£ -	£ -
General maintenance	£ -	£ -
<b>Total Expenditure</b>	<b>£ 2,259.70</b>	<b>£ 1,710.70</b>
CFW Balance at 1st April	£ 2,506.26	£ 4,171.06
PLUS Excess of Income over Expenditure	£ 1,664.80	-£ 1,710.70
unreconciled items		
<b>Total Current assets</b>	<b>£ 4,171.06</b>	<b>£ 2,460.36</b>

Item 6 – quote attached

Item 7 – was anything about lifting & relaying grassmat decided at the 'after visit' following the last Trust meeting in August?

Item 8 – CPF accounts

**Carwinion Playing Field Trust (Reg Charity 1173925)**  
**Annual Accounts for the Year 1<sup>st</sup> April 2021 to 31st March 2022**

	2020-21	2021-22
<b>INCOME</b>		
<b>Regular activity</b>		
Parish Council Grants (Section 19)	£2,989.26	£0.00
MCA groundrent	£505.00	£0.00
pre-school rent	£1,337.00	£673.00
other income	£10,000.00	£4.64
<b>Total Income</b>	<b>£14,831.26</b>	<b>£677.64</b>
<b>EXPENDITURE</b>		
<b>Administration</b>		
Insurances	£1,246.80	£1,458.63
inspections/ surveys	£2,168.69	£0.00
Signage	0	£0.00
<b>Maintenance</b>		
cleaning	£20.00	£0.00
grounds	£0.00	0
repairs	£0.00	£0.00
statutory checks	£541.44	£0.00
<b>Misc</b>		
wages	£798.78	£0.00
other expenditure	£4,000.00	£0.00
<b>Total Expenditure</b>	<b>-£8,775.71</b>	<b>-£1,458.63</b>
CFW Balance	£9,641.55	£15,697.10
PLUS Excess of Income over Expenditure	£6,055.55	-£780.99
unreconciled items	0	£0.00
<b>Total Current assets</b>	<b>£15,697.10</b>	<b>£14,916.11</b>

**Item 9 & 10** – meeting on Rent Reduction & ongoing maintenance works to take place immediately prior to this meeting.

**Item 11** – ongoing. Further information on Recreational Land dedication attached. Support given by community at MUGA meeting 13<sup>th</sup> September.

**Item 12** – report of meeting to take place Wednesday 3<sup>rd</sup> November.

# Carwinion Playing Field Trust

Carwinion Road, Mawnan Smith, TR11 5JA  
Registered Charity 1173925

# Mawnan Junior Playing Field Trust

Behind St Michael's Court, Carwinion Road,  
Mawnan Smith, TR11 5JD  
Registered Charity 1173926

## MINUTES OF PUBLIC MEETINGS OF BOTH THE OF JUNIOR PLAYING FIELD TRUST & CARWINION PLAYING FIELD TRUST TO BE HELD CONCURRENTLY ON MONDAY 2<sup>ND</sup> AUGUST 2021 AT 7.30PM IN MAWNAN MEMORIAL HALL

**Present:** Mr R Sadler (chair), Mrs M Bate, Mr P Caunter, Mr P Moyle, & Mrs C Toland

**Apologies:** Mr P Bradley, Mrs C Haigh & Mrs J Whibley

**Also Present:** Administrator (parish clerk)

### Agenda

110.21 **To receive apologies for absence** – Apologies from Mrs Whibley, Mr Bradley & Mrs Haigh received.

111.21 **To received minutes from the last joint trust meeting on 26th November 2020**

It was proposed by Mrs Toland, seconded by Mr Moyle and

**RESOLVED** that the minutes of the meeting held 26<sup>th</sup> November 2020 now be approved and signed by the Chair at the next appropriate time

on a vote being taken this matter was approved unanimously

112.21 **Any matters specifically arising from previous minutes**

The clerk reported that she was having difficulties in getting quotes for the agreed fencing replacements at the JPF; contractors seeming not to want to take on smaller jobs at present

### Junior Playing Field

113.21 **To receive the draft Annual Trustees report(s) and to agree any changes before submission to the Charity Commission along with the end of year accounts & review current balance sheet**

It was proposed by Mrs Toland, seconded by Mr Moyle and

**RESOLVED** that the Trustees report for the Junior Playing Field Trust 2020-21 including the End of year accounting position, be accepted as a true record and could now be published. This including

on a vote being taken this matter was approved unanimously

114.21 **Any information on the requirement to refurbish or upgrade playground equipment.**

The clerk reported that Ronnie the Rabbit – a sit on springer – had succumbed to rust and had had to be removed but that a request for replacement had been made by the younger users. A group of parents had asked if they could hold some fundraising events if this was acceptable to get this replaced sooner rather than later. It was agreed to support them as much as possible.

