

READING BOROUGH COUNCIL

THE HEIGHTS FREE SCHOOL SUB-COMMITTEE

12 JULY 2016

PUBLIC QUESTION NO. 1

Elisa Miles to ask the Chair of the Heights Free School Sub Committee:

Mapledurham Playing Fields and Pavilion - Alternative Proposal

Can you explain why the Heights Sub-Committee has refused to meet with local residents to discuss and learn about Fit4All, a community initiative designed to fund the refurbishment, maintenance, improvement and the delivery of services of the Mapledurham Playing Fields and Pavilion? As this programme is an alternative to selling land and community run to support the charitable trust is it not remiss of the committee to not agree to meet with residents?

REPLY by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

If a fully worked up proposal is received by either Mr Tindall or Mr Brooks then it will be considered by the Sub-Committee in open session.

The Sub-Committee will not meet in closed session about the future of the playing fields.

PUBLIC QUESTION NO. 2

Elisa Miles to ask the Chair of the Heights Free School Sub-Committee:

Mapledurham Playing Fields -Sale of Further Land

If the EFA are able to eventually purchase land from Mapledurham Playing Fields, how will the Council and the trustees guarantee that no further land will ever be sold off for any purpose?

REPLY by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The Heights Free School Sub-Committee is considering a proposal later on today's agenda from the EFA.

The Trustees cannot guarantee that no further land will ever be sold off for any purpose, although there are restrictions imposed by charity law which apply to any proposed sale of any part of the land.

PUBLIC QUESTION NO. 3

Elisa Miles to ask the Chair of the Heights Free School Sub-Committee:

Heights Free School Sub-Committee - Change of Chair

Can the Sub-Committee explain why at what appears to be short notice has Councillor Marian Livingston been replaced by Councillor Deborah Edwards, who appears to have an

quite obvious conflict of interest from her background working on School Forums and Panels; she is also a school governor, chairs initiatives for schools, and chairs a steering group for Children's Services?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The composition of this Sub-Committee is agreed at the Annual General Meeting of the Council in May.

Councillor Livingston was appointed Chair of the Planning Applications Committee at that meeting which would prove to be a conflict of interest.

Councillor Edwards currently sits on the Licensing Applications Committee, Standards Committee, Adult Social Care, Children's Services and Education Committee, School Improvement Panel, School Admissions Forum, Chair of the Corporate Parenting Panel, and Children's Safeguarding Panel and the School Transport Appeals.

Councillor Edwards is also currently Chair of SITE - a local community project offering adult education courses some in partnership with New Directions covering IT, Literacy, Numeracy and Tai Chi. Member of the local surgery Patient Participation Committee. School Governor for Manor and Southcote Primary and Phoenix College.

Councillor Edwards is also involved in a quarterly meeting with the Reading's Children's Centres.

#### **PUBLIC QUESTION NO. 4**

Mark Corbett to ask the Chair of the Heights Free School Sub-Committee:

#### **Heights Free School Sub-Committee - Consideration of Options**

Please explain how the Heights Sub-Committee will come to its decision on which of the various scenarios is "in the best interests of the charity". You have at least three scenarios - the status quo ante, the EFA proposal and the volunteer-led proposal (of which Ms del Galdo first made Cllr Lovelock aware on 28 April 2016).

For the avoidance of doubt, please explain what metrics you use, what input you have received from the rest of the community and elaborate upon the experience which the members of the Sub-Committee have drawn upon in deliberating upon such matters and the means in which they would handle the personal conflicts of interest in their role?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The Heights Free School sub-committee is considering the proposal from the EFA at this meeting and will decide whether it should consider the proposal in greater detail.

If the decision is to consider the proposal in greater detail, the Sub-Committee will seek advice from an independent valuer to assist it with an assessment of whether the EFA proposal is in the best interests of the charity (which will inevitably involve a comparison with the status quo).

I understand that the volunteer led proposal is being worked up and that officers have agreed to meet with you and others to discuss it further. I also understand that your

group would like its proposals to be considered at a future meeting of The Heights Free School sub-committee.

As regards your question in relation to conflicts of interest, The Heights Free School sub-committee will consider any proposals in accordance with the obligations imposed by charity law, including the obligations in relation to conflicts of interest.

