

Appendix 3 – Public Comments

Comments 1 and 2 – from same member of the public

Comment 1

Dear