



## CREWKERNE TOWN COUNCIL

TOWN HALL  
MARKET SQUARE  
CREWKERNE  
SOMERSET TA18 7LN  
TEL: 01460 74001

Email: [towncouncil@crewkerne-tc.gov.uk](mailto:towncouncil@crewkerne-tc.gov.uk)

Councillors are hereby summoned and members of the press and public are invited to attend a meeting of the **Full Council** to be held remotely on **Monday 29 March 2021 at 6.45pm**.

**Note:**

- **Members of the public who wish to attend can access the meeting through the following link:**  
<https://www.youtube.com/channel/UCTA9K-7L4Onjcli2Gtz7tCg>
- **Members of the public who wish to speak at the “Open Forum” section of the meeting are kindly requested to contact the Town Council office (details above), where they will be given joining details.**

Peter Davidson, Town Clerk  
23 March 2021

### A G E N D A

1. **To note apologies for absence**
2. **Open Forum:** Questions may be put to the Council during this Public Participation Session of up to 15 minutes and a maximum of 3 minutes per person.
3. **To confirm the minutes of the Town Council Meeting** held on 22 February 2021.
4. **Declarations of interest** in items on the agenda.
5. **To receive reports from the County and District Councillors.**
6. **Clerk’s progress report:** to receive an update report (for information).
7. **Finance:**
  - a) To approve the accounts for payment for March as listed.
  - b) To report the bank reconciliation for February 2021 has been completed.
  - c) Asset Register: to note the status of the Town Council asset register.
  - d) Youth Service: to agree the proposed cost for provision of the Youth Service for 2021/22.
  - e) Donation to Crewkerne Community Church: to consider granting a donation to Crewkerne Community Church in support of the “Be a Good Neighbour” scheme.
  - f) Grant application: to consider the grant application received from Crewkerne Ranger football club and, by association, their request to site a second storage container on Henhayes.
  - g) Victoria Hall hire charges: to agree hire changes for Victoria Hall for 2021/22.
8. **Face-to-face council meetings:** to note that the regulation allowing remote council meetings is due to lapse on 7 May and to consider the proposals to mitigate against this eventuality.
9. **Ownership of Severalls war memorial:** to further consider the SSDC proposal for change of ownership of the Severalls war memorial.
10. **ABCD proposal for a pathway on Henhayes:** to consider a proposal from ABCD for the construction of a pathway on a section of the perimeter of the Henhayes recreation ground.

- 11. Local Govt Reform:** to note that the two proposals for reform of local government in Somerset are now with the Secretary of State, who is holding a consultation on these proposals, and to consider whether the Council should provide a response to this consultation.
- 12. To receive Committee and Working Group minutes:**
  - a) Planning and Highways Committee meeting held on 8 March 2021.
  - b) Amenities Committee meeting held on 8 March 2021.
- 13. To receive Matters of Report** (for information only)
- 14. Next meeting** on Monday 29 April 2021 at 6.45pm using zoom.

In accordance with the Public Bodies (Admission to Meetings) Act 1960 s 1(2), to resolve that the press and members of the public be excluded from following items having regard to the confidential issues to be discussed.

**Confidential Session: Exclusion of the Press & Public - Staffing matters**

## Agenda item 8

### Face-to-face Council meetings

The regulations that allow parish and town councils to hold meetings remotely are temporary, and this permission is currently due to lapse on 7 May 2021. The position from NALC is as follows:

*NALC is working to press the government to extend these regulations beyond 7 May. However, at this time government has no plans to extend these regulations and so councils should start preparing for the real possibility of face-to-face meetings from May. The guidance below has been written to help local councils prepare for the scenario that remote council meetings cannot lawfully take place from 7 May 2021. There is still much uncertainty around how legislation or COVID-19 risks may change over the coming weeks and months. NALC will update this guidance as the situation evolves. Each council will have to decide which course of action will best fit their needs and manage risks.*

*To help local councils prepare for this possibility some advice and suggestions are below:*

- Consider what council business can be conducted before May so that the council can dedicate time to those issues in remote meetings. The more discussion and decisions you can conduct in remote meetings means the council can aim to hold fewer and shorter face to face meetings after May.*
- Where possible, consider holding the annual council meeting and the parish meeting while the current Regulations permit for them to be held remotely.*
- Consider when the council does need to meet face to face, and whether meetings can be delayed to later in the year when the potential COVID-19 risk may be further reduced.*
- It may help the council's business continuity to implement (or review) a scheme of delegation. This would allow the clerk to make certain decisions for the council, which would be especially important if the council were unable to hold meetings due to COVID-19 risks.*

