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**North East
Derbyshire**
District Council

Our Ref: AM/AJD
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Date: Friday, 13 May 2022

To: **All Members of the Council**

You are summoned to attend a meeting of the Council to be held on **Monday, 23 May 2022 at 4pm or upon the conclusion of the preceding Annual Council meeting**. The Council will carry out its role as trustees of the Clay Cross and Danesmoor Recreation Ground Charity, known as the Recreation Ground Charity, at this meeting. It will be held in the District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

Yours sincerely

A handwritten signature in cursive script, reading "Sarah Steuberg".

Assistant Director of Governance and Monitoring Officer

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interests, not already on their register of interests, in any items on the agenda and withdraw from the meeting at the appropriate time.

3 Upgrade of Football Pitch and Path Installation at Sharley Park (Pages 3 - 15)

Report of Councillor A Powell, Portfolio Holder for Leisure, Communities and Communications

4 Chair's Urgent Business

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.

We speak your language



North East
Derbyshire
District Council

Polish

Mówimy Twoim językiem

Urdu

ہم آپ کی زبان بولتے ہیں

Romanian

Vorbim limba dumneavoastră

Chinese

我们会说你的语言



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please contact the Governance Team at least 72 hours before the meeting starts.

North East Derbyshire District Council

Council

**Trustee of the Clay Cross and Danesmoor Miner's Welfare Recreation Ground
Charity**

23 May 2022

Upgrade of football pitch and path installation at Sharley Park

**Report of Councillor Powell, Portfolio Holder for Leisure, Communities and
Communications**

Classification: N/A

Report By: Director – Growth and Assets

Contact Officer: Director - Growth and Assets

PURPOSE / SUMMARY

- To agree the installation of a 3G football pitch on the existing site of the football pitch at Sharley Park
 - To agree to the installation of a 'measured mile' footpath/cycle path across trust land on Sharley Park
-

RECOMMENDATION

1. That the Council as trustee agree to the upgrade of the existing football pitch with the installation of a 3G pitch (and associated infrastructure) operated and installed by North East Derbyshire District Council or its contractors.
2. That the Council as trustee agree to the installation of footpath/cycle path across trust land installed by North East Derbyshire District Council or its contractors.

Approved by the Portfolio Holder – Cllr Powell

IMPLICATIONS

Finance and Risk: Yes ☒ No ☐

Details:

1. There is no financial risk for the trust. As with the existing land, NEDDC manage and operate the facilities, including the associated risks.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☒

No ☐

Details:

North East Derbyshire District Council are the Trustee of the Clay Cross and Danesmoor Miner's Welfare Recreation Ground Charity by virtue of a Charity Commission Order dated 8 September 1988. This charity is subdivided into 2 further charities one of which is the Recreation Ground Charity. The Order stipulates that the object of the Recreation Ground Charity is "to provide and maintain in the interests of social welfare a recreation ground for the benefit of the inhabitants of the Parish of Clay Cross and the neighbourhood thereof without distinction of political, religious or other opinions, with the object of improving the conditions or life for the said inhabitants".

The proposals and recommendations in the report are considered to meet the object of the Recreation Ground Charity.

On Behalf of the Solicitor to the Council

Staffing: **Yes** ☐

No ☒

Details:

No Staffing implications associated with this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input checked="" type="checkbox"/> <i><input checked="" type="checkbox"/> Please indicate which threshold applies</i>	N/A
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	N/A
District Wards Significantly Affected	Clay cross wards and surrounding
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input checked="" type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.

RES 01 - Whilst maintaining high quality leisure facilities, reduce the annual subsidy of the leisure service year on year

RES 03 - Increase participation in leisure activities at leisure centres by 5000 visits per year

Council Plan Aims:

Delivering high quality cost-effective services by engaging with our residents, our partners and our staff.

Providing a range of leisure facilities for our communities

- Provide high quality services throughout the District.
- Work with communities to tackle issues such as childhood obesity and lack of exercise.