#### **PUBLIC QUESTION NO. 5**

Mark Corbett to ask the Chair of the Heights Free School Sub-Committee:

##### **Loss of Sports Pitches and Parking**

Can you explain how selling off land of a recreation ground that will result in the loss of pitches and overflow parking will improve the facilities, when the football club uses those pitches and actually needs more pitches, not less, in order to accommodate a growing club including girls and disabled football teams?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

This is a consideration which will have to be evaluated in the event that a proposal needs to be considered by this Sub-Committee following a consultation exercise.

#### **PUBLIC QUESTION NO. 6**

Martin Brommell to ask the Chair of the Heights Free School Sub-Committee:

##### **Restoration or Rebuilding of the Pavilion**

In the event that the EFA's proposals are considered favourably by the Council, current beneficiaries of MPF will require guaranteed 24 hour 7 days a week access to the pavilion which cannot be replicated by shared use of school facilities such as a school hall due to term time restrictions. Given the Trustee's failure to date to repair or replace the pavilion, can the Sub-Committee provide categorical guarantees that the existing pavilion, which is an asset of the Trust, will either be fully restored or completely rebuilt using some or all of the EFA's £1.32m contribution if the school goes ahead?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The sub-committee cannot give this guarantee because it has not yet decided whether to consider the EFA proposal in more detail. If it does decide to consider the EFA proposal in more detail, it will need to look at all aspects of the proposal (including the way in which any proceeds of sale can be applied) in order to decide whether it is in the best interests of the charity.

### **PUBLIC QUESTION NO. 7**

Martin Brommell to ask the Chair of the Heights Free School Sub-Committee:

#### **Mapledurham Playing Fields - Status of Land in Event Of School Closure**

In the event that the school fails at a future point and faces closure, can the sub-committee categorically confirm that the land will revert to charitable trust land and not be used for other development purposes?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The proposed disposal for a Free school would be by way of a long lease and not a freehold disposal the land will therefore remain as Trust land.

### **PUBLIC QUESTION NO. 8**

Martin Brommell to ask the Chair of the Heights Free School Sub-Committee:

#### **The Heights School - risk to other Local Schools**

The EFA's initial financial risk impact assessment indicated that a number of local primary schools in the vicinity will be at risk of closure over time due to financial limitations created by The Heights School. Can the Council guarantee that there will be no risk of closure to any other primary school in the area should the Heights school go ahead?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

This is not a question for the Sub-Committee rather the education authority. The Sub-Committee acts in a limited capacity and is purely concerned about the objects of the charity.

### **PUBLIC QUESTION NO. 9**

AN Other to ask the Chair of the Heights Free School Sub-Committee:

#### **Heights Free School - Size of Proposed Site**

Given that the EFA assured residents that they would only require the same footprint to build a school as that acquired for High Ridge which was one acre only, can the Sub-Committee confirm they will not allow any acreage larger than the 1.23 acres to be sold to the EFA and that they will not conform to the EFA's request to reserve up to 2.7 acres which is double the size of High Ridge?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The proposal from the EFA is for a site of 1.23 acres. As no detailed plans are yet available the EFA has advised that this 1.23 acres will be situated within the 2.7 acres. The proposal is that 1.23 acres is disposed of not 2.7 acres.

## **PUBLIC QUESTION NO. 10**

Jane Bickerstaffe to ask the Chair of the Heights Free School Sub-Committee:

### **Mapledurham Playing Fields - Value of Land**

In 2006 the Council estimated the value of land on Mapledurham Playing Field at £660,000 an acre. EFA's offer of £25,000 would appear to be a joke - it is only 3% of the real cost. Even if the additional money being offered as a contribution to the charity is apportioned to the land being requested to be transferred (2.696 acres), it is still only 60% of the real cost.

Can RBC give an assurance that, if the Heights Sub-Committee agrees to some land being sold, it will insist that the EFA pays the current rate of over £800,000 an acre?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The EFA are not proposing to acquire 2.696 acres.

The 2006 valuation was for the disposal of land for residential purposes.

The 2016 valuation prepared by the EFA valuers was based on the use of land for 'open space'.

If the sub committee chooses to investigate the EFA proposal this is one issue which the independent valuer will consider.

## **PUBLIC QUESTION NO. 11**

Andrew Morris to ask the Chair of the Heights Free School Sub-Committee:

### **Mapledurham Playing Fields - Consideration of Other Bids**

Are you prepared to accept a higher bid for the land from a party other than the EFA? If not, why not given your duties as trustees?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The Trustees are under a duty to consider whether any proposal they receive is in the best interests of the Charity. This will include an assessment of the price that is offered. If the Sub-Committee decides to consider the EFA proposal in more detail, an independent valuer will be instructed to advise the Sub-Committee on the valuation of the land.