The grassmat under the zipwire urgently needed to be lifted and re-laid – replacing only those panels necessary – but the manpower to do this was unavailable. A quick site visit after the meeting was suggested and that maybe a request to parents/ users to form a working party to do this could be organised.

**115.21 To discuss general maintenance of the site (cleaning, gate & fence issues, topping off trees along boundary footpath)**

The clerk reported that the trees and boundaries within the JPF were to be included within a tree survey (along with the CPF & graveyard) but that she had been finding it difficult to get a contractor – Cornwall Council not bothering to respond now on several occasions. It was agreed that the footpath hedge needed cutting back and topping out and that the removal of the trees bordering Abbeyfield should also be considered. Mr Moyle was to go to the site (along with Carwnion Field) to review the trees and work up a rough specification to get quotes.

There were continuing problems with the fencing between the site and the Bowling Club, simply given the age of the wire fence. It would be good to have this replaced but until the hedges were trimmed back how much needed just restringing as opposed to replacing was an unknown. The Administrator & Mrs Toland were cleaning equipment at present on a weekly(ish) basis – most of the problems being bird deposits on the swings seats and the like.

### **Carwinion Trust**

**116.21 To receive the draft Annual Trustees report(s) and to agree any changes before submission to the Charity Commission along with the end of year accounts & review current balance sheet**

It was proposed by Mr Sadler, seconded by Mrs Toland and

**RESOLVED** that Trustees report for the Carwinion Playing Field Trust 2020-21 including the End of year accounting position, be accepted as a true record and could now be published

on a vote being taken this matter was approved unanimously

**117.21 To receive a request from R Sanders to site a storage container on Carwinion Field - discussion may also include reference to previous storage requests from the MCA & Football/Cricket Teams**

It was decided that a store for the contractor specifically was out on the question. It was felt that this would not be used to specifically store equipment for use of the field, but for use at other sites as well.

It was proposed by Mr Moyle, seconded by Mrs Toland and

**RESOLVED** that the request for contractor specific storage be refused at this time.

on a vote being taken this matter was approved unanimously

However it was thought that the building of an add-on store to the end of the MCA building (and removing the steel shipping containers) for use of by the teams & MCA should be reconsidered. This led onto a conversation about various works to the MCA pavilion that needed to be done –

including refurbishment and repainting to the kitchens before installation of new units/cooker; the replacement of the outside verandah roofing; replacement of the hall flooring. Mr Sadler said he would talk the Mr Aherne about the scope of the immediate works needed here and to see if the kitchens at least could be done during the summer.

**118.21 To receive information gathered through a consultation with the youth of the parish on the installation of additional resources for them – may include recurring information on a MUGA pitch.**

Mr Caunter provided some information from HAGS on MUGAs in general. There had been a limited consultation done at the MCA hall where everyone seems enthusiastic about this possibility of this kind of equipment being installed.

Funding –there were multiple streams that could be looked into to fund this project crowdfunding, tennis, football, cricket and even Adult Social Care. It was not a massive project overall but could be seen to provide large benefits to the wider community: both teens and the older generation – something Mr K Bate in happy to be involved in by going up to do plans and looking at completing the works to the levels on site. Mr Sadler stated that the trust is generally in favour of the idea but Mr Moyle said that this needed to go to the wider public for discussion on. Mr Sadler thought that this should be done as an extraordinary meeting as soon as possible whilst waiting on the funding strategy to be addressed, since it would likely this would be sought/received in phases. We needed an outline of the project scope to be able to gauge how much funding was needed.

Mr Caunter wondered if the PC could fund works to get them started and then this money be claimed back retrospectively through grants? Mrs Toland said that this was very unlikely to be agreed to but that seeing the PC was agreeing to put in funding it would add favourably to grant applications. Crowdfunding could then be used to top up locally on projects.

Mr Bate needed to be on board with doing the costings for the basic MUGA asap to allow. The Administrator would ask try to find out from planning what kind of application would be needed and ask advice from the environmental service (who deal with playgrounds) about area specific requirements and open Space Strategy.

**119.21 To agree to the formation of a working group to take [youth] projects forward**

It was agreed that Mr Caunter and Mrs Toland be joined by Mr Aherne, Mrs Bate and Mr Sadler in taking this project forward. The clerk would try to advertise the planned public meeting once all factors had been agreed as widely in the community as possible, contacting the Falmouth Packet as well as using local social media, the mawnan diary & NDP email lists and by contacting the school when they got back.

