

# LYDNEY RECREATION TRUST

TRUST MEETING – 27 November 2017 - 15

THE MINUTES OF THE MEETING OF THE LYDNEY RECREATION TRUST held in the Council Chamber at Claremont House on Monday 27 November 2017 at 7.00 pm.

**Present:** Trustees Harris (Chairman), W Leach, B Pearman, B Berryman, H Ives, K White, R Holmes, C Vaughan, R Christodoulides, C Legg,

**In Attendance:** Mrs J Smailes – Trust Secretary  
Mrs S Lanfear – Trust Admin Assistant

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Housekeeping – Trustee Harris informed all present that no practice fire evacuation had been scheduled for the duration of the meeting. All attendees were then informed of the locations of the nearest fire exits.

1. **Meeting address by Trust Chairman (Trustee Biddle)**

Given Trustee Biddle had tendered his apologies due to illness, it fell to Trustee Berryman (*Lydney Town Council Mayor*) to advise those present of Trustee Biddle's decision to 'stand down' as Trust Chairman.

Trustee Berryman stated that Trustee Biddle had been apologetic but had explained that he was finding it increasingly difficult to act as Chairman of the Trust and be supportive of 'corporate' decisions which may be contrary to his own personal view at times; that in the past the Trust Chairman had been able to use greater influence over the decision making process however Trustee Biddle now appreciated that the approach by Trustees had changed and this was no longer the case, with all actions now being by corporate consensus.

2. **Meeting Chairmanship**

As Deputy Trust Chairman Trustee Legg was asked to assume the position of Trust Chairman, a position he declined stating that whilst he was happy to continue as Deputy Chair he could not devote sufficient time to the role of Trust Chairman at this time.

Following a short discussion, it was **proposed by Trustee Pearman, seconded by Trustee Berryman that Trustee Harris be duly elected as Trust Chairman.** There being no other nominations Trustee Harris's nomination was put to the vote. Unanimous.

Trustee Harris took her seat as Trust Chairman and the meeting continued with;

3. **Apologies**

Apologies for absence were received and noted from Trustees Pugh, Greening and Biddle

4. **Declarations of Interest**

None.



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5. **Approval of Minutes**

Approval of the minutes of the meeting held on 25<sup>th</sup> September 2017 **proposed by Trustee Ives seconded by Trustee Pearman** Vote Carried.

Trustees noted that a meeting with representatives of both the Football Club and Cricket Club had taken place and clauses contained within Schedule 5 of the Lease Agreement had been fully explained to both clubs (*Copy of the notes attached – Appendix A*)

6. **Finance and Sundry Payments**

6.1 Prior to the start of the meeting Trustees were provided with a copy of the monthly payment schedule for October & November 2017.

Receipt of the payment schedule was **proposed by Trustee Christodoulides, seconded by Trustee Berryman**. Unanimous

6.2 To approve payments therefrom **proposed by Trustee Ives, seconded by Trustee Berryman**. Unanimous

**FINANCIAL STATEMENT -**

**NOVEMBER 2017**

**Opening Bank Balances as 1st April 2017**

LLOYDS BANK - Current account		18,787.19
LLOYDS BANK – General Reserves		55,648.40
EFG Harris Allday Share Portfolio: <i>as at 31.03.17</i>	£270,309.07	00.00
	<b>Bank Balance</b>	<b><u>74,435.59</u></b>

**TRANSACTIONS**

**RECEIPTS**

Receipts APRIL	2,954.08	
Receipts MAY	24,003.28	
Receipts JUNE	1,962.19	
Receipts JULY	3,526.14	
Receipts AUGUST	2,330.55	
<b>Receipts SEPTEMBER</b>	<b>2,283.16</b>	
<b>Receipts OCTOBER</b>	<b>2,610.57</b>	
Receipts NOVEMBER		
Receipts DECEMBER		
Receipts JANUARY		
Receipts FEBRUARY		
Receipts MARCH		
	<b>Total Receipts YTD</b>	<b><u>39,669.92</u></b>

**PAYMENTS**

Payments APRIL	219.32	
Payments MAY	13,750.47	
Payments JUNE	4,007.45	
Payments JULY	12,346.00	
Payments AUGUST	1,245.15	
Payments SEPTEMBER	3,547.14	
<b>Payments OCTOBER</b>	<b>1,277.85</b>	
<b>Payments NOVEMBER</b>	<b>5,623.29</b>	
Payments DECEMBER		
Payments JANUARY		
Payments FEBRUARY		
Payments MARCH		
Payments PRIOR TO YEAR END		
	<b>Total Payments YTD</b>	<b><u>41,966.67</u></b>
		<b><u>72,138.84</u></b>



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Reconciled Bank Statements as at end		OCTOBER 2017
LLOYDS BANK - Current account 01727642		13,053.12
LLOYDS BANK – General Reserves 01451914		59,085.72
<b>Bank Balances as at:</b>	<b>31.Oct.17</b>	<b>72,138.84</b>