REPORT DETAILS

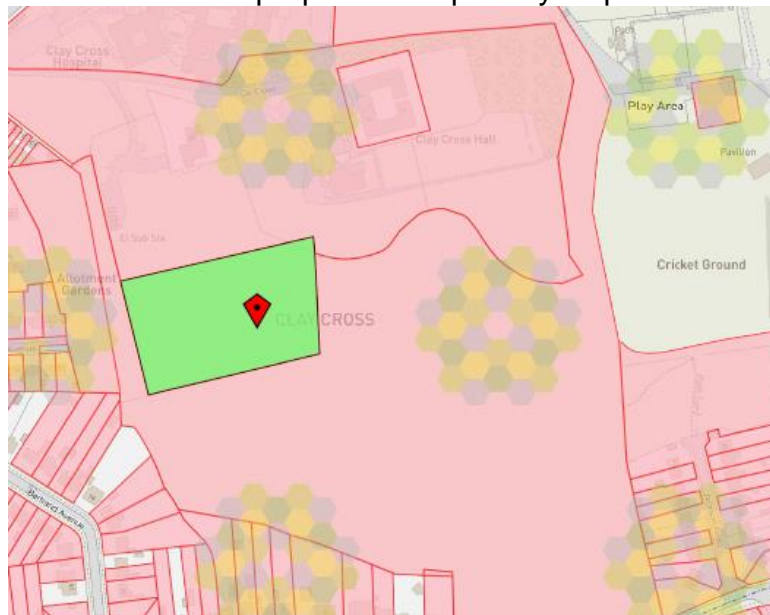
1 Background

- 1.1 In January 2022 the Council agreed investment in the Sharley Park Leisure Centre redevelopment in line with the masterplan below:

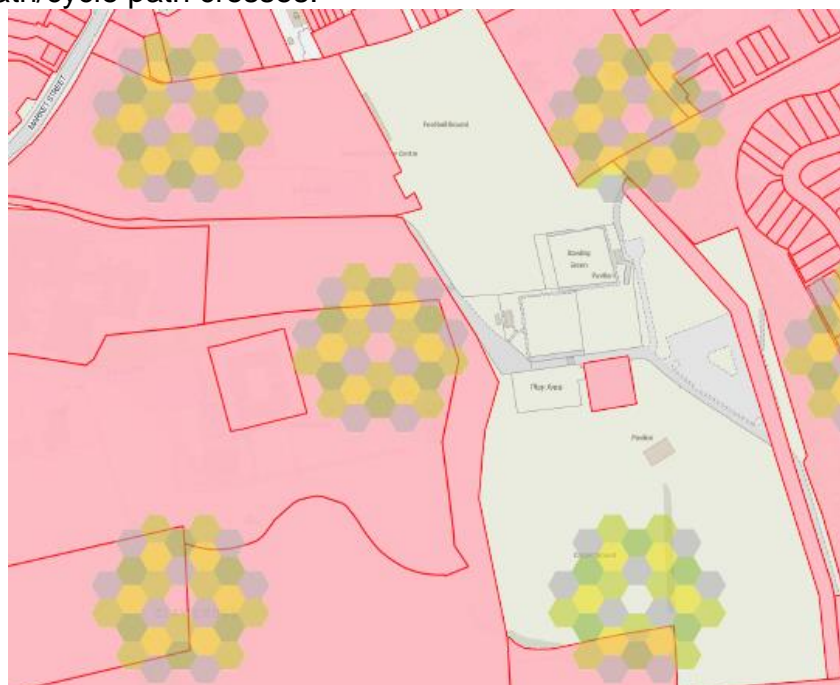


- 1.2 Whilst the Council manage and operate the whole site, two parcels of land are owned by Clay Cross and Danesmoor Miner's Welfare Recreation Ground Charity of which the Council is the Trustee.

- 1.3 These parcels of land are identified on the plans below. One parcel is registered with the Land registry shown on the plan below coloured in green. This is the land which the proposed footpath/cycle path crosses.



- 1.4 The second area of land is unregistered shown in white on the plan below. This is the land the proposed 3G pitch is to be installed on and the footpath/cycle path crosses.



2 **Reasons for Recommendation**

- 2.1 Through the Council's trustee responsibility install and provide improvements in the interests of social welfare a recreation ground for the benefit of the inhabitants of the Parish of Clay Cross and the neighbourhood thereof without

distinction of political, religious or other opinions, with the object of improving the conditions or life for the said inhabitants.

