

Pelham Field

A project between Laughton Parish Council and ESCC

Version 1
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Background

- ESCC have told the Parish Council that they have a safeguarding issue when the pupils of Laughton Community Primary School are playing on the school playground which they say cannot be fully met by adult supervision alone.
- ESCC does not wish to fence the playground as per the 1997 licence agreement with Laughton Parish Council even though in the view of the Parish Council this could vastly improve safeguarding without the need for significant expenditure and a new legal agreement.
- Following several exchanges of correspondence and a meeting the Parish Council provisionally agreed to allow the whole of Pelham Field to be fenced with the following stipulation: members of the public must continue to be able to freely access the area of the field not covered by the 1997 licence agreement without having to gain any permission whatsoever from anyone at the school during school hours or at any other time.
- The Parish Council has in good faith allowed the 1997 licence to remain in place even though ESCC has not fulfilled the terms of the licence.

Parish Council understanding of the ESCC safeguarding requirement

- A meeting held between representatives of the Parish Council, the school and the ESCC safeguarding team established that the solution had to be proportionate to the potential risks of the specific location. These risks were acknowledged to be low in Laughton.
- The proposed solution will allow the school to know if there is a member of the public on Pelham Field as the office will have been notified that the gate to Pelham Field has been activated. School children may be on the school playground under supervision or may be undertaking supervised activities on the public space of Pelham Field or may be about to go out to the school playground or Pelham Field.
- The school will be able to assess the situation. It will be up to the school to determine whether or not they need to take action in order to safeguard their pupils.
- ESCC stated it also needs the perimeter of Pelham Field to be fenced to prevent unauthorised egress of pupils or unobserved ingress of members of the public onto the Field from the adjoining privately owned land.

The Proposed Solution

- The proposed solution is that the main pedestrian access gate to Pelham Field will be fitted with an optical sensor which will alert the school office that the pedestrian gate has been opened. The gate will not be locked at any time nor entry controlled by any school staff.
- The vehicle gate will continue to be kept locked.
- The perimeter of Pelham Field is to be fenced.

What needs to happen

First Step:

Parish Council obtains quote for legal advice informed by this document.

Second Step:

ESCC need to agree to pay the full amount of the quote obtained by the Parish Council.

Third Step:

Solicitor appointed by the Parish Council to approach original Grantor of Pelham Field to request permission for fencing.

Then:

Move to next stage (see later details) subject to legal advice received by Parish Council.

Information to inform legal quote: part 1

- Parish Council solicitor to check neighbouring land owner rights and obtain any necessary permissions or agreements.
- Parish Council solicitor to check if erection of a fence will incur any additional insurance premium over an unfenced rural field (Sensitivity here as Parish Council taken to court over a fall on the field by an ESCC employee: Kim Goldsmith v East Sussex County Council and Laughton Parish Council).

Continued..

Information to inform legal quote: part 2

The Parish Council requires a legal agreement drawn up between itself and ESCC which:

- meets the needs of the Parish Council and Parishioners as specified in the original gift,
- respects any existing rights of neighbouring land owners,
- respects the natural environment of the field perimeter.
- protects the Parish Council position on access to Pelham Field i.e. no third party control, and the 1997 licence,
- provides a fall back position should the proposed fence and gate sensor not achieve the purpose for which it is being erected. This fall back position will be full implementation of the 1997 licence,
- does not place any new or additional financial burden on the Parish.

Continued...

Information to inform legal quote: part 3

- allows ESCC to erect a fence and a pedestrian gate with sensor on Pelham Field, the exact position and specification of which must be agreed by the Parish Council and form part of the legal agreement before any work is commenced, including agreement on preparatory and ongoing work such as hedging, ditching, access for neighbouring landowners for boundary maintenance and deals with any pre-existing access rights,
- the agreement will specify that the fall back position for the Parish Council: if agreement cannot be reached on the new fence that ESCC fully implements the existing 1997 licence agreement,
- specifies how any extra insurance risk coverage arising from the fence will be met by ESCC, as will maintenance of the fence and field boundary, repairs and an end of useful life of fence removal agreement.
- How can the Parish Council ensure that ESCC will have the money to maintain the fence, decommission the fence and, if required implement the 1997 agreement?

Appendix

1997 Licence agreement.

Original conveyance of Pelham Field.

Notes from Parish Council representatives meeting with school and ESCC safeguarding team members.

Any other correspondence?

Draft timeline-very provisional. Legal advice may change this.

Timeline-DRAFT only

- Parish Council receives confirmation that ESCC will meet its reasonable legal costs in order to move forward with the project. (DONE)
- Parish Council creates briefing note for legal advisors in order to obtain quotations.
- Parish Council obtains confirmation the legal cost is acceptable to ESCC and will be met in full by them.
- If acceptable Parish Council then engages legal advisor to undertake preparatory work and draft legal document.
- When wording agreed by Parish Council draft legal document is presented to ESCC.
- The Parish Council and ESCC will ratify the agreement which will include:
 - Specification of works: to include detailed plan of line of fence, access points, materials, agreement with neighbouring land owners where required etc will be drawn up with close collaboration between Parish Council and ESCC.
- This specification will then need to be ratified by the Parish Council before any work commences.
- Ditching and hedging works to be carried out before any fencing work takes place.
- Implementation phase-this will happen after bird nesting season and when Pelham Field is dry.