
A history of the Gaskell Recreation Ground Much Wenlock

From 1936 to present

Presented to the Gaskell Recreation Ground Management Committee - 13 April 2015



*Report by:
Sharon Clayton BA (Hons) Fellow ILCM
Secretary
Gaskell Recreation Ground Much Wenlock*

INTRODUCTION

At a Town Council meeting held on 2 April 2015 a former Town Councillor expressed concern about new management arrangements for the Gaskell Recreation Ground recently implemented by the Town Council and the Charity. He said that he found some of the decisions made to be very strange. He referred to the 1936 Conveyance which states that a Board of Management must be appointed. The Board already has a Constitution which is in conflict with the Charity's Constitution. Membership of the Board must be Town Councillors and four representatives of Wenlock Estates. He said that the Town Council was the trustee of the Gaskell Recreation Ground Much Wenlock and now there are four more trustees. He expressed concern that the Gaskell Recreation Ground Board of Management had been dissolved and suggested that what the Council had done may be wrong.



This report seeks to answer these concerns.

The Conveyance

In a Conveyance dated 20 of January 1936 Mrs Mary Ward gave land known as the Gaskell Recreation Ground to the Mayor Aldermen and Burgesses of the Borough of Wenlock (the Corporation). It was given “subject to the covenants conditions and stipulations restrictive to the user thereof mentioned in the Schedule hereto”:

1. The Ground is to be held by the Corporation and shall forever be held as a Recreation Ground and Playing Field for the residents of the Wenlock Ward of the Borough of Wenlock.
2. The Corporation shall establish and constitute a Board of Management (the Board) consisting of the Members for the time being of the Wenlock Ward and four persons nominated from time to time by the Donor or owner of Wenlock Abbey Much Wenlock (now Wenlock Estates).
3. Other than the Caretaker’s house no further buildings shall be erected with consent from the Donor or owner of Wenlock Abbey.
4. The Corporation shall erect a fence as marked in a plan attached to the Conveyance.
5. If the Corporation fills in the ditch on the NW side of the premises the Donor shall still be able to drain the land and have right of access to do so.

There is no part in the Conveyance that makes provision for a future government structure to allow the school to have priority use and yet in 1975 a Joint Use Agreement was established and agreed between William Brookes School and Bridgnorth District Council, Shropshire County Council, and Much Wenlock Town Council, the successors at that time of the former Borough of Wenlock. It is not clear what power the Town Council had to allow such use of the Ground when the Conveyance clearly states that the Ground is to be managed by the Board, and the Board was not party to this Agreement.

The Joint Use Agreement

The 1975 Joint Use Agreement (JUA) committed all parties to make a financial contribution towards leisure facilities. The school was given priority use of certain parts of the Gaskell Recreation Ground (as defined) and residents in turn were allowed use of those leisure facilities. The JUA states that the Board of Management constituted by the 1936 Conveyance was to make sure that school use did not interfere with the use by the residents for the purpose of organised games and recreation.

If any dispute should arise over this Agreement the JUA states that it shall be determined by a single arbitrator in accordance with the Arbitration Act 1950 or any statutory modification or re-enactment.

All parties were to approve estimates of the expenditure of the Board of Management. In 1999 a further Agreement was drawn up and managed by a Management Committee. This is not to be confused with the Board established by the Conveyance.

In 2009 Shropshire County Council and Bridgnorth District Council were dissolved and Shropshire Council was established as a unitary authority. Parties to the JUA should have considered the implications of the JUA at that time and new arrangements put in place. However, whilst the Town Council continued to make a financial contribution and the school continued to use the Ground, Bridgnorth District Council's financial contribution ceased on 1 April 2009. Whilst no formal dissolution of the JUA seems to be evident there is no evidence of a revised Agreement between the school, Shropshire Council, and the Town Council.

Furthermore, when the new school was built and a perimeter fence was erected which divided the school from the Ground, the terms in the JUA were breached. Shropshire Council is no longer adhering to the Agreement and wishes to terminate it, and the school wrote in a letter to the Town Council dated 13 May 2014 that it wishes to dissolve the JUA in favour of a more flexible approach to community use of the school site and the Ground.

The Town Council has been well aware that the Ground is no longer being managed via the JUA and, as a result, was responsible for awarding the maintenance contract to Fastrack for 2014/2015 following a recommendation from the Charity.

The Gaskell Recreation Ground Board of Management

The Board of Management was established in 1936 in accordance with the Conveyance. At that time the Board was to consist of "the Members for the time being of the Wenlock Ward and four persons nominated from time to time by the Donor or owner of Wenlock Abbey Much Wenlock" (now Wenlock Estates). However, as local government changed and the Borough of Wenlock was broken into smaller constituents, there does not seem to be any representation on the Board of any County or District Councillors in their own right.

Latterly the Board consisted of all town councillors (11) and four representatives of Wenlock Estates. This arrangement gave the Town Council greater voting power although Board meetings were never well attended by town councillors. The legal status of the Board also remains a mystery.

The Board may make decisions but where any expenditure needs to be incurred the Town Council is the responsible body for all expenditure necessary for the maintenance and upkeep of the Ground.

The Board had a Constitution which was unanimously approved and adopted at a meeting of the Board on Thursday 30 April **1981**. The Constitution states that “The Board in session shall discuss and decide any matter which concerns the use, maintenance, alteration or improvement of the Gaskell Recreation Ground but recognising at all times that the Board has appointed a Manager to represent the Board’s interests during such time as the Ground remains part of the Joint Use Scheme. The Board shall, as far as reasonably practicable, recognise and apply any relevant terms of the 1975 Agreement made between the County Council, the District Council and the Town Council. It is not clear what Constitution was in place in 1936 and thereafter until 30 April 1981.

Members of the Board have had conflicting interests since some have concurrently been District, Unitary, Town Councillors, school governors as well as being affiliated to the Wenlock Olympian Society, the Cricket Club, and the Bowls Club.

The Charity

Whilst the 1936 Conveyance alludes to charitable status there is no evidence that a charity was ever established. However, the Ground was registered on 23 November 2006 by the Town Council. Hence the Town Council was the trustee. Why is the Town Council the trustee? Surely the Board should be the Trustee as set out in the Conveyance. The Charity Commission website shows that the Charity’s Governing Document is the Conveyance dated 20 January 1936 as affected by the Scheme dated 30 November 1972. The Scheme was not mentioned in the original Conveyance.

The Charitable objects are “A recreation ground and playing field for the residents of the Wenlock Ward of the Borough of Wenlock.’ At the time of registration the Ground was, and still is, in the Ward of Much Wenlock, there no longer being a Borough of Wenlock.

Although the Town Council became the Trustee of the Charity there is no evidence of any meetings of the Charity being held until 2 September 2010. Charities have a legal obligation to hold annual meetings. Equally, charities are governed by a Constitution. The Charity has only recently adopted a Constitution along with a Management Agreement between the Charity and the Town Council. The Charity has a Chairman, Secretary, and Treasurer, and is now an 'active' charity. Steps are currently being taken to open a bank account in the name of the Charity. Once this has been done the Charity will be able to accept gift aided donations.

The Charity has established a Management Committee with responsibility for the day-to-day management of the Ground by working within the approved budget and making decisions in accordance with adopted policy.

The Charity's membership is the same as the now dissolved Board and so the Ground is still effectively being managed by the Board but in accordance with the wishes of Mary Ward.

RECOMMENDATION:

To approve a united response to concerns about the new management arrangements for the Gaskell Recreation Ground Much Wenlock.