

THE GREEN CHARITY BARRINGTON

Minutes of the Annual Meeting held in the Village Hall on May 21 2013

Present:

Cllrs Van de Weyer (Chairman), Cooper, Day, Hardman, Potter, Rhodes-Kemp,
Van de Weyer and Whybrow

11 Members of the public

The Meeting opened at 8.30 p.m.

- 1 Apologies for absence** had been received from the Clerk, Margaret Goding, unavoidably delayed returning from holiday.
- 2 Chairman of the Trustee: Review of the year**

In opening his Report, the Chairman said that the Annual Report in the booklet had covered in detail the regular activity of the Green Charity, but he wanted to take this opportunity to talk in a bit more detail about the issue which had dominated the last year, which was the question of rights of way over the Green.

In brief, the Chairman explained that a little more than 18 months ago, a resident had asserted their right of way to access their house based on more than 20 years' continuous usage without a licence, and began proceedings through the Land Registry to get that right registered. When considering how to respond, the Trustee had to weigh up the expense of fighting the case and the risk of higher costs if we lost against the impact on the management of Green of granting rights of way. In the end, the question was answered for us. As a charity, if we want to dispose of property, including rights of way, we need the permission of the Charity Commission, and that can only be obtained with formal legal advice, which, in a complicated case like ours, means getting a barrister to have a look.

The Trustee started that process in May 2012, and engaged Philip Petchey, a specialist barrister recommended by the Open Spaces Society. We then set about, on the one hand, to think about all the questions about the Green that we wanted to ask, and on the other hand, gathering together as much material on the history of the use of the Green as we could find. A great many people helped in this: looking through archives, searching their own records for documents and photographs, and giving first-hand testimony. The Chairman recorded his thanks to all those who contributed to this effort.

In July 2012, we went up to London to see the barrister, which prompted another round of searching for material. The final advice was given in September. In the particular case under consideration, 20 years of continuous use without a licence had probably just about been achieved. However, because the land was owned by a charity throughout the twentieth century, the permission of the Charity Commission to sell land would have been needed, the rule that allows a right of way to be established through 20 years' of use did not apply. This clear advice allowed us to conclude things by Christmas 2012 and a new licence was granted for a donation of £10,000.

Chairman of the Trustee: Review of the year continued

The legal costs for this were pretty much covered by this donation. I think, nevertheless, that it is worth making a few points in justification of these costs. Firstly, we did as much work as we possibly could ourselves as well as calling on informal advice and support, and I am quite convinced that they were kept to an absolute minimum.

Secondly, the Chairman's view was that we could not have avoided taking legal advice at the time that we did; we delayed it as long as possible in the hope that it could be avoided. Thirdly, given the ramifications of the outcome on the 100 plus houses around the Green and on the management of the Green, it was vital to get it done right. The last legal review of the Green set up was done in 1998, and in the 15 years since then, there had been several legal developments.

The fourth point, though, is the most important. All of what I have said so far relates to the specific case, but we realised quite early on that this could be an excellent opportunity to go beyond this, to review the system, ensure that it is on a sound legal base and resolve a lot of queries, large and small. In fact, I think that this has, overall, been a very positive process, and well worthwhile.

We have pulled together an enormous amount of material on the history of the use of the Green, its early history and how its use has evolved.

We have realised quite how important record keeping is, both for the Green Charity and for residents.

We have reviewed the layout and maintenance of the roadways.

In particular, we have realised that the Permitted Way Fees barely cover 50% of the cost of properly maintaining the roadways.

We have a better understanding of the powers and obligations of the Green Charity.

We have had the current system of Permitted Way Licences thoroughly reviewed and confirmed as being a suitable system for managing vehicular access across the Green.

Above all, this had shown that the management of the Green can only be done successfully if there is positive cooperation between the Green residents and the Green Trustees; most of the Trustees do not currently live on the Green. The Chairman said that the experience of the last year showed that this cooperation was very much alive.

Turning to the future, the Chairman said that there were various issues that needed resolving now:

Firstly, since the New Year, the Trustee had been working with Philip Petchey, the barrister, on a general explanatory document for use by all parties, including in particular residents and solicitors.

Secondly, the licensing will be formalised of the use of the Green as a front garden, in which those houses which front directly onto the Green can use a 2' 6" strip as a garden.

Thirdly, the Trustee had been looking again at ways of protecting the Green from the increasing amounts of car parking. In particular, it was intended to test some unobtrusive methods of reinforcing the grass.

Fourthly, a long-term plan would be developed for the financing of the maintenance of the roadways.

Chairman of the Trustee: Review of the year continued

The Chairman emphasised that none of this could be successful without the positive involvement of the residents and other users of the Green. Once the Trustee was a bit further forward with these things, especially the summary of the barrister's advice, we are committed to holding a public meeting to go through these things in detail, and respond to queries.

At the conclusion of his report, the Chairman took questions. Mike Scott asked if the Barrister's work had ended with an agreement, and the Chairman confirmed that it had.

3 Financial Report

The Annual Accounts 01.04.11 - 31.03.12 as accepted by the Charity Commission had been circulated to all households in advance of the Meeting, together with the Draft Accounts 01.04.12 – 31.03.13. The Trustee was grateful to Simon Lake for auditing the Accounts.

In reply to the question from Mike Day, the Chairman clarified that payments received in error were from residents who had forgotten to cancel a Standing Order.

4 Attendance record for 2012-2013 Trustee Meetings (7)

Laura Cooper (6), Anne Day (7), Judy Hardman (5), Sheila Potter (7), Aidan Van de Weyer (7), David Whybrow (7).

Tony Fletcher (3) resigned on 09.05.12, Beverley Glover (1) resigned on 15.05.12.

5 Open discussion for residents

Val Tookey asked if the Trustee had looked at Permitted Way resurfacing. The Chairman stated that the Clerk, Margaret Goding, had made a thorough check around the Green a month ago with Mr Cobb, and quotations and suggestions for work to be done this year were to hand.

Tony Fletcher asked if Slid Lane had been looked at. Cllr Day stated that the Trustee would be considering the estimated cost of roadway repairs at their next Meeting.

Jenny Maxim asked when the public meeting, referred to in the Chairman's report was likely to take place. The Chairman replied that due notice would be given, probably within the next 2-3 months.

There being no further business, the Chairman declared the Meeting closed at 8.50 p.m.

Signed **Aidan Van de Weyer**

Date **May 23 2013**