- 2.2 It is considered to be in the best interests of the charity and the beneficiaries of the charity to add and maintain a high standard 3G pitch

3 Alternative Options and Reasons for Rejection

- 3.1 Do not approve – The park/land will remain as it is today and the 3G football pitch and measured mile elements of the Sharley Park scheme would not be delivered.

DOCUMENT INFORMATION

Appendix No	Title
1	Charitable Scheme dated 8 th September 1988
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (you must provide copies of the background papers))	

Sealed 8th September 1988

N 164(S)
88

County - Derbyshire
Place - Clay Cross
Charities - Clay Cross and
Danesmoor Miners'
Welfare Recreation
Ground Scheme

CD(N1)
520,437/1

Scheme

Adjudged not chargeable
with stamp duty

C H A R I T Y C O M M I S S I O N

In the matter of the following Charities known together as the Clay Cross and Danesmoor Miners' Welfare Recreation Ground Scheme, at Clay Cross, in the County of Derbyshire:-

1. The Charity consisting of certain Trust Property, comprised in conveyances dated the 17th July 1924 and the 27th October 1925;
2. The Charity consisting of certain Trust Property, regulated by a conveyance dated the 1st February 1962; and

In the matter of the Charities Act 1960.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER that the following Scheme be approved and established as the Scheme for the regulation of the above-mentioned Charities:-

S C H E M E

1. Administration of Charities. (1) The above-mentioned Charities and the property thereof specified in the schedule hereto and all other the property (if any) of the Charities shall be administered and managed subject to and in conformity with the provisions of this Scheme.

(2) The lands with the buildings thereon numbered 1 and 3 in the said schedule and belonging to the Charity numbered 1 above and the land with the buildings thereon numbered 4 in the said schedule and belonging to the Charity numbered 2 above shall be administered and managed as a separate Charity under the title of the Clay Cross and Danesmoor Recreation Ground Charity (hereinafter referred to as the Recreation Ground Charity) by the Trustee hereinafter appointed.

(3) Subject as aforesaid the Charities shall be administered and managed together as one Charity under the title of the Clay Cross and Danesmoor Miners' Welfare Institute Charity (hereinafter referred to as the Institute Charity) by the Committee of Management hereinafter constituted as the charity trustees thereof within the meaning of section 46 of the Charities Act 1960: Provided that until the first Representative Members of the Committee of Management are appointed in accordance with the provisions hereinafter contained the Institute Charity shall be administered by the Foundation Members of the Committee in accordance with the provisions of this Scheme.

RECREATION GROUND CHARITY

2. Trustee and vesting. (1) The North East Derbyshire District Council shall be the Trustee of the Recreation Ground Charity.

(2) The lands with the buildings thereon numbered 1 and 3 in the said schedule and belonging to the said charity numbered 1 and the land with the buildings thereon numbered 4 in the said schedule and belonging to the said charity numbered 2 are hereby vested in the said council for all the estate and interest therein belonging to or held in trust for the said charities respectively.

3. Object of Recreation Ground Charity. (1) The object of the Recreation Ground Charity shall be to provide and maintain in the interests of social welfare a recreation ground for the benefit of the inhabitants of the Parish of Clay Cross and the neighbourhood thereof without distinction of political, religious or other opinions, with the object of improving the conditions of life for the said inhabitants.

(2) The lands numbered 1, 3 and 4 in the said schedule with the buildings thereon shall be held upon trust for use for the said object.

4. Rules. Within the limits prescribed by this Scheme the Trustee may from time to time make and alter rules setting out the terms and conditions upon which the land belonging to the Recreation Ground Charity may be used for the object of the Recreation Ground Charity and the sum (if any) to be paid for such use.

5. Expenses of management. The Trustee shall first defray out of the income of the Recreation Ground Charity the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Recreation Ground Charity and all the proper costs, charges and expenses of and incidental to the administration and management of the Recreation Ground Charity.

6. Application of income. Subject to payment of the expenses aforesaid the Trustee shall apply the income of the Recreation Ground Charity in furthering the object thereof.

