

**Minutes of the twenty-fifth meeting of the Board of Trustees of
the Open Spaces Society held at 3.30pm on Thursday 7 July 2016 at
Friends House, 173 Euston Road, London NW1 2BJ**

PRESENT Graham Bathe (chairman)
Diane Andrewes
Chris Beney
John Lavery
Peter Newman
Phil Wadey
Steve Warr

IN ATTENDANCE Kate Ashbrook (general secretary)

APOLOGIES Jean Macdonald

WELCOME TO NEW TRUSTEES

73/16 The chairman welcomed Jean Macdonald in her absence, and Steve Warr (who had until now been co-opted).

DECLARATIONS OF INTEREST

74/16 There were no declarations of interest.

DECLARATION OF ACCEPTANCE

75/16 The trustees signed the declaration of acceptance and of willingness to act in the trusts of the society.

**ELECTION OF DEPUTY VICE-CHAIRMAN TO ACT IN ABSENCE OF
CHAIRMAN AND VICE-CHAIRMAN**

76/16 It was agreed that Chris Beney should fulfil this role.

APPOINTMENT OF ADDITIONAL MEMBER OF FINANCE COMMITTEE

77/16 It was agreed that it was desirable to appoint an additional member of the finance committee as Tim had retired. It was agreed to invite Jean Macdonald to serve.

GUIDELINES FOR LOCAL CORRESPONDENTS

79/16 It was agreed to amend annex 1, paragraph 15.2 of the guidelines for local correspondents (LCs), which relates to applications to add paths to the definitive map, to read as follows:

LCs are encouraged to submit claims in the name of the society, subject to the following:

- (a) *The application follows quite closely the format in chapter 5 of Rights of Way, Restoring the Record.*
- (b) *For the first application submitted by an LC the trustees would wish to see it before it goes in. We would require the statement of case, the application form and confirmation that it is expected to meet the requirements of paragraph 1 to schedule 14 of the Wildlife and Countryside Act 1981 or (England only) the preliminary assessment test in the (new) schedule 13A of the Wildlife and Countryside Act 1981.*
- (c) *The application is made by the name of the LC for and on behalf of the Open Spaces Society.*
- (d) *In the case of applications based purely on user evidence, we would take these on only in case of death or infirmity and then subject to our discretion.*

80/16 Phil Wadey kindly offered to look at the first application submitted by an LC.

81/16 It was agreed that this process was for LCs only, although we could take on cases for other members at our discretion.

PROPOSED LEGAL ACTION TO PROTECT LONDON'S OPEN SPACES FROM COMMERCIAL ABUSE

82/16 In relation to our agreed opposition to the holding of a major event on Acton Green Common, John Lavery explained that a recent judgment in a related case has significant implications. At the June meeting the trustees had approved the expenditure of up to £20,000 on the case against the London Borough of Ealing's planned Oktoberfest on Acton Green Common. Since that meeting, we have seen the judgment made in the High Court following action brought by the Friends of Finsbury Park. This action was against the London Borough of Haringey's proposal to hold a Wireless Festival on Finsbury Park. This judgment stated, *inter alia*, that the Greater London Parks and Open Spaces Order 1967 is superseded by section 145 of the Local Government Act 1972. This could seriously undermine our position, since we rely on the 1967 Order to protect London's commons and open spaces. The Friends of Finsbury Park are seeking leave to appeal. Ealing Borough Council will now be relying on the Finsbury judgment to contest our claim against Ealing on Acton Green Common. Accordingly our legal team has advised that we should suspend the action with Ealing and instead seek permission to intervene in the Finsbury case so that we can ensure that the arguments in defence of the 1967 Order are fully aired.

83/16 The trustees agreed to this action, noting that the sum requested did not exceed the £20,000 already agreed.

LOCAL CORRESPONDENT FOR CAMBRIDGESHIRE

84/16 It was noted with pleasure that Alysoun Hodges, our former local correspondent for Cambridgeshire, had returned to the role.

ANY URGENT MATTERS ARISING FROM THE AGM

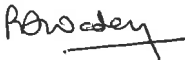
85/16 There were no urgent matters. The trustees considered that the AGM had been a success with an impressive turnout. However it was noted that the AGM chairman ought to have given members the opportunity to vote against trustees. It was also noted that it would have been helpful to have set out at the start of the afternoon exactly what was going to happen and the timings. The trustees requested that we provide microphones in future.

DATES OF NEXT MEETINGS

Thursday 22 September Friends House, London

Thursday 8 December Friends House, London

The meeting closed at 16.00.


22 Sep 16

RESOLUTION TO APPROVE INVESTMENT OF £75,000 IN UNITED TRUST BANK

78/16

it was resolved that:

- United Trust Bank Limited are appointed as bankers to the Organisation and are hereby authorised to honour and comply with all cheques, drafts, bills, promissory notes, acceptances, negotiable instruments and orders expressed to be drawn, accepted, made or given on behalf of the Organisation at any time or times whether the account or accounts in question are overdrawn by any payment or in relation thereto are in credit or otherwise.
- the Bank be authorised to:
 - i. accept and comply with all agreements, indemnities and counter indemnities in connection with the issue of letters of credit, drafts, telegraphic transfers, purchase and sale of foreign currencies.
 - ii. act on any deposit or hypothecation of securities and documents of further belonging to the Organisation.
 - iii. act on any instructions relating to the account(s), affairs or transactions of the Organisation generally, and
 - iv. treat all bills, promissory notes and acceptances as being endorsed on behalf of the aforesaid and to discount or otherwise deal with the same provided they purport to be signed by the agreed signatories identified in the Bank's Business Application Form in accordance with signing arrangements specified in Section E thereof.
- statements and other communications regarding the account(s) sent to the address set out in 'your Organisation's details' of the Bank's Business Application Form.
- the Bank be authorised to supply the Organisation's auditors with such information as may be requested from time to time
- this Resolution shall remain in force until receipt by the Bank of a copy of a resolution rescinding of the same and in the meantime the Organisation do advise the Bank by letter signed by the Chairman/Managing Partner/Trustee* (delete as appropriate) for the time being of all changes which take place in the list of signatories and/or the signing arrangements relating thereto.
- a certified copy of this resolution together with the Rules/Constitution/Memorandum and Articles of Association/Regulations/Byelaws* (delete as appropriate) be furnished to this Bank forthwith.
- for trustees/partnerships only (delete if a company);
 - i. the Bank shall not be obliged to provide separate periodic statements of Account pursuant to 5.18J (2) of the Consumer Credit Act 1974.
 - ii. in the event of the death of a trustee/partner the Bank shall be authorised to hold any credit balances on any account(s) in the name/joint name of the serving trustee(s)/partner(s) without prejudice to any right the Bank may have in respect of such balance or other property arising out of any lieu, charge, pledge set-off counter-claims or otherwise whatsoever and this Bank shall be authorised to take any step which it may deem desirable to take in view of any claim by any person other than the survivor(s).
 - iii. the Organisation shall indemnify the Bank fully in the event of any losses, claims or costs, which the Bank may suffer from accepting and enacting these Organisations' instructions in accordance with this mandate.
 - iv. any costs/claims or damages incurred by the Bank as a result of the operation of the account(s) shall have been incurred from the benefit of the trustee(s)/partner(s) whose liability shall be joint and several for all purposes.