### **Recommendations**

In order to guard against the risk that the legislation allowing remote meetings is not extended beyond 7 May, it is recommended that the following actions are taken:

- Pull forward the Annual Town Council meeting, to ensure that it takes place prior to 7 May.** This meeting is currently scheduled for Monday 24 May. If the Council is minded to bring forward this meeting, then it would need to take place on Tuesday 4, Wednesday 5 or Thursday 6 May, as existing legislation requires annual parish/town council meetings to be held in May.
- Continue to hold remote meetings beyond 7 May but declare these as informal.**
- Put in place Clerk's delegated authority.** With Clerk's delegated authority in place, then all essential Council business can continue to be enacted, guided by any agreements made by Councillors at the informal remote meetings.

Agenda item 9

### **Ownership of Severalls War Memorial**

Councillors will recall from last month's Full Council meeting, that SSDC have made the following offer to the Town Council regarding ownership of the Severalls war memorial:

***“offer the disposal of the War Memorial only and grant unrestricted access to it at nil consideration; which would enable the original objective requested to be achieved by the Town Council, whilst SSDC retain the open space, which they currently maintain along with surrounding verges to a good standard for the benefit of the town and its residents/visitors.”***

At last month's meeting, a member of the public kindly offered to make available to the Council the results of his research into the history of ownership of the war memorial. This information is attached.

Based upon this additional detail, Councillors are asked to consider their response to the proposal from SSDC.

## CREWKERNE WAR MEMORIAL LEGAL STATUS

With reference to Crewkerne Town Council Meeting Agenda Item 8 (22 Feb 2021), the initial concern was the state of the Tommie on top of the Severalls War Memorial. It was discussed at a meeting of the Crewkerne Branch of Royal British Legion and, pre Covid, a working meeting held. The notes of the meeting and the relevant References are below.

A first estimate of up to £30,000 for necessary work was used for planning. The War Memorial Charity can provide similar sums for maintenance work to the rightful charity.

The RBL constitution does not allow it to take on the maintenance of War Memorials but volunteers can assist if they so wish. From the outset the problem has been one of ownership.

The Crewkerne Memorial, when it was envisaged in 1918 was unique for a small market town. It comprised:

- a. Entrance Pillars
- b. Avenue of Pollarded Trees
- c. Oval lawn
- d. The Monument
- e. Bowling Green
- f. Tennis Courts
- g. Allotments
- h. Separate hall (Band)
- i. A stock of houses (Homes for Heroes)

It was demanding to achieve such a significant memorial for a town the size of Crewkerne. Architecturally it was similar to Lutyens designed Cenotaphs. It was all privately funded in a way that Crowd Funding is popular today. The Severalls War memorial was created and operated as a Charity under extant Charity law from the outset.

Originally all were controlled correctly as a Charity Trust of 3 individual donors then subsequently 5 including the Chairman of the Crewkerne Urban District Council. Concern for future correct control led to a Government Deed transferring all responsibility, under Charity Law, to CUDC as trustees in 1970. Unfortunately CUDC responsibilities were split between SSDC and CTC in 1974. The impact on the War Memorial Trust and how it was dealt with is not clear.

I found that CTC registered the Recreation facilities land correctly with Land Registry in 2010 as War Memorial Trustees with caveats due to the Charity Law. It was strange that this occurred so late, it also made no mention of the Memorial and associated components. Further investigation showed the other components including the Oval with Memorial are lodged with Land Registry under the ownership of SSDC with no mention of the Trust. This is in direct convention of Charity Law and the 1970 Government Deed. Thus although CTC claim responsibility for the War Memorial Trust they are not owners of the essential components and this may make any funding initiative well nigh impossible.

Some may view what has happened by CTC claiming that which is not theirs but rather owned by the Crewkerne War Memorial Trust under Charity Law and Government Scheme by Minister is a form of theft. Rather than seeking legal appeal it would be preferable to speak with CTC and ensure all the Memorial in its entirety becomes the responsibility of the Crewkerne War Memorial Trustees as it was in the first place. As it is unique amongst British Towns the size of Crewkerne it could also help promote the Town as well as give sense of pride to the citizens.

