

# FECKENHAM VILLAGE AMENITY TRUST

## INTRODUCTION

Village squares are one of the delightful features of our countryside and the fact that Feckenham has one is something to be treasured. Those that know the history of this village will be aware that we have come close to losing it on a number of occasions, the last in the early 1990's.

This paper has been produced by the Amenity Trust, assisted by the Square Management Committee, because the Trustees felt it was important to acknowledge those that have worked to preserve this area as a resource for villagers and to ensure this continues.

It was also felt important to create a record of how the Square can be used and also the policy towards its maintenance and upkeep. All this is done on behalf of Villagers and the Trustees by The Square Management Committee, a voluntary body that gives their time to the day to day management of this important area. I would like to record here our thanks to them for the unpaid work they do.

This paper is therefore a policy document outlining to Trustees, Management Committee Members, villagers and potential villagers how The Square operates. It was approved by the Trustees and can be revised by them from time to time.

**Jeff Matthews**  
**Chair, Feckenham Village Amenity Trust**  
*8<sup>th</sup> April, 2008*

*Any questions regarding this paper should be initially directed to the Secretary of The Square Management Committee, Chapel Cottage Mill Lane, Feckenham. B96 6HY.*

**Members of the Trust:** Andrew Henson, Jessica James, Pamela Lincoln-Lewis, Jeff Matthews, John Roundell, Tim Smith.

*Clerk: Sean Arble, 34 The Close, Cleeve Prior. WR11 8LF*

**Square Management Committee:**

Chair: Gary Simpson, 15 The Square, Feckenham (01527 892661)

Secretary: Ian Bellion, Chapel Cottage, Mill Lane, Feckenham (01527 892130)

Treasurer: Dawn Southwell

Members: Judith Hooker, Peter Masters, Jeff Matthews, John Roundell, Rhys Williams

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## BACKGROUND:

1. The Square was owned for many years by the estate of the Earl of Coventry. It wasn't particularly well maintained. It had been allowed to fall into disrepair until 1952 when it resembled a "mud patch" with a few sheds on it. In 1952 the Village Hall Committee took matters into its own hands and demolished the sheds, etc and turfed The Square in time for the Coronation celebrations in 1953.
2. The Earl of Coventry leased it to the Village Hall for one shilling per annum on a 999 year lease. Apparently the Village Hall forgot to pay and the lease lapsed.
3. In 1968 The Square was registered under the provisions of the Commons Registration Act 1965 as a village green and as common land.  
(This registration is maintained under the provisions of the Commons Registration Act 2007)
4. In the 1980's The Square was offered to the Parish Council but the Council didn't have the funds to take up the offer and it was sold to the new owner of The Old Vicarage. This arrangement proved to be less than satisfactory and there were lively public protests.
5. Mr Lionel Hill, O.B.E of Dunstall Court bought The Square and offered it to the village in return for a community fundraising effort to purchase a special incubator for Birmingham Children's Hospital.
6. The money was raised and the incubator was bought. Mr Hill handed The Square over to the village in 1992. The structure of Trust and Management Committee was established and the Management Committee began to work under the Chairmanship of Peter Turton. Due to legal delays the Deed wasn't finally signed until May 1996.

## STATUS:

1. The Square is owned and held in Trust for the village by Feckenham Village Square Amenity Trust. The full text of the Trust deed can be found in Appendix I.
2. The purpose of the Trust is **"THE PROVISION OF A VILLAGE GREEN OR SQUARE FOR THE BENEFIT OF THE INHABITANTS OF THE PARISH OF FECKENHAM"**
3. The Trust is a Registered Charity (No106836). Full details of current Trustees and accounts can be found at the Charities Commission website ([www.charity-commission.gov.uk](http://www.charity-commission.gov.uk))

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## STRUCTURE AND GOVERNANCE

1. **Trustees:** The Trustees are the elected Members of Feckenham Parish Council.
2. **Square Management Committee:** The Trust delegates the responsibility of the running and administration of The Square to the Square Management Committee. There must be at least three Trustees serving on this Committee and the Committee must report all its actions to the Trust. All members of this Committee are unpaid volunteers.
3. **Financial:** With the approval of the Trust, The Management Committee appoints a Treasurer who deals with all financial matters. Year end accounts are audited before being presented to the Trust for scrutiny and approval. They are then sent to The Charity Commission for approval and publication. The Management Committee raises Funds by means of events, donations and grants for the purposes stated in the Deed.
4. **Contingency:** There is a final clause in the Deed which states that should the Trust fail the aims of the Charity should not fail with it – i.e. if the Parish Council is wound up or taken over the land remains as the property of the village of Feckenham for the use of the inhabitants.

### Notes:

- a. *The Management Committee runs “the business” within the terms of the charity’s aims.*
- b. *The terms of the Deed of Trust recognise that, as the villagers had to struggle to gain ownership of The Square, it is run for the benefit of the whole village, not just the residents on The Square.*
- c. *The Management Committee is NOT a residents’ Committee and from its inception the membership was intended to reflect that – 3 Trustees, 3 residents of The Square, 1 Mill Lane resident, a Feckenham Village Hall and/or Feckenham Entertainments Committee representative (they helped raise the funds to buy The Square) + others as required. This structure maintains continuity of the voluntary membership as only the Trustees change at election time. However, The elected Trust (Parish Council) is the ultimate authority.*
- d. *Neither The Trust nor the Management Committee are funded by the Parish, Borough or County Councils. The Trust is an entirely independent charitable body.*

## USE OF THE SQUARE:

The Square is maintained as a village amenity and as an open, common space at the centre of the village. In addition to individual and family use it is the focus for outdoor community activity. Regular events taking place on The Square include: Feckenham Wake, Annual Carols round the Christmas Tree, Scarecrow Festival, Garden Festival and Fun on The Square. Villagers occasionally request permission to use The Square for large family celebrations.