### OCTOBER PAYMENTS

#### Payments made by Direct Debit:

FoDDC Business Rates	15.09.17	53.00		Mthly DD	Playing Fields & Premises
FoDDC Business Rates	15.09.17	145.00		Mthly DD	Car Park & Premises
Forest Equipment Services Ltd (Sept)	26.09.17	954.48		Mthly STO	Litter Picking
<b>Direct Debits:</b>		<b>Sub total</b>			
		<b>1,152.48</b>			

#### Interim Payments made in advance of meeting:

None				<u>CHO</u>	
		<u>NO</u>			
<b>Interim Payments:</b>		<b>Sub total</b>			
		<b>0.00</b>			

#### Payments for approval in Lieu of meeting

Forest Equipment Services Ltd		43.87	1311	Monthly	Dog Waste/Disposal
Lydney Town Council		25.00	1312	Ad Hoc	General Maintenance
Cash		6.50	1313	Monthly	Gen Maintenance/Postage
<b>Payments in Lieu of meeting: Sub total</b>		<b>75.37</b>			

<b>TOTAL PAYMENTS</b>	<b>OCTOBER</b>	<b>1,227.85</b>			
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### NOVEMBER PAYMENTS

#### Payments made by Direct Debit:

FoDDC Business Rates	16.10.17	53.00		Mthly DD	Playing Fields & Premises
FoDDC Business Rates	16.10.17	145.00		Mthly DD	Car Park & Premises
Forest Equipment Services Ltd (Oct)	26.10.17	954.48		Mthly STO	Litter Collection
<b>Direct Debits:</b>		<b>Sub total</b>			
		<b>1,152.48</b>			

#### Interim Payments made in advance of meeting:

R Cole Contracting		4,017.60	1314	Ad Hoc	Grass Cutting
<b>Interim Payments:</b>		<b>Sub total</b>			
		<b>4,017.60</b>			

**27<sup>th</sup> NOVEMBER  
2017**

#### Payments for approval at meeting on:

Forest Equipment Services Ltd		297.10	1315	Ad Hoc	Dog Waste/Litter Collection
Lydney Tennis Club		156.11	1316	Annual	Skateboard Park
<b>Payments in Lieu of meeting: Sub total</b>		<b>453.21</b>			

<b>TOTAL PAYMENTS</b>	<b>NOVEMBER</b>	<b>5,623.29</b>			
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#### A list of unpresented Cheques (For Information only)

Forest Equipment Services Ltd		43.87		1311	
Lydney Town Council		25.00		1312	
<b>Total</b>		<b>68.87</b>			

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## 7. Business

### 7.1 Wildflower Area/Bug Hotels Adjacent to Lake

Trustees had previously been provided with copies of the following documents in relation to this item of Trust business:

- ❖ - Minutes showing the Trusts original resolution
- ❖ - Affirmation of Plan/Approval of the expenditure by former Trust Chairman
- ❖ - Action to be taken/enforced by Public Rights of Way
- ❖ - Copies of letters submitted to 'Wellers Hedleys' by Tayntons Solicitors (*the legal representative acting for three residents who reside adjacent to the lake area*)
- ❖ - Copies of prior emails/correspondence with former Trust Chairman evidencing all action taken had been with the knowledge of the former Trust Chairman

Trustees were also provided with copies of emails to/from The Review and Forester Newspapers which evidenced that the Press Release, which in part referred to the wildflower area, had been submitted on the 14<sup>th</sup> November 2017 following approval by the Council/Trustees at the Full Council meeting the night prior. **Noted**

### Consideration by Trustees of the final paragraph of Tayntons letter

Trustees considered whether, at any time, the Trust Secretary had acted beyond her remit/without proper authority as such had been the suggestion made to the Trust's Solicitor by Tayntons Solicitor. Trustees were astounded by such accusations which suggested that Tayntons Solicitors had not been provided with factual information by their clients as the aforementioned documents, most of which remained publicly accessible, clearly evidencing that the Trust Secretary (*Lydney Town Council's CEO*) had only ever acted under the Trust's instruction and that where necessary, delegated powers had been bestowed correctly and all actions had adhered fully to the resolutions taken by Trustees.

Trustee Pearman called for a recorded vote to be taken on both this and the following item of business in relation to the Trust's on-going stance on this matter.

It was **proposed by Trustee Harris**, the Trust strongly refuted any/all such claims for it had been clearly evidenced that the Trust Secretary had only ever acted under the Trust's instruction.

### **Recorded Vote as follows (Appendix B1)**

Trustee Berryman	<b>FOR</b>
Trustee Christodoulides	<b>FOR</b>
Trustee Harris	<b>FOR</b>
Trustee Holmes	<b>Abstention</b>
Trustee Ives	<b>FOR</b>
Trustee Leach	<b>FOR</b>
Trustee Legg	<b>FOR</b>
Trustee Pearman	<b>FOR</b>
Trustee Vaughan	<b>FOR</b>
Trustee White	<b>FOR</b>



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**9 Votes in favour**

**1 Abstention**

Trustee Harris inquired of Trustee Holmes why he did not feel able to vote when all actions taken had been clearly evidenced as having been addressed by the Trust Secretary to which Trustee Holmes stated that as he was not aware of the full history, being a new Trustee, he preferred to abstain.

