

MINUTES Of a Meeting of the Bowerhill Sports Field Working Party held on Monday 30th April 2012 at 8.15 p.m.

Present: Cllr. Mike Mills (Chairman) Cllrs. Alan Baines; Rolf Brindle; John Glover; Pat Nicol and Richard Wood.

Apologies: Cllr. Mike Sankey

- 520/11 **Minutes, Sports Forum, 6th February:** The Working Party noted these Minutes.
- 521/11 Arising from Min. 424/11 **Maintenance – Cash Settlement:** The Working Party noted that the Parish Council had now formally accepted the offer of £11,000 as a one year Maintenance Cash Settlement for the Sports Field when the transfer took place
- 522/11 Arising from Min. 425/11 **Legal Agreement:** The Sports Field Working Party reviewed a letter received from the Council Solicitor, as follows:

A THE SALE AGREEMENT

1.1. There was still doubt re the amount of land being required for the link road. Wiltshire Council had forwarded a plan showing the land required for the link road in blue but was now saying that more land may be needed for ancillary facilities such as footpaths, cycleways, foundations and utility routes. The Agreement required an annexed plan to indicate the exact amount of land being transferred.

Recommended: *The Council reply that the footpath and cycleway formed part of the road construction and so was expected to be within the blue land. Utility construction may be required outside of the delineated land but if this was necessary then assurance was required that the land would be fully re-instated to its original condition when the work was completed.*

1.2. Clause 9.6 It was suggested that if MWPC decided to build the replacement facilities, the period of construction should be extended to 12 months

Recommended: *The Council reply to emphasise that MWPC required Wiltshire Council to construct the replacement facilities*

1.3 The draft licence for use of the Pavilion prior to construction of the Link Road had not yet been received

Recommended: *The Council reply that this was noted but should not hold up completion of the Agreement*

B THE TRANSFER

2.1. The Solicitor expressed concern that some transfer provisions appeared incompatible with the Deed of Dedication required to dedicate the field under the Fields In Trust Scheme. He gave details of the provisions and emphasised that there could be potential conflict. He requested instruction on whether a) Wiltshire Council should be asked to re-consider which would cause further delay or b) Fields in Trust should be asked to include a provision in their Deed to release MWPC from liability should Wiltshire Council invoke the Community Asset Transfer provisions or c) Accept the provisions as drafted and face potential conflicts in the future.

Recommended: *The Council reply to take Option C bearing in mind that the conflict would only occur in the future if the Sports Field ceased to be used by the community.*

2.2 The Solicitor had recommended that Clause 10.2; which required MWPC to transfer the link road back; be made conditional upon Wiltshire Council's compliance with the contract.

Recommended: *The Council support this amendment.*

C REPLIES TO ENQUIRIES

3.1. The Solicitor reported that Wiltshire Council had refused to provide replies to standard pre-contract enquiries on the basis that this was a Community Asset Transfer, costs were not being paid, MWPC could pull out at any time and MWPC was already familiar with the field. This put the Parish Council at risk that there could be matters not disclosed which affected the property and which would bind MWPC under the terms of the Sale Agreement.

Recommended: *The Council note this and proceed without the replies*

- 523/11 **Jubilee Celebration - Offer of fund-raising help from Asda** The Clerk reported that Tina from Asda had rung on 23rd April to confirm that Melksham Asda had adopted Bowerhill Sports Field as its Jubilee Field in Trust and was planning to raise £2,000. Asda would welcome any ideas as to how they could help. It was agreed to suggest these funds be used to hold a Jubilee Community Celebration on the Sports Field. One idea put forward was to hold a "Trolley Dash round the field with the winner being awarded some groceries. It was proposed that a Community Celebration be held on Tuesday 5th June.

Recommended: *1. The Council reply to welcome this offer of help from Asda and to emphasise help would be required to hold a Jubilee Celebration once the Deed of Dedication had been signed. 2. The Council aim to have a Jubilee Community Picnic at the Sports Field on the afternoon of Tuesday 5th June.*

- 524/11 **Dog fouling at Bowerhill Sports Field:** Cllr Glover reported that there had been a recent incident of a dog owner allowing his dog to foul within the football goalpost area. Once the Parish Council became responsible for the Field, it would need a firm policy re use of the field by dogs. The Chairman reported that there may be some spare dog bins around the old Golf Course which could be re-located to the Sports Field. There was discussion as to whether dogs should be banned and whether a dog-run should be provided. It was agreed that this should be an Agenda item at the next Council Meeting.

Meeting closed at 9.30 p.m.

Chairman 21st May 2012