## **PUBLIC QUESTION NO. 12**

Bob O'Neill to ask the Chair of the Heights Free School Sub-Committee:

### **Council Policy on Loss of Public Open Space**

What has brought about a radical undeclared policy change that previously stated that RBC under its Labour administration pledged to uphold a promise that there would be no

net loss of open space within the Borough and which during the working - together period, when a department of RBC closely assisted the replanning of a new hall and a decision was made that there should be a very strict adherence in planning to no increase in the footprint of the Hall and changing rooms regardless of the difficulties that it could afford to modern compliance? As you were aware, the limitations that you then imposed were made on the understanding that Reading was fighting hard to maintain a per-capita ratio of open space that was close to falling below the national average for an urban area. Would you now declare that the pledge of no net loss of public open space in the Borough to be ended?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The Trustees act in the interest of the Charity. This question relates to a planning issue which no doubt the Local Planning Authority will have to consider IF the Trustees decide to proceed with this proposal and IF that is on terms that are agreed by the EFA.

### **PUBLIC QUESTION NO. 13**

Barbara Garden to ask the Chair of the Heights Free School Sub-Committee:

#### **Mapledurham Playing Fields - Meeting to Discuss Alternative Proposal**

A local charity has been requesting a meeting with this Sub-Committee to put forward proposals to maintain the playing fields without the need to sell **any** of the playing fields - over the past month they have been denied a meeting, yet the EFA offer £30,775 for the land and they are given a meeting within two weeks. Why was the local charity's request denied and how can the sub-committee demonstrate that this was not a dereliction of duty that shows predetermination?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

Are you referring to a proposal from Fit4All? I understand that officers are willing to meet with the proposers and that they require four weeks to work up their proposals in greater detail. We will agree a future meeting of this Sub-Committee to consider their proposal.

I do not know how we are showing pre-determination when no decision is being taken as regards a disposal of a site to the EFA at this meeting.

### **PUBLIC QUESTION NO. 14**

Barbara Garden to ask the Chair of the Heights Free School Sub-Committee:

#### **Planning Policy - Development on Public Open Space**

RBC's adopted planning policies prevent development on Public and Strategic Open Space, thereby **explicitly precluding Mapledurham Playing Fields (MPF) from development**. How could the Sub-Committee, therefore, justify the sale of MPF land in support of the Heights Free School when the Borough Council's own policies prevent it?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The Sub-Committee acts in the best interests of the Charity and not the planning authority. If it is considered that the proposal should be consulted upon and if the Sub Committee subsequently agrees to a disposal then the EFA will have to apply for planning consent and satisfy the local planning authority that its proposals are acceptable.

#### **PUBLIC QUESTION NO. 15**

Barbara Garden to ask the Chair of the Heights Free School Sub-Committee:

##### Mapledurham Playing Fields - Value of Land

The Council, in 2006, valued the MPF land at £659,472 an acre. What has changed over the last decade to justify the land price of £25,000 per acre as this is less than 4% of the previous value? And the EFA is only willing to pay for 1.231 acres yet wants an area of 2.7 acres. Surely the majority of the remaining 1.469 acres will be lost to any meaningful use, so why should they be allowed the full 2.7 acres yet only pay for 1.231 acres?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The EFA has valued the site for open space rather than for residential development. If the Sub-Committee decides to consider the EFA's proposal, the independent valuer will advise the Council on the value aspects of the offer and whether it represents best value.

#### **PUBLIC QUESTION NO. 16**

Robin Bentham to ask the Chair of the Heights Free School Sub-Committee:

##### EFA Proposals - Traffic Data

How can the Trustees consider this EFA bid seriously in the absence of considered traffic and neighbourhood disruption data? In spite of direct questions at the EFA's March presentations on the impact of twice daily traffic to and from the proposed school, they did not answer then and now brush this crucial question aside in their bid document with a few platitudes about their expertise and still no facts. This poorly conceived and unsubstantiated bid should therefore be rejected. The real experts, neighbouring residents, should be heeded.

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

This Sub-Committee considers the application from the perspective of trustees of the Charity. The points raised by Mr Bentham will need to be considered by Planning Applications Committee not this Sub-Committee.