## **Consideration/reaffirmation of Trusts stance in relation to the wildflower area/bug hotels**

Trustees were provided with two items of correspondence; one from the Trust's Solicitor dated 22<sup>nd</sup> November in which the Trust's Solicitor advised that he had pointed out to Tayntons that their clients had not produced evidence indicating continuous use or a use which could be considered as establishing a vehicular right of way; vague statements of use on an occasional basis were not sufficient to claim a right of way by prescription. In response to Tayntons request for mediatory discussion, the Trust's Solicitor had advised Tayntons that he had not received anything to date that warranted such talks.

The second item of correspondence was from Public Rights of Way (dated 23<sup>rd</sup> November 2017) advising of their intention to write to said residents, requesting that their hedge line/trees be cut back and advising the Trust that if this action was not addressed by the residents that PROW would instruct their sub-contractor to address the work and then invoice the residents accordingly.

It was **proposed by Trustee Pearman, seconded by Trustee Harris** that the Trust reaffirm its stance; that the wildflower area/bug hotels remain in situ, and that the Trust Solicitor be instructed to continue to protect the Trust's asset from any/all such claims of right of vehicular passage

### **Recorded Vote as follows (Appendix B2)**

Trustee Berryman	<b>FOR</b>
Trustee Christodoulides	<b>FOR</b>
Trustee Harris	<b>FOR</b>
Trustee Holmes	<b>FOR</b>
Trustee Ives	<b>FOR</b>
Trustee Leach	<b>Abstention</b>
Trustee Legg	<b>FOR</b>
Trustee Pearman	<b>FOR</b>
Trustee Vaughan	<b>FOR</b>
Trustee White	<b>FOR</b>

**9 Votes in favour**

**1 Abstention**

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The Trust Secretary advised Trustees that once PROW had widened the path slightly, PROW would be installing further bollards to prevent vehicular access/parking in the vicinity of the footpath. PROW had confirmed that the path would continue to be edged by the existing permeable bund which would continue to serve as the backdrop to the wildflower area and preventing vehicular access; that the Trust Secretary would be advised when work was to commence and that she would oversee the retention of the wildflower area in line with the Trust's reaffirmed stance. **Noted.**

7.2 **Lydney and District Angling Club**

Item deferred awaiting submission of quote

7.3 **Hams Road**

Discussions took place regarding the Trust's erection of signage at Hams Road carpark. Trustee Harris referred Trustees to prior resolution where it had been resolved that commercial parking was not permitted and all commercial vehicles would require a parking permit. Trustees also discussed installing height restriction barriers but agreed that the situation would instead be closely monitored and further considered at the next Trust Meeting

It was **proposed by Trustee White, seconded by Trustee Leach** that new signage be erected stating no commercial vehicle parking without permit. This item would be a future Agenda Item re; consideration of height restriction barrier.

**Action by – The Trust Secretary**

7.4 **Grounds Staff**

Trustees congratulated Lydney Town Council's Ground Staff on their hard work in clearing the River Lyd.

7.5 **TrunkArb Tree Surgery**

Trustees noted that the Annual Tree Survey would continue as per addendum to contract.

7.6 **WPS Insurance**

Trustees noted that WPS Insurance had advised it changed Insurance Providers, however the Trust's Insurance remained with Zurich Insurance.

7.7 **Lydney Park Run**

Trustees agreed to a request for an additional park run on News Year Day. Trust Secretary to inform Lydney Park Run of the Trusts decision.

**Action by – Trust Secretary**

7.8 **Lydney Lake Amenity Area**

Trustees noted the damage to the park bench caused by an arson attack and noted that repairs were being carried out 'in house'



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7.9 **Footpath Diversion (FLY 84 Part)**

Trustees noted the correspondence received

7.10 **Grass Cutting Schedule**

Trustees were asked to consider extending the current cutting season in respect to the sports area only to that of 1<sup>st</sup> April through to the end September each year, and to also consider instructing the Contractor to cut/collect as part of the first initial cut at the start of the season. Whilst it was noted that this would result in a slight increase against current expenditure it was envisaged that the small budget deficit roughly from £500 - £800 could be covered by the proposed lease/sub-let agreement. It was **proposed by Trustee Ives seconded by Trustee Pearman** that the grass cutting season be extended and the initial cut includes cut/collect.  
Unanimous.

**Action by – Trust Secretary**

8. **MEMBERS REPORTS**

Trustee Leach requested that the skate park lights be scheduled to come on daily 3.30pm to 7.30pm.

**Action by – Trust Secretary**

Trustee Vaughan informed Trustees she had been approached by members of the public due to the poor lighting by Lydney Lake and the Train Station. The Trust Secretary advised Trustees that this would be added as an item for consideration at the next Trust Meeting.

**Action by – Trust Secretary**

The meeting closed at 7.40pm.

Chairman .....  


Date .....  