**120.21 To receive information about entering into a Deed of Dedication by Fields in Trust for Carwinion Field**

Mr Sadler noted some minutes from the Mawnan Playing Fields Committee from the 1940s about how the purchase of the field had originally been undertaken. He felt that this showed the community efforts made to secure this as a long term playing field and that all efforts should be extended in preserving this for the long term above and beyond any existing agreements/ protections. He realises that the protection offered through the Trust could be increased through dedication to Fields in Trust and that this would not have any effect on potential development of

the field for recreational purposes. It was agreed that the implications this held would need further information investigated before a vote could be taken and that the public should be consulted as well.

It was proposed by Mr Sadler, seconded by Mr Moyle and

**RESOLVED** that the Trust go forward in investigating what a Deed of Dedication would mean and presenting it to the public for consideration

on a vote being taken this matter was approved unanimously

**121.21 To discuss any noted site issues**

It was noted that the repairs to the boundary wall has still not been completed, despite the clerk trying various ways to get details of anyone willing to do the works. Mr Moyle said that he may have a contact. Mr Sadler wanted the wall rebuilt face on and that block availability was extremely limited at capacity and may be part of the issue in getting a contractor.

Plans for an extension for the carpark as previously discussed had been shelved in light of the dismissal of the Admin Hub. Mrs Bate noted that the only parking issue she was aware of was outside of the field when events were taking place – the visibility on leaving the gate was being compromised by parked cars. Could anything be done?

A stretch of grassmat at the lower gate was suggested for overflow parking but it was thought that the potential for drivers then just going across the field and how/who was to manage it did not warrant expansion at the moment. It was agreed to add this to the next agenda for review.

Sycamore trees on the boundary hedge needed to be done this autumn. Works to be agreed and lumped together with the JPF.

**122.21 The Self Management Group viability going forward**

Mr Sadler quickly summarised the minutes of the group. Contact details for the field as suggested needed to go back up if they could – Mrs Bate said they always used to be in the kitchen window.

The Administrator actually explained that this item was being added more from her as she had assumed the group would run itself as did the NDP Steering Group and not, as seemed to have been suggested at the meeting, by her making arrangements. She felt it was not something that she was able to take on. Mr Sadler said he would talk to the group and see if they could arrange for them to do the administration themselves or sort a willing volunteer to assist them.

**123.21 Public comments - please be aware that questions can be asked to the chairman only and it may be that responses may have to be deferred to the next meeting**

None noted

Meeting finished at 8.45pm



# Protecting Recreational Land

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## Introduction



*We use charity and contract law to establish binding agreements and commitments that protect valuable public recreation land for the long term but in a flexible way.*

Fields in Trust has been in the business of providing legal protection for playing fields, play space, recreation grounds and other open spaces since formation as the National Playing Fields Association in 1925.

The protection we seek to put in place is long term, which we define as in perpetuity for freehold property or at least 99 years for leasehold property.

At the time of writing this guide, Fields in Trust protects around 2,600 sites covering 27,000 acres throughout the United Kingdom, including 471 King George V Fields and 1,358 Queen Elizabeth II Fields.

Our protection goes beyond the town and country planning system. Planning control can be very good for protecting sites but has significant weaknesses. National and local planning policies are subject to change. Green belt boundaries can be redefined. Pressure for development of urban open space, or open space on the urban fringe or in the countryside has never been greater. We therefore use charity and contract law to establish binding agreements and commitments that protect valuable public recreation land for the long term but in a flexible way.

In this section, we set out the main reasons and rationale why owners and users of recreation land should opt for Fields in Trust protection, the flexibility that is in-built to our form of protection, some of the additional benefits that come with this protection and, lastly, the protection process.



## Flexibility



*While Fields in Trust holds the freehold of a small number of sites on behalf of local communities, our preferred method is for the ownership and management to remain in local hands.*

That's not to say that every blade of grass should always remain. Opportunities will arise when disposal of part or the whole of a site for development can result in significant funding which can be reinvested in new or enhanced facilities, a process sometimes described as 'betterment'.

Charity law requires trustees to act in the best interests of their charity, which will require consideration of betterment opportunities on occasion. Local authorities have a duty to ensure land is well used and not surplus to requirements. Like any other organisation, local authorities also need to balance their budgets, look broadly at the funding needs of all of their services and decide on priorities. At Fields in Trust we recognize these pressures on recreational landowners and managers. Under our protection, there is flexibility to allow for disposals leading to betterment where we judge this to be of recreational benefit to the local community. Indeed, we have been able to use this flexibility to leverage better facilities for communities on numerous occasions.