**PAUL BRADLY**  
**1 MARCH 2021**

## **BIBLIOGRAPHY**

- A. Homes Fit for Heroes Severalls Park 1918-1937 – Martin Pakes – 7 September 2011
- B. Land for Severalls Memorial Housing sold to CUDC on 13 May 1921 – held by CTC
- C. Land in Higher Severalls purchased by War Memorial Trustees 24 July 1931 – held by CTC
- D. Crewkerne War Memorial Trust Opinion – Lincolns Inn 5 October 1965 – held by CTC
- E. Scheme made by The Secretary of State for Education and Science under Section 18 of the Charities Act 1960 – held by CTC
- F. Land Registry CTC as Trustees Title No. WS55393 dated 9 July 2010 (Allotment/Bowls/Tennis) – held by CTC
- G. CTC Financial Regulations, para 16 Charities – held by CTC
- H. War Memorials Trust Charity No. 1062255

# **SEVERALLS WAR MEMORIAL – MAINTENANCE INTERIM REPORT**

## **INTRODUCTION**

Crewkerne Royal British Legion (RBL) Chairman, on his re-appointment on 12 October 2019 stated his wish as a priority of his next term of office to refurbish the War Memorial: this was fully supported by members. Believing that this may be a task requiring bureaucratic unravelling and demanding research and paperwork for which I was well experienced, my offer to help was accepted. An initial meeting with Crewkerne Town Council (CTC) Clerk confirmed the Council as sole trustee of the War Commemoration Trust Recreation Ground but that any suggested maintenance would most likely succeed if RBL undertook the preparatory work, including the identity of costs and funding.

From other charitable experience, I also believed that the starting point should be to establish ownership and Terms of Reference under which the trust is held.

Once that is legally established the route to gain costs and funding should be straight forward. An initial meeting of interested members was proposed and agreed.

## **INITIAL MEETING**

The initial meeting of interested RBL members was held at Knowle House, Misterton on 6 January 2020 to establish and define the intended task. A small RBL working party was already underway to improve access and the surrounding area of the Severalls War Memorial. This was achieved following liaison with CTC and South Somerset District Council (SSDC). Lessons had been learned.

- a. RBL charter does not permit the task envisaged; as with current work either, a separate organisation must be established or the RBL work needs to be limited to investigation, another body must undertake the legal and financial task and in this case it should be the CTC as War Commemoration Trust.
- b. The Soldier is carved in Cornish Granite and now approaching 100 years old is wearing badly. It is believed that to reduce expenditure it was carved in the wrong direction. The chairman will seek an estimate of the cost of carving and replacing, like for like, the soldier.
- c. The pillars at the approach to the Avenue also required maintenance. An earlier correspondence between CTC and National War Memorial Trust confirmed that they may be willing to fund maintenance of the pillars.
- d. A target date of completion of work by June 2022 was agreed as this was the 100<sup>th</sup> Anniversary of the original unveiling ceremony.
- e. Meeting with CTC was needed to review the current ownership of the memorial and the Charter responsibilities accompanying the Trust.

## **1919-1931**

Crewkerne Urban District Council (CUDC) was formed in 1895 but it was not until 1918 that it was given responsibility for Council housing following a Government initiative to meet the needs following the disastrous First World War. Crewkerne had lost many of its sons and there was a strong local push for a permanent memorial that comprised recreation, homes and a distinctive war memorial to the fallen. A War Memorial Committee met on 19 April 1919. The proposals were national news for such a small town. The cost of this ambitious scheme covering 50 acres was

significant. Funds were raised by grant, gifts and donations. Ref A gives a good summary of activities from 1918-1937.

The initial years demonstrated the difficulty in raising the funds for all aspects. CUDC held and managed the housing land. Ref B describes the land title on 13 May 1921. The land for recreation and memorial was managed by 3 individual Trustees as part of a War Memorial Trust. In June 1922 these Trustees had managed to complete the Severalls memorial and Recreation Grounds for an official unveiling. Death of one of the original Trustees demanded purchase of the land owned by them by the Trust as shown in Ref C.