#### **PUBLIC QUESTION NO. 17**

Robin Bentham to ask the Chair of the Heights Free School Sub-Committee:

##### EFA proposals - Access to Playing Fields

Can the EFA really be allowed to buy a landlocked part of Mapledurham Playing Fields with no right of access? The Pavilion, access and car park have been listed by Reading

Borough Council as an Asset of Community Value. This and the land sought by the EFA are largely adjacent with some slight overlap. Indeed the larger 2.7 acre area called for would surround the Pavilion and tennis courts completely, blocking them from access to the Playing Fields. Proceeding with this bid would surely also trigger the AoCV 6-week moratorium. It should be rejected by the Trustees.

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

If the Heights Free School sub-committee considers that the EFA proposal should be considered in more detail then detailed plans will need to be prepared showing where access is to be situated. The EFA proposal advises that the existing access may be required to assist in pick up/drop off.

The listing of a site as an Asset of Community Value under the Localism Act 2011 (Act) gives the organisation which listed the asset a right to bid - not a right to buy.

The Act confirms that an owner of land which has been listed as an Asset of community Value (AVC) by a local authority cannot enter into a "relevant disposal" of the land unless certain conditions are met. In summary these are:

- (a) the local authority has received notice of the relevant disposal;
- (b) the interim moratorium period (i.e. 6 weeks from receipt of the notice) or full moratorium period (i.e. 6 months from receipt of the notice) has ended; and
- (c) the protected period has not ended (i.e. 18 months beginning with the date on which the local authority receives notification that the landowner wishes to enter into the relevant disposal).

For the purposes of the Act, a "relevant disposal" is (in summary):

- (a) a disposal with vacant possession of a freehold estate in land; or
- (b) a grant or assignment with vacant possession of a qualifying leasehold estate in land.

Therefore in order for the moratorium requirements allowing the community group a right to bid to be triggered, RBC (in its capacity as trustee of the Charity) as the landowner would need to be entering in to a relevant disposal in seeking to dispose of the land which has been listed to the EFA.

The ACV Regulations 2012 provide that a disposal of land to be held for the purposes of a school in respect of which "academy arrangements" have been entered into by the Secretary of State under the Academies Act 2010 is not considered a "relevant disposal" for the purposes of the Act. This would include a disposal of land for the purposes of the proposed Free School. Therefore in this case, the moratorium requirements allowing the community group a right to bid for the ACV before the disposal is entered into will not apply.

### **PUBLIC QUESTION NO. 18**

Nick Gale to ask the Chair of the Heights Free School Sub-Committee:

#### **Sale valuation for the 1.231 acre EFA request**

On or around 4th June, 2014, the EFA purchased a 1 acre site at High Ridge, Upper Warren Avenue, Caversham for £1,160,000 plus stamp duties and legal costs. The EFA now wishes to purchase 1.231 acres of Mapledurham Playing Fields, and I would like to ask how the Sub-Committee is making best use of the details of the previous EFA purchase and whether it has considered setting the price for the requested land accordingly (1.231 x £1.16M, would be around £1,500,000) for the EFA request. Further, can I ask what the Sub-Committee is doing to drive the best valuation for the site (eg any external benchmarking)? I fully expect that a home building company would offer more than £1.5M, and I would request the Sub-Committee to be very transparent on showing that they have achieved robust commercial integrity for any valuation.

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

If the Sub-Committee decides to proceed with this proposal an independent valuer will be appointed to carry out a valuation and assessment of the Trust's land. This must be undertaken to comply with charitable law.

### **PUBLIC QUESTION NO. 19**

Nick Gale to ask the Chair of the Heights Free School Sub-Committee:

#### **Mapledurham Playing Fields - Proceeds of sale or lease**

If any transaction does go ahead, can I ask how the Sub-Committee proposes to publicly show that the proceeds from the transaction are directed 100% to the benefit of the Charitable Trust, and that no money is diverted by RBC for non-trust purposes?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

If the proposal proceeds I propose that a separate group is set up to consider how the money should be spent. The composition of the group will need to be considered carefully so that users and beneficiaries of the Trust do not feel marginalised. Where the money has been spent will be open to public scrutiny.

### **PUBLIC QUESTION NO. 20**

Jacqui and John Kavanagh to ask the Chair of the Heights Free School Sub-Committee:

#### **Future Care, Repair And Management of the Mapledurham Playing Fields and Pavilion**

In view of the past and current neglect, will RBC undertake the proper future care, repair and management of the MPF and pavilion and present accurate, separate, identifiable accounts for them, since this should be a requirement for any trustees?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The trustees prepare accounts in accordance with the requirements of the Charity Commission.