Our protection ensures that the land can be used for outdoor sport, recreation and play. Ancillary facilities such as pavilions and changing rooms, car parks and equipment sheds can be added or removed at the landowner's behest at any time. Larger scale indoor facilities, such as leisure centres or village halls, can also be included within our form of protection as appropriate.

A variety of means is available for protection. While Fields in Trust holds the freehold of a small number of sites on behalf of local communities, our preferred method is for the ownership and management to remain in local hands, and for Fields in Trust's role to be custodial and advisory. All this is reflected by way of a legal agreement called a Deed of Dedication.

### The Deed of Dedication

- ✓ Be charitable or non-charitable
- ✓ Apply to freehold property or leasehold property of a term of at least 99 years remaining
- ✓ Cover any form of outdoor sport, recreation or play and indoor facilities as required
- ✓ Allow for recreational purposes and include as appropriate other community uses, such as education, culture and heritage.





## The Process

The process for a recreational landowner to protect a site under a Fields in Trust Deed of Dedication is quite straightforward and, in the simplest cases, can be completed in a matter of a few weeks with minimal time and expense.

*Our staff team at Fields in Trust usually undertakes most of the necessary work to complete the protection. Typically, this involves:*

- 1 An initial telephone conversation or email exchange with the landowner or leaseholder directing them to our Protection Application Pack and Application Form downloadable from the webpage: [www.fieldsintrust.org/Safeguard.aspx](http://www.fieldsintrust.org/Safeguard.aspx)
  - 2 We will send the landowner an email acknowledging receipt of an Application within three working days and raise any queries arising from the application.
  - 3 If the application is eligible, we will arrange to visit the site and meet with the landowner and colleagues. If it is not, we will explain the reasons why in writing.
  - 4 The site visit and meeting will help us to understand the site's recreational value and current legal status, including review of the site boundaries and relevant title plans and documents provided by the landowner as part of the Application.
  - 5 A member of our legal officer team will then liaise with the landowner (and/or their legal adviser) to tailor the appropriate Deed of Dedication template (charitable or non-charitable) to suit the particular circumstances for the site.
  - 6 Formal approval of the Deed and signing by the landowner and our trustees.
  - 7 Registration by the landowner of the deed at Land Registry.
- ✓ Congratulations! Your Field is protected in perpetuity.



The decision is an important one, for once protection is in place it will either be in perpetuity or for the period of a very long lease. The decision should be taken by the organisation's governing board.



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## Disclaimer



Fields in Trust (we) hope that this document proves helpful to you. It is intended to cater for all needs, whether you don't know where to start or require some more specialist information.

While we have endeavoured to ensure that the information in this document is correct, it has been written as a general guide to 'Protecting Recreational Land'. It is not intended to provide specific commercial, legal or financial advice, or to cover every eventuality and is not a substitute for independent specialist advice.

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Nothing in this legal notice shall exclude or limit our liability for death or personal injury caused by negligence, fraud, misrepresentation as to a fundamental matter or any other liability which cannot be excluded or limited under applicable law.

Please view our Terms and Conditions at: [www.fit-fields-toolkit.org/terms.aspx](http://www.fit-fields-toolkit.org/terms.aspx) for further information.

## Introduction



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Fields in Trust has been in the business of providing legal protection for playing fields, play space, recreation grounds and other open spaces since formation as the National Playing Fields Association in 1925.

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In this section, we set out the main reasons and rationale why owners and users of recreation land should opt for Fields in Trust protection, the flexibility that is in-built to our form of protection, some of the additional benefits that come with this protection and, lastly, the protection process.



## Reasons for protection



Playing fields and open space do still come under threat of development, and always will. However, protecting these sites is not an end in itself. The important thing is to protect open space, where it is needed, well used and valued by the local community – residents, workers, visitors, local employers and schools alike.

The key reason for protection is to ensure that everyone has access to a space – close to where they live, study or work – for healthy, recreational activity, including sport and play. More specifically, protection is important to ensure:

- ✓ Sites are available for use today and for future generations. Playing fields lost to development never come back into recreational use. Access for future generations to recreation space depends on this generation protecting it now

Accessible for the whole community on an inclusive basis

- ✓ Funders, owners and managers are reassured that investment in improvements is viable and secure.

To ensure their survival, we firmly believe that long-term protection through contractual and/or charitable arrangements is the best way of safeguarding these much needed and valued assets.