### **1931-1970**

The War Memorial Trust was managed by the original 3 Crewkerne Trustees who were also major donors to the Trust – Ref C covered the first major change when the death of one Trustee required contract action to take over the land by the Trust. Eventually all 3 Trustees responsibility were taken by 5 others, one of whom was also Chairman of CUDC . Legal responsibility thus lay with CUDC for Housing and 5 Trustees, one of whom was Chair of CUDC for the Memorial and Recreation element of Crewkerne War Memorial facilities.

However CUDC sought a legal opinion in October 1965 aimed to bring about a change in the legal position. Ref D prepared by John R Macdonald provides much useful supporting information and, failing a copy of the 1919 Scheme, are essential to understand the purpose of the Trust and how it should be managed. It considers the Recreation aspects, the Memorial and the community aspects and judges that all are charitable. Whether it is applicable to the current situation, it also recognised that CUDC councillors cannot be recognised as Corporate Trustees. CTC councillors would be at a disadvantage if this is also the case for them as Trustees. Finally the legal conclusion was that sale could be as an order under 5.23 of the Charities Act 1960.

Undoubtedly the Legal Opinion Ref D, was intended to support the Government Scheme Ref E that transfers all ownerships and responsibility of the War memorial Trust to CUDC. The Foundation document, Ref E, is believed to be that used by CTC to prove title to ownerships and responsibility of War Memorial Assets.

### **1970 TO PRESENT**

In 1974 the CUDC ceased and it was replaced by SSDC and CTC. Recognising that the Crewkerne War Memorial comprised the 3 parts.

- a. Housing
- b. Recreation
- c. Memorials

The housing was not appropriate responsibility for CTC and it is assumed was taken over by SSDC. The other 2 aspects are within that expected of a Town Council. The Recreation facilities of allotment, bowls and tennis are registered by CTC with Land Registry at Ref F. CTC recognise their responsibility for these Assets under Charity law at Ref G “The council is sole trustee of the War Commemoration Trust Recreation Ground”.

In UK the War Memorials Trust Charity is funded to help maintain individual memorials. They offer 75% of the cost typically up to £30k but can provide more. Initial info is found at Ref H. The other 25% may be obtained from Grant Giving Charities including those from Service Charities.



## **WAY FORWARD**

The meeting in January 2020 considered that the next steps should be

- a. A Plan with Objectives
- b. Deadline
- c. All Players brought onsite

With further information collected, this still remains correct. The starting point remains establishing ownership, title and responsibility of, in particular, the memorial and the pillars. Until the disbanding of CUDC in 1974 and after the Scheme by the Secretary of State, this was clearly the total responsibility of CUDC. However, it is not so clear thereafter. The Recreation element of the 1919 plan clearly resides with CTC, is registered so and is managed as a Charitable Trust by CTC. So far it has not been possible to establish the same authority for Severalls Oval on which the Memorial is built, nor for the Avenue of trees and Granite Pillars for the Severalls Avenue, all of which were a fundamental part of the original Crewkerne War Memorial Trust. Indeed experience from the RBL having to liaise with SSDC for current work in the Oval confuses the issue. It is quite normal for a Charity to own and control land and assets but all components should be under legal control of the one Charitable Trust and registered accordingly. More investigation is needed to confirm if this is so and this clarification is essential before approaches for funding are made.

**P BRADLY**  
**11.2.2020**

## **Proposal from ABCD for a section of perimeter path at Henhayes**

The following note has been received from ABCD:

### **Henhayes Perimeter Path**

ABCD has become concerned about the apparent lack of progress over the past 18 months with regard to this important local issue. We are, of course, fully aware of the problems arising from the pandemic but can see from the minutes of Council meetings that other projects are still being developed.

Our specific concerns are shown below but as the composition of the Council has changed since our suggestion was initially made, we are first of all, repeating the details of the original request from ABCD.