The Trustees also have very limited resources and cannot spend money that doesn't exist. A proposal from fit4All may assist in carrying out future care for the fields.

### **PUBLIC QUESTION NO. 21**

Jacqui & John Kavanagh to ask the Chair of the Heights Free School Sub-Committee:

#### **Sale of Land at Mapledurham Playing Fields**

In 2006 RBC pledged not to sell any of MPF land to pay for changing rooms, as a result of public protest. Since the present proposal for a school involves the sale of far more land, how is this in keeping with that pledge and the objects of the charity which is for the provision and maintenance of a recreation ground, not for a school?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

While the Council does not (as trustee) wish or intend to act as a "willing vendor" of the Ground, it is obliged as trustee to consider properly any proposal which is made and whether this is in the Charity's best interests. The Council's concern as trustee of the Charity is therefore to ensure that the proposal can be considered by the Sub-Committee on this basis and in line with charity law, including obligations in relation to conflicts of interest.

### **PUBLIC QUESTION NO. 22**

Hannah Smith to ask the Chair of the Heights Free School Sub-Committee:

#### **EFA Proposals - Timetable For Consideration**

Should the Sub-Committee be minded to consider this offer further, what will the timetable be and how will this timetable be communicated?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

If the Sub-Committee decides to consider the EFA proposal in more detail, it is anticipated that the following steps are likely to be necessary:

1. The sub-committee will need to seek legal and valuation advice on the EFA proposal and then meet again in order to consider that advice and identify any points for clarification by the EFA.
2. Subject to clarification by the EFA, the sub-committee will then meet again to consider whether, in principle, the EFA proposal is in the best interests of the Charity and, if so, the next steps.
3. The next steps are likely to be consultation with the Management Committee in order to obtain their views on the EFA proposal and notification to, and consultation with, the public under the Charities Act 2011.

4. The sub-committee would then meet again in order to consider the views of the management committee and the outcome of the public consultation and to decide whether the EFA proposal is considered to be in the best interests of the Charity.

5. If the EFA proposal is considered to be in the best interests of the Charity, an application would be made to the Charity Commission (if required).

It is not possible at this stage to specify the precise timetable for these steps, but the Sub-Committee expects to be able to consider the timetable at each meeting which is convened to consider the EFA proposal.

If other proposals are made in relation to the Recreation Ground, this may have an impact on the steps required and therefore on the timetable.

### **PUBLIC QUESTION NO. 23**

Kerry Parr to ask the Chair of the Heights Free School Sub-Committee:

#### **Mapledurham Playing Fields - Precedent for Further Development**

How can the Council reassure the community that siting the Heights Primary School at MPF will not set a precedent for further development on MPF?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

This question has been asked earlier. At question 7

### **PUBLIC QUESTION NO. 24**

Hannah Smith to ask the Chair of the Heights Free School Sub-Committee:

#### **Consultation on EFA Proposals**

Will you consult with the beneficiaries on the EFA's offer? And if so what will the consultation ask? Will it provide details of how the financial consideration might be spent to improve facilities at MPF?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The matter of whether to proceed is to be considered later on this evening's agenda. Public consultation will be undertaken and the public's views on the proposal together with what money could be spent on will form part of that consultation.

The EFA will be asked to clarify areas of concern.

### **PUBLIC QUESTION NO. 25**

Kerry Parr to ask the Chair of the Heights Free School Sub-Committee:

#### **EFA offer**

The EFA's offer values the land at c£30k whilst providing an additional £1.33m for improvements to at the playing fields. This is confusing. Why is the land not simply worth £1.36m? Will the Trustees commit to obtaining an independent valuation of the land before deciding on the proposal?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The EFA has split up the total consideration which they have offered. In the event that the proposal proceeds for wider consultation the Trustees will appoint an independent valuer to address the monetary offer.

### **PUBLIC QUESTION NO. 26**

Annie Ellison to ask the Chair of the Heights Free School Sub-Committee:

#### **Heights Free School site - Spending of Purchase Monies**

How will the Trust prioritise where the money from the EFA will be spent?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

At the present time no decision has been taken regarding the proposal received from the EFA. In the event that a disposal does proceed and results in the receipt of purchase monies a decision will need to be made by the Trustees as to where any monies are spent. The decision would be informed by the consideration that would need to be given by the Sub-Committee (supported by consultation with the Mapledurham Management Committee and the beneficiaries and users of the Recreation Ground) in advance of any decision to sell the land to what is in the best interests of the Charity, including how any such funds could be used, including e.g. to help fund the restoration of the pavilion and/or improve pitches etc.

