



Grounds and Environmental Services Committee

Date: 2nd December 2019

Title: Memorial Playing Field and Garden of Remembrance, Mentmore Road, Linslade

Purpose of the Report: To seek a Town Council position in respects of both the working and proper titles of the land known as Centenary Fields, Mentmore Park and Memorial Gardens (Deed of Dedication Title – 2016).

Contact Officer: Ian Haynes – Head of Grounds and Environmental Services

Corporate Objective/s		
Implications:		
Financial	√	None
Human Resources		None
Operational/Service delivery		None
Procedural/Legal	√	
Risk/Health and Safety		None

1. RECOMMENDATIONS

1.1 To note the report.

1.2 To agree the proper and working titles for:

- i. The full name of the whole site;**
- ii. The name of the park excluding the current Memorial Gardens;**
- iii. The name of the current Memorial Gardens excluding the park;**
- iv. The name of the pavilion;**

2. BACKGROUND

- 2.1 This report is presented to the Grounds and Environmental Services Committee at the request of Councillor S Owen. Its purpose is to seek a Town Council position in respects of both the working and proper title of the land known as Centenary Fields, Mentmore Park and Memorial Gardens (2016 - Deed of Dedication).
- 2.2 To support the paper, Councillor Owen provides historical context, rationale as well as a series of proposed recommendations he wishes the Committee to carefully consider as part of its deliberations (see **Appendix A** for the historical context and **Appendix B** for proposed recommendations).

3. CONSIDERATIONS

- 3.1 From the evidence submitted by Councillor Owen, there is no doubt that the former Linslade Urban District Council (the council administration in the 1950's) demonstrated a commitment to commemorate and memorialise the fallen in the same way as Leighton-Linslade Town Council did in 2016 by way of the Deed of Dedication* (as explained by Fields in Trust – attached at the end of the report).
- 3.2 However, the anomaly is not with the act of remembrance per se, but with the procedure that the Urban District Council would have been obliged to have followed in order to confirm it by way of procedure (to change the park name and thereby afford it future protection). Other than the minutes and the press cuttings referred to by Councillor Owen, the Town Council holds no other formal records to demonstrate that the act of remembrance was ever confirmed. To this end, the Town Clerk requested that the Head of Grounds and Environmental Services contact Fields in Trust to determine whether they hold further records to support the purpose of the paper.
- 3.3 Procedurally, the Urban District Council of the time would have been required to submit a request to the then National Playing Fields Association (now Fields in Trust) of its intention to amend the name of the park by way of a covenant from its Land Registry title. Once approved, a charge would then have been listed on the Land Register title as well as a record kept by the National Playing Fields Association. Despite best endeavours to prove otherwise, there are no records to demonstrate that this was ever undertaken (**Appendix C**) and herein lies the issue. On the one hand, minutes and press cuttings proclaim the act of dedication and yet there is no paperwork to demonstrate legal protection. To this end:
- i. Fields in Trust can find no previous entry beyond that made in 2016 (See **Appendix D**). According to Fields in Trust, it is not uncommon for councils of the time to have failed to follow correct procedures despite their best intention to do so (See **Appendix E**).

- ii. The sale of a small parcel of the park to British Gas PLC in 1990 makes no reference to any covenant. If it had, the legal requirement would have been for the Town Council to have consulted with Fields in Trust of its intention to sell part of the land holding. According to town council records, this never took place because there was no charge or restriction on the land at that time and as a consequence, the sale was made in good faith (See **Appendix F**, please note the four different mentions used for the same site).
- iii. The land in question was only first registered with Land Registry on 9th December 2014.
- iv. The Land Registry records show no previous entry. The only entry being the Deed of Dedication made in 2016.

4. WHAT DOES THIS MEAN?

- 4.1 According to Land Registry records, the proper title is that conferred in 2016 namely “Centenary Fields, Mentmore Park and Memorial Gardens”. Prior to the 2016 Deed of Dedication, the title of the land would have been that as registered namely “Land on the east side of Mentmore Road, Leighton Buzzard”.

5. WHAT CAN BE DONE?

- 5.1 By way of Council resolution, a representation can be made to Fields in Trust in order to change the name on the Deed of Dedication should Members consider it appropriate to do so. Please note the actual curtilage used on the Deed of Dedication, has to remain the same.