### **A suggestion from ABCD regarding the creation of a path around the recreational area at Henhayes**

*Following the success of the project involving Crewkerne Town Council (CTC) and members of A Better Crewkerne and District (ABCD) to improve the children's play area at Henhayes recreational area ABCD has been looking at how physical and mental health within the community could be improved through physical activity. We do have a small amount of ring fenced money (the pounds for pounds fund) that could be used to support the project outlined below.*

*Our reasoning is:*

- *The area is wholly owned and controlled by CTC.*
- *The area has an enviable location, close to the town centre and has existing leisure facilities and parking available nearby.*

*In order to provide wider access to community facilities we wonder whether the area could be more extensively used by the public throughout the day, week and year.*

*Our suggestion is that by creating a 'free to all' path around the perimeter, on generally level ground, CTC could provide a safe, traffic-free area for the following casual activities to take place :*

- *Jogging and running*
- *Wheelchair use*
- *Healthy walking for all - especially the elderly and the less able*
- *Infant cycling and pushchairs*
- *Dog walking – thereby reducing the incursion onto the pitches*

*We have visited similar sites in the area (notably Merriott and Martock) and can report that this very provision has been made and it has proven to be an outstanding success.*

*We recognise the importance of working closely with the sports clubs in order to address their concerns, especially over health and safety, and firmly believe that it will be possible for all users to be accommodated.*

*We would like to suggest that a small working party is set up, including ABCD and sports club representation, to investigate the feasibility of this project and for this group to report back to the Amenities Committee when progress has been made.*

ABCD seeks here to clarify why the outcomes of discussions around this issue (initially raised by ABCD) were not reported back to ABCD. The following points have been gathered here from various meeting minutes of CTC or committees of CTC.

Our concerns are as follows:

1. The Council's Amenities Committee discussed this suggestion and then unanimously decided to approve the creation of the working party.

We understand that the working party, The Henhayes Perimeter Path Working Group, met and that its last recorded meeting was on 24 June 2019.

We believe that there was general agreement from most parties involved, with the exception of the Cricket Club who had concerns about the proximity of the path to their playing area. ABCD appreciated these concerns but anticipated that the Council would explore possible solutions to this problem and then report back to us.

2. At the Amenities Committee meeting on 20th May 2019 Councillors Aslett and Wakeman summarised the outcome of the meetings held to discuss the feasibility of establishing a perimeter path. They reported that, *'though technically feasible, the increased risk of a member of the public being struck by a cricket ball during a cricket match meant that a section of the path would need to be closed to the public whilst a cricket match was in progress. As a result, they declared the project not to be practicable'*.

*ABCD questions this decision: Under current conditions, surely any member of the public has free access to the playing area and is therefore already 'at risk of ball strike'? If it's so dangerous why is it allowed to continue?*

*Possible problems with temporarily closing the path for a few hours during a few weeks in summer seem to us to be far outweighed by the year-long advantage to a large section of the community that the provision of a perimeter path would afford.*

3. We also understand that the committee was aware that Wadham School had welcomed the Cricket Club to use their pitch facilities should no resolution be found to the proximity problems at Henhayes.

As far as we understand, two councillors, Cllr Mike Best and Cllr Dan Wakeman, had agreed to investigate the issues relating to Wadham School and Crewkerne Cricket Club respectively and then report back.

Unfortunately we have not had any formal response over the past 18 months to this proposal so it has been impossible for ABCD to even discuss the matter further.

4. At a meeting of the Henhayes Working Group on 23 September 2019 a suggestion from Jo Canning was minuted, proposing that in the absence of agreement from the Cricket Club to either of the previous proffered solutions, the construction of a section of pathway running alongside the playground could be considered; this might provide an interim solution, or in any case would have immediate amenity value.

We were led to believe that this proposal would be investigated and costed, and considered under the 'potential new projects' category in the 20/21 budget. Again, we have heard nothing further.

Could you please enlighten us as to what progress has been made?

We feel that despite the concerns raised by the Cricket Club there are still potential solutions to be considered:

- a. temporary closures of the path while matches or practices are taking place
- b. relocation of the Cricket Club to Wadham
- c. the construction of a section of the full path to run in front of the swimming pool bank and continuing between the football pitch and playground. This path will have no impact on the playing of cricket as it now stands.

We have attached a plan of the proposed section. We believe that it will be a useful asset whichever solution is eventually chosen.

The original suggestion from ABCD to form a working party, made over two years ago, was motivated by a desire to improve access to leisure, recreational and exercise facilities for the wider population of Crewkerne and district. We strongly feel that the need to provide such a facility, open and free to all users, within the town centre and accessible to all, is now more relevant than ever.

We look forward to hearing from you at the earliest opportunity.