## Flexibility



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That's not to say that every blade of grass should always remain. Opportunities will arise when disposal of part or the whole of a site for development can result in significant funding which can be reinvested in new or enhanced facilities, a process sometimes described as 'betterment'.

Charity law requires trustees to act in the best interests of their charity, which will require consideration of betterment opportunities on occasion. Local authorities have a duty to ensure land is well used and not surplus to requirements. Like any other organisation, local authorities also need to balance their budgets, look broadly at the funding needs of all of their services and decide on priorities. At Fields in Trust we recognize these pressures on recreational landowners and managers. Under our protection, there is flexibility to allow for disposals leading to betterment where we judge this to be of recreational benefit to the local community. Indeed, we have been able to use this flexibility to leverage better facilities for communities on numerous occasions.

Our protection ensures that the land can be used for outdoor sport, recreation and play. Ancillary facilities such as pavilions and changing rooms, car parks and equipment sheds can be added or removed at the landowner's behest at any time. Larger scale indoor facilities, such as leisure centres or village halls, can also be included within our form of protection as appropriate.

A variety of means is available for protection. While Fields in Trust holds the freehold of a small number of sites on behalf of local communities, our preferred method is for the ownership and management to remain in local hands, and for Fields in Trust's role to be custodial and advisory. All this is reflected by way of a legal agreement called a Deed of Dedication.

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## Benefits

As well as the reasons for protection set out above, there are a number of tangible additional benefits for the owners and managers of the site themselves as well as beneficial outcomes for communities.



Links to related toolkit docs.

Establishing the right  
sort of organisation

Application Writing  
and Sources of Grant

### For landowners and site managers

**Advice and expertise** – being part of the Fields in Trust family of protected fields, provides access to the expertise and advice of our staff team on planning matters, technical issues and funding.

**Cost-savings** – charitable fields (those protected in perpetuity) will benefit from tax relief, including reduced Council Tax.

**Fundraising & Funding** – fields run as charities are able to access funds that non-charities cannot (e.g. through some trusts and foundations). Fields in Trust often has grant funding available, but only to its protected fields. Over the years we have provided millions of pounds of improvements, in conjunction with bodies such as the Carnegie United Kingdom Trust, the King George's Fields Foundation, the London Marathon Charitable Trust and the Landfill Tax Distributor, SITA.



### For communities

**Social** – playing fields are one of the few free places where friends, families, teams and communities can come together, socialize and relax. Good quality facilities provide children with a much-needed place to go out and play, which is fundamental to their development.

**Health** – convenient access to outdoor space is vital if we want to give everyone the chance to go outside and exercise to improve or maintain their health.

**Environmental** – green spaces are vital to our resilience to climate change and important to bio-diversity and wildlife habitats.

**Economic** – communities with well maintained green space are more attractive to investors and businesses and homeowners.



## The Process

The process for a recreational landowner to protect a site under a Fields in Trust Deed of Dedication is quite straightforward and, in the simplest cases, can be completed in a matter of a few weeks with minimal time and expense.

*Our staff team at Fields in Trust usually undertakes most of the necessary work to complete the protection. Typically, this involves:*

- 1 An initial telephone conversation or email exchange with the landowner or leaseholder directing them to our Protection Application Pack and Application Form downloadable from the webpage: [www.fieldsintrust.org/Safeguard.aspx](http://www.fieldsintrust.org/Safeguard.aspx)
  - 2 We will send the landowner an email acknowledging receipt of an Application within three working days and raise any queries arising from the application.
  - 3 If the application is eligible, we will arrange to visit the site and meet with the landowner and colleagues. If it is not, we will explain the reasons why in writing.
  - 4 The site visit and meeting will help us to understand the site's recreational value and current legal status, including review of the site boundaries and relevant title plans and documents provided by the landowner as part of the Application.
  - 5 A member of our legal officer team will then liaise with the landowner (and/or their legal adviser) to tailor the appropriate Deed of Dedication template (charitable or non-charitable) to suit the particular circumstances for the site.
  - 6 Formal approval of the Deed and signing by the landowner and our trustees.
  - 7 Registration by the landowner of the deed at Land Registry.
- ✓ Congratulations! Your Field is protected in perpetuity.



The decision is an important one, for once protection is in place it will either be in perpetuity or for the period of a very long lease. The decision should be taken by the organisation's governing board.



More detailed advice can be found on the following web sites:

[www.fieldsintrust.org/Safeguard.aspx](http://www.fieldsintrust.org/Safeguard.aspx)

### Acknowledgements

Fields in Trust wish to acknowledge that the information above has been prepared with the help of information supplied on the above web sites.