6. PROPOSED RECOMMENDATIONS TO BE CONSIDERED BY MEMBERS, WITH ACCOMPANYING OFFICER COMMENTS

- 6.1 Councillor Owen would like the Committee to consider the following See **Appendix B** for original);

Councillor Owen Request of Committee	Officer Response	Recommended Change
To formally reaffirm the full title of our inherited asset as “Memorial Playing Field and Garden of Remembrance, Linslade”	Officer research shows that the earliest title for the said land is Linslade Memorial Playing Fields. This was first used in 1950 within the context of the Committee established to bring the site forward. More recently, this title was used by the Department	Looking forward, there is no reason why “field” cannot be included within any future title when referring to the playing field element of the park. Members are reminded that given the Deed of Dedication that presently exists, “Centenary Fields” would need to be included at

	of the Environment, Local Government for the transfer of property dated 22 nd February 1974.	the beginning of any proposed name change
Consider any suggestions for from Officers for a shorter internal-only working title i.e. inclusion of the word "Memorial", and if Officers want the name "Mentmore" to be used, the word "Road" to accompany it.	There is no objection to the proposed recommendation. It is considered that 4 names are required. i) The whole parcel of land protected in perpetuity to honour the memory of the fallen. ii) The park excluding the Memorial Gardens. iii) Memorial Gardens excluding the park. iv) The pavilion	i) The recommended change for the whole parcel being "Centenary Fields, Linslade Memorial Playing Field and Garden of Remembrance". ii) "Linslade Memorial Playing Field." iii) "Linslade Garden of Remembrance." iv) "Linslade Memorial Pavilion".
Formally Agree to notify Fields in Trust of the corrected title of the site.	Subject to council resolution, this would be carried out without delay.	Agreed
Agree to the replacement of a Town Council notice board at the site which gives the full title and mentions its origins, e.g. "Provided by public subscription in 1950 in remembrance of those Linslade men and women who died in two World Wars" or similar.	Subject to council resolution, the request can be incorporated within the interpretation boards which are subject to present design.	Agreed
Officers to consistently observe the full title and any agreed abbreviation.	Subject to council resolution, this would be recognised.	Agreed

Consider any advice from officers as to any formal corrections needed to be made to Council legal or quasi-legal documents, e.g. bye-laws.	The bye-laws presently refer to the land as Linslade Memorial Playing Fields and Gardens, Linslade. Subject to council resolution, this would be amended in due course.	Agreed.
Ask officers to rectify incorrect signage at the site as part of normal maintenance and replacement.	Subject to council resolution, this would be carried out in due course as part of the new signage associated with the interpretation panels.	Agreed.
Ask officers to take early steps to ensure that Internet references to the site are correct, possibly attaching an explanation of the corrected title so that other websites may become aware and also, over a period of time, hopefully also correct.	Subject to council resolution, this would be carried out in due course.	Agreed.

6.2 Recommended changes:

- i) **The recommended change for the whole parcel being “Centenary Fields, Linslade Memorial Playing Field and Garden of Remembrance”.**
- ii) **The recommended change for the park excluding the Memorial Gardens being “Linslade Memorial Playing Field.”**
- iii) **The recommended change for the Memorial Gardens excluding the park being “Linslade Garden of Remembrance.”**
- iv) **The recommended change for the pavilion only “Linslade Memorial Pavilion”.**

7. CONCLUSIONS

- 7.1 Officers would like to thank Councillor Owen for his comprehensive work on the subject matter. It is clear that the intention to memorialise the park is beyond doubt. Where the challenge did lie is with the lack of recorded evidence held by the town council to support the sponsor in the first instance. Notwithstanding this however, should Members be minded supporting the recommendations, it is hoped that the matter can be brought to a successful conclusion in honour of those who made the ultimate sacrifice.

* Contextually, the Deed of Dedication is not the same as a deed that conveys ownership. The Fields in Trust deed does not represent a disposition of interest by the council. It is a straightforward contract and being a contractual obligation, it is strong and binding in a legal sense. The deed also contains a restriction that prevents any legal disposition of land whatsoever without the consent of Fields in Trust. Fields in Trust believe this is the most secure method of protecting recreational land available, by not having to rely on outdated covenants that are hard or impossible to enforce, nor planning designation which is subject to potential change.

End