The Square is a registered village green – which means that commoners (inhabitants of Feckenham) have a right to use The Square for “lawful sports and pastimes” which include fetes, fairs, games, picnics and celebrations.

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## **Policies:**

1. **Events:** Any resident of the Parish or local organisation may use The Square for events and special occasions without charge. Use is subject to the Conditions set out in Appendix 2. Organisers of larger events must request the permission of The Management Committee (on behalf of the Trust as landowner) before proceeding with arrangements. Care is taken that events do not damage the fabric of The Square and that any inconvenience to people living round or near to The Square is kept to an absolute minimum.
2. **Residents:** Parishioners have access to and may use The Square on an individual basis as common land. In practice this means that residents can use The Square as an amenity much like a public park. Use of The Square for wedding receptions and similar events is strictly restricted to village residents.

## **MAINTENANCE**

The Square is maintained by the volunteer members of The Square Management Committee on behalf of The Trust.

### **1: General**

- a. The Square is at the heart of the designated Feckenham Conservation Area. Every effort is made to maintain the appearance and amenity of The Square in accordance with the Conservation Area status.
- b. The historic Pound at the entrance to the Recreation Ground is included in the land owned by the Trust and is maintained and conserved to the standards required by English Heritage.
- c. The unpaved areas and roadways on the site have been finished with gravel which is maintained to a high standard with the aim of permitting residents vehicular access whilst preserving the original appearance.
- d. The grassed area of The Square is kept in good order by regular mowing and remedial work is carried out if problems arise. The long established flowering bulbs are replenished and augmented when necessary.
- e. Seats and other furniture are placed on The Square for the use of residents and visitors and are refurbished regularly. Flower tubs are replanted bi-annually and residents are encouraged to assist in their upkeep. The Committee maintains and supervises the village notice board at the High Street end of The Square.

Note: The paved roadways and pavements are not part of the land owned and managed by The Trust. They are adopted and managed by the County and Borough Councils who are also responsible for parking and traffic issues.

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## 2: Trees

### 1. Background:

- a. The Square is home to some 12 trees in varying stages of maturity. All are traditional British woodland varieties in keeping with The Square's position at the centre of the former Feckenham Forest. The trees are managed to ensure that they remain healthy with a view to maintaining their appearance and ensuring that they do not pose any safety risks to the public and surrounding properties.
- b. There is pictorial evidence that trees on The Square have been maintained in their current formation for well over 100 years. The Trust and Committee are held responsible under Conservation Area law to maintain the number, species and configuration of the trees.
- c. Trees situated in Conservation Areas are subject to special controls to ensure that the appearance and atmosphere of the area is maintained. The law requires that anyone proposing to cut down or carry out any work on any tree in a Conservation Area must give the Borough Council six weeks notice of their intentions. Work may only be undertaken either when permission has been given or the six weeks has expired. For cutting down or destroying a tree, a fine of up to £20,000 can be imposed. The landowner is also required to replace the tree that was removed.

### 2. Processes:

#### **Maintenance:**

- a. The trees are inspected annually by qualified tree surgeons.
- b. If work is found to be necessary the Management Committee informs the Borough Council and requests permission to carry out the work.
- c. If work is to take place close to residential property or is likely to pose a danger to parked cars residents are informed by letter and by notices posted at appropriate sites.

#### **Removal and Replacement:**

Trees will only be felled if expert advice is received indicating that a diseased tree cannot be saved by remedial work and/or the affected tree poses a danger to the public or to adjacent properties.

In the event of the need for the planting of replacement trees the following steps are taken:

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- a. The Borough Council's Tree Officer is asked to attend to assess and agree the site of the new tree and to agree the species of tree to be planted.
- b. The advice of independent experts is sought as to the suitability of the site and the type of tree proposed.
- c. The County Council's Conservation and Countryside Officers are consulted and asked to visit to confirm that the site and type of tree conform to the needs of the Conservation Area.
- d. Villagers are informed of the intended course of action through Feckenham News and notices posted on the village notice board. Comments are invited and are taken into account by the Management Committee prior to work being undertaken. It should be noted that, in the event of a dispute, the Trust as landowners have the right to make a final decision.
- e. Council approved and qualified contractors are asked to tender for the supply and planting work.

## **Criteria and notes:**

- a. Replacement trees are planted around the perimeter of The Square. This is the historical position for them and allowed use of The Square for markets, etc. This also preserves an amenity area of The Square for the use of villagers as required by the Deed of Trust and the laws relating to the public use of registered village greens.
- b. It should be noted that it is not usually possible to immediately plant a replacement tree at the site of a removal. Trees are planted at or near to known sites of previous removals. (If there is not presently a tree planted near a residential property it is entirely possible that a tree may be planted there in the future as planting sites are "rotated").
- c. The Conservation Officers are concerned to maintain the wooded feel of The Square and require that trees planted continue to reflect this by being of traditional, large woodland species.

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## **ENHANCEMENT OF EXISTING FACILITIES:**

The Management Committee welcomes suggestions for the enhancement and improvement of The Square as a village asset. It is currently seeking improvements in the appearance of the BT Telephone Box and the Borough Council signs.

## **OTHER SITES:**

The Deed of Trust makes provision for the addition of other Feckenham amenity areas to the Trust's remit. Protracted negotiations to acquire the Recreation Ground from the Borough Council ended in failure. The Trust would not be adverse to such an acquisition in the future but it is acknowledged that the management of additional assets may have to be done in a different way.

## **INSURANCE:**

The Square is insured by specialist municipal insurers. The cover includes public liability and damage to adjacent residential property. Cover for public events is not included and organisers of such events are required to take out appropriate insurance (see Appendix 2).