### **PUBLIC QUESTION NO. 27**

Matt Leach to ask the Chair of the Heights Free School Sub-Committee:

#### **Mapledurham Pavilion - Benefits of Community Asset Status**

What benefits does community asset status give the pavilion?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The pavilion is listed as an Asset of Community Value. If the Council (in its capacity as trustee of the Charity) proposes to sell the pavilion then this will trigger a moratorium period within which the applicant will have the opportunity to confirm to the Council (in its local authority capacity) that it would like to be treated as a potential bidder in respect of the listed asset.

In the event that the applicant wishes to bid then a prescribed process needs to be undertaken the effect of which is that the pavilion cannot be sold for a period of 6 months. Registration as an Asset of Community Value under the Localism Act 2011 (Act) is a right to bid, not a right to buy. In addition there are a number of exemptions which apply including the disposal of an asset which is required for the provision of a school, including an academy within the meaning of the Academies Act. Please note the comments in response to question 17, which explain this in more detail.

#### **PUBLIC QUESTION NO. 28**

Alex Bradbury to ask the Chair of the Heights Free School Sub-Committee:

If the Heights Primary School is located at Mapledurham Playing Fields, how will traffic and parking be taken into consideration?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

Parking and traffic will be considered by the Planning Applications Committee in the event that a planning application is submitted for the proposal. The offer is subject to planning permission being obtained.

#### **PUBLIC QUESTION NO. 29**

Tom Walton to ask the Chair of the Heights Free School Sub-Committee:

Question simply expressed is legally how can a trust be overturned Question how can charities not fulfil their leg responsibilities.

We have interpreted the question as:-

Under the Trust Act, a Trust cannot overturn the purpose for which it was established therefore, how can the Charitable Trust violate its objects/legal responsibilities?"

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The playing fields at Mapledurham are held by the Council as sole charity trustee on the terms of two Charity Commission Schemes. Together, these Schemes govern the Charity, which is registered with, and regulated by, the Charity Commission.

The playing fields are held for the charitable object of providing and maintaining a recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the Borough of Reading (who are therefore the Charity's beneficiaries).

This means that any decision to dispose of any part of the playing fields (where the part disposed of would no longer be available for use for recreation) would require the Council to have first concluded that the disposal is in the best interests of the Charity. This could be because e.g. a proposed disposal will enable the Charity to acquire alternative land which has an equivalent, or improved, amenity value or to improve the amenity value of the land retained by the Charity, in each case so that the beneficiaries' ability to use the Charity's property for recreational purposes is enhanced.

Any such decision would need to be taken by the sub-committee, which has delegated power to consider the position solely and exclusively from the perspective of the Charity.

A disposal of part of the playing fields would also require the Charity to comply with the requirements of the Charities Act 2011 in relation to the disposal of charity property and may also require a scheme of the Charity Commission.

Subject to these points, the Council is capable (as sole trustee of the Charity) of making a decision to dispose of part of the playing fields which is consistent with its duties and responsibilities under charity law.

### **PUBLIC QUESTION NO. 30**

Stasha Lauria to ask the Chair of the Heights Free School Sub-Committee:

#### **Sale of land at Mapledurham Playing Fields - pledge and conflict of interest**

RBC's pledge, (as also reported by the Reading Chronicle in the past) following the 2006 consultation, is not to sell any part of MPF.

However, the Education Funding Agency has finally submitted its proposal to buy part of Mapledurham Playing Fields (MPF) on which to build The Heights School.

Is RBC planning to contradict their 2006 pledge?

Is not there a conflict of interests here?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

Please see the reply to Question 21.

### **PUBLIC QUESTION NO. 31**

Stasha Lauria to ask the Chair of the Heights Free School Sub-Committee:

#### **Mapledurham Playing Fields - Value of Land**

The EFA estimate the value of land at MPF as £25,000/acre and yet in the 2006 consultation RBC estimated the value of 0.675 hectares as £1.1m, therefore £659,472/acre.

Could this discrepancy clarified?

Is RBC going to rely on the EFA estimate? and if so why?

**REPLY** by Councillor D Edwards (Chair of the Heights Free School Sub-Committee):

The 2006 valuation was for the disposal of land for residential purposes.

The 2016 valuation prepared by the EFA valuers was based on the use of land for 'open space'.

If the sub committee chooses to investigate the EFA proposal this is one issue which the independent valuer will consider.