7. Sale. If the said lands numbered 1, 3 and 4 are no longer required for use for the object of the Recreation Ground Charity the Trustee may sell the same or any part thereof subject nevertheless to -

(1) the agreement in writing of the North Derbyshire Area Welfare Committee of the Coal Industry Social Welfare Organisation (hereinafter referred to as the Welfare Committee) as approved by the Council of that Organisation;

(2) the authority of a further Order or Orders of the Charity Commissioners.

8. Proceeds of sale. The Trustee shall pay over the clear proceeds of any such sale as aforesaid to the said Coal Industry Social Welfare Organisation or its nominees for application for charitable purposes within the objects of the said Organisation.

9. Accounts. Statements of account in relation to the Recreation Ground Charity shall be prepared and transmitted to the Commissioners in accordance with the provisions of the Charities Act 1960 except if and in so far as the Recreation Ground Charity is excepted by Order or regulations.

INSTITUTE CHARITY

10. Vesting. The land with the buildings thereon numbered 2 in the said schedule and belonging to the said charity numbered 1 is hereby vested in the Official Custodian for Charities for all the estate and interest therein belonging to or held in trust for that Charity.

OBJECT

11. Object of Institute Charity. (1) The object of the Institute Charity shall be the provision and maintenance of a welfare institute for the benefit of the inhabitants (and in particular, but not exclusively, such of the said inhabitants as are members of the mining community) of the Parish of Clay Cross or the neighbourhood thereof without distinction or political, religious or other opinions, with the object of improving the conditions of life for the said inhabitants.

(2) The land numbered 2 in the said schedule with the buildings thereon shall be held upon trust for use for the object of the Institute Charity.

COMMITTEE OF MANAGEMENT

12. Constitution. Subject as hereinafter provided, the Committee of Management (hereinafter referred to as the Committee) shall consist when complete of 10 persons (hereinafter referred to as Members) being -

Four Foundation Members and
Six Representative Members.

13. Foundation Members. The Foundation Members shall be appointed as follows:

Two by the British Coal Corporation and
Two by the National Union of Mineworkers

Provided that any such appointment may be made by any committee or person authorised to act on behalf of the appointing body. Except as hereinafter provided with regard to the first Foundation Members each appointment shall be made for a term of five years. The name of each person appointed shall be notified forthwith to the secretary of the Institute Charity. The person appointed may be but need not be a member of the appointing body.

14. First Foundation Members. The following persons shall be the first Foundation Members and subject to the provisions hereinafter contained for determination of their respective appointments shall hold office for life:

As appointees of the British Coal Corporation -

Geoffrey Allan Morky, of 67 Flaxpiece Road, Clay Cross, and
William Robert Nicks, of 63 Penncroft Drive, Danesmoor, both
in the County of Derbyshire,

As appointees of the National Union of Mineworkers-

John Smith, of 51 Wheatcroft Close, and
Brian Wright, of 9 Pencroft Lane, both in Danesmoor, in the said
county.

15. Representative Members. The Representative Members shall be
appointed as follows:

Three by the British Coal Corporation.

Two by the National Union of Mineworkers and

One by the National Association of Colliery Overmen, Deputies
and Shotfirers

Provided that any such appointment may be made by any committee or person
authorised to act on behalf of the appointing body. Representative Members
shall be appointed to hold office until the end of the month of
June next following their appointment. The name of each person appointed
shall be notified forthwith to the secretary of the Institute Charity.
The person appointed may be but need not be a member of the appointing
body. The first Representative Members shall be appointed as soon as
possible after the date of this Scheme.

16. Termination of membership. Any member who is adjudged bankrupt
or makes a composition or arrangement with his creditors or who is
incapacitated from acting or who communicates in writing to the Committee
a wish to resign shall thereupon cease to be a Member.

17. Alteration of constitution of Committee. The constitution of
the Committee as hereinbefore provided, except with respect to the Foundation
Members, may on the application of the Committee be altered from time
to time by Order of the Commissioners.