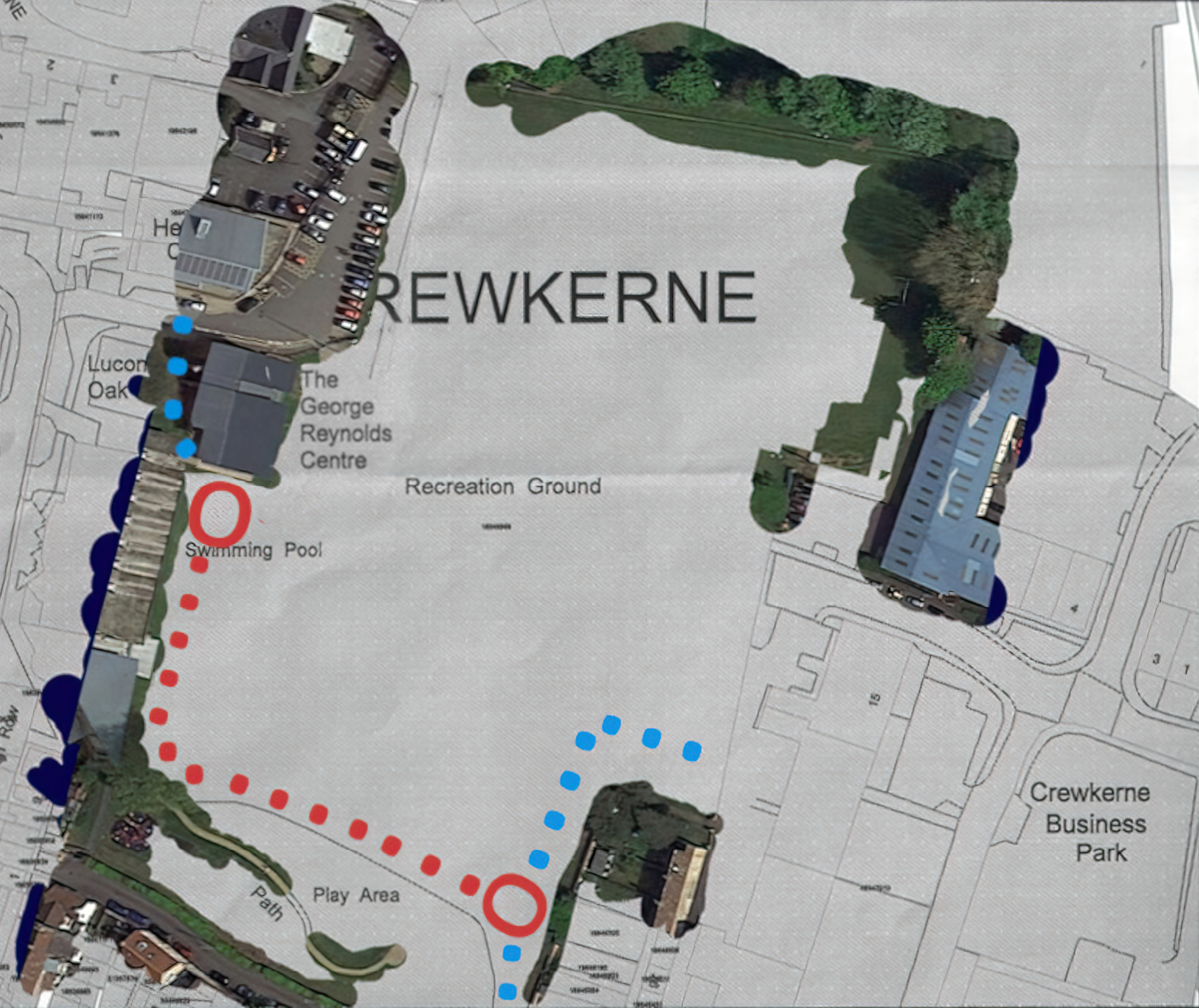
Diane Butler - Chair of ABCD

Gail Coleshill – Chair of ABCD Trustees




Angie Singleton –Trustee and Secretary of ABCD

Rick Canning – Trustee of ABCD





# CREWKERNE

-  existing path
-  proposed path
-  turning circle

He  
C

Lucom  
Oak

The  
George  
Reynolds  
Centre

Recreation Ground

Swimming Pool

Path  
Play Area

Crewkerne  
Business  
Park