18. Casual vacancies. Upon the occurrence of a casual vacancy the
Committee shall cause a note thereof to be entered in their minute book
at their next meeting and shall cause notice thereof to be given as soon
as possible to the organisation entitled to fill the vacancy.

19. Failure to appoint. The proceedings of the Committee shall
not be invalidated by any vacancy among its Members or by any failure
to appoint or any defect in the appointment or qualification of a Member.

20. Declaration by Members. No person shall be entitled to act
as a Member whether on a first or on any subsequent entry into office
until after signing in the minute book of the Committee a declaration
of acceptance and of willingness to act in the trusts of the Institute
Charity.

21. Members not to be personally interested. Except in special
circumstances with the approval in writing of the Commissioners no Member
shall take or hold any interest in any property belonging to the Institute
Charity otherwise than as a trustee for the purposes thereof, or receive
any remuneration, or be interested in the supply of work or goods, at
the cost of the Institute Charity.

MEETINGS AND PROCEEDINGS OF THE COMMITTEE

22. Meetings of the Committee. The Committee shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by the chairman or by any two Members upon seven clear days' notice being given to all the other Members of the matters to be discussed.

23. Chairman and vice-chairman. (1) At the first meeting in each year after the appointment of Representative Members of the Committee, the Committee shall elect one of their number to be chairman and another of their number to be vice-chairman. A Member who has been appointed by or on behalf of the British Coal Corporation shall be elected to fill one of such offices and a Member who has been appointed by or on behalf of the National Union of Mineworkers shall be elected to fill the other of such offices: Provided that the respective offices of chairman and vice-chairman shall not be filled on two successive occasions by a Member appointed by or on behalf of the same body.

(2) If the chairman and vice-chairman are absent from any meeting of the Committee the Members shall choose one of their number to be chairman of the meeting before any other business is transacted.

24. Voting. Every matter shall be determined by the majority of votes of the Members present and voting on the question but in case of equality of votes the chairman of the meeting shall have a second or casting vote.

25. Minutes and accounts. (1) A minute book and books of account shall be provided and kept by the Committee.

(2) The accounts of the Institute Charity shall be made up to and balanced to the 31st day of March in each year or to such other day or days as may from time to time be determined or approved by the Welfare Committee.

(3) The said accounts shall consist of a balance sheet and income and expenditure account in a form approved by the Welfare Committee.

(4) As soon as practicable after the end of each accounting period the Committee shall cause the said accounts to be audited by an auditor being a member of one of the bodies named or referred to in section 8(3) of the Charities Act 1960, and shall obtain from the said auditor a report upon the said accounts. A copy of the said accounts with the report of the auditor attached shall be supplied to the Welfare Committee and a further copy with a copy of the said report shall be posted at a conspicuous and suitable place in the said buildings.

26. Rules. Within the limits prescribed by this Scheme the Committee may from time to time make and alter rules for the conduct of their business and for the summoning and conduct of their meetings and in particular with reference to -

- (1) the terms and conditions upon which the said land and buildings numbered 2 in the said shedule may be used for the purposes specified in this Scheme by persons or bodies other than the Committee and the sum (if any) to be paid for such use;

- (2) the holding of general meetings in order to ascertain the views of the persons using the said land and buildings numbered 2 in the said schedule on any matter relating to their use and enjoyment;
- (3) the appointment of an auditor, treasurer, and such other unpaid officers as the Committee may consider necessary and the fixing of their respective terms of office;
- (4) the engagement and dismissal of such paid officers and servants as the Committee may consider necessary; and
- (5) the Members who shall form a quorum at meetings of the Committee, provided that:
 - (a) a quorum shall always include at least one Member who has been appointed by or on behalf of the British Coal Corporation and at least one Member who has been appointed by or on behalf of the National Union of Mineworkers; and
 - (b) the number of Members who shall form a quorum shall be not less than one-third of the total number of Members for the time being.

INSURANCE

27. Insurance. (1) The Committee shall insure the said buildings and the furniture and effects therein to the full value thereof against fire and other usual risks and shall suitably insure against risks arising out of the ownership of property and the employment of persons. All such insurance shall be effected with such company and upon such conditions as the Welfare Committee may from time to time approve.

(2) In the case of damage to any building or the destruction thereof any insurance moneys received shall be applied in repairing or replacing that building: Provided that if the Welfare Committee shall certify in writing that a building is no longer required for furthering the object of the Institute Charity then the said moneys shall be applied in like manner as the clear proceeds of any sale of the said land and buildings are applicable under the provisions of this Scheme.

APPLICATION OF INCOME

28. Receipts and expenditure. (1) The income of the Institute Charity including all payments for the use of the said land and buildings and all donations for the benefit thereof shall be paid into a trust account at such bank as the Committee shall from time to time prescribe.

(2) The moneys standing to the credit of the said account shall be applied as the Committee shall decide in insuring as aforesaid and maintaining and repairing the said buildings and the furniture and effects therein and in paying all rent (if any), rates, taxes, salaries of paid officers and servants and other outgoings and in otherwise furthering the object of the Institute Charity.

29. Surplus cash. Sums of cash at any time belonging to the Institute Charity and not needed for immediate working purposes shall be invested in the name of the said Official Custodian unless the Commissioners otherwise direct.

MORTGAGE AND SALE

30. Mortgage. The Committee shall have power if so recommended in writing by the Welfare Committee with the approval of the Council of the Coal Industry Social Welfare Organisation to mortgage the said land and buildings numbered 2 or any part thereof subject nevertheless to the authority of a further Order or Orders of the Commissioners.

31. Sale. If the said land and buildings numbered 2 or any part thereof shall no longer be required for use in furthering the object of the Institute Charity the Committee shall have power if so recommended in writing by the Welfare Committee with the approval of the said council to sell the said land and buildings or any part thereof subject nevertheless to the authority of a further Order or Orders of the Commissioners.

32. Proceeds of sale. The Committee shall pay over the clear proceeds of any such sale as aforesaid to the said council or its nominees for application for charitable purposes within the objects of the said organisation.

GENERAL PROVISIONS

33. Sub-Committees. The Committee shall have power from time to time to appoint one or more sub-committees consisting of three or more persons (who may include persons who are not members of the Committee) for the purpose of making any inquiry or supervising or performing any function or duty which in the opinion of the Committee would be more conveniently undertaken or carried out by a sub-committee but all acts and proceedings of sub-committees shall be reported in due course to the Committee.

34. Donations The Committee may accept any donations or property for the general purposes of the Institute Charity and they may also accept donations or property for any special objects connected with the Institute Charity not inconsistent with the provisions of this Scheme.

35. Questions under Scheme. Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Commissioners upon such application made to them for the purpose as they think sufficient.

SCHEDULE

Charity numbered 1 above

The following adjoining lands situate at Clay Cross in the County of Derbyshire:

1. Land containing three acres two roods and 21 perches or thereabouts being the land comprised in the above-mentioned conveyance dated the 17th July 1924 and made between the Official Trustee of Charity Lands of the first part the Reverend Canon Arthur John Bicknell Ellerton and six others of the second part and Geoffrey Meinerzthagen Jackson and three others of the third part.
2. Land containing 833½ square yards or thereabouts with the buildings thereon known as Clay Cross and Danesmoor Miners' Welfare Institute being part of the land comprised in the above-mentioned conveyance dated the 27th October 1925 and made between the Clay Cross Company Limited of the first part Lewis Huth Walters and another of the second part and the said Geoffrey Meinerzthagen Jackson and three others of the third part.
3. Land containing 688½ square yards or thereabouts being the remainder of the land comprised in the said conveyance dated the 27th October 1925.

Charity numbered 2 above

The following land situate at Clay Cross in the County of Derbyshire:

4. Land containing 10.578 acres or thereabouts together with the buildings thereon being the land comprised in the above-mentioned conveyance dated the 1st February 1962 and made between the Clay Cross Company Limited of the one part and Henry Humphrey Jackson and three others of the other part.

Charities numbered 1 and 2 above jointly

£23,559 cash on deposit account at the Clay Cross branch of National Westminster Bank PLC being accumulations of income.

£780 cash on current account at the said branch of the said bank.

Sealed by Order of the Commissioners this 8th day

of September 1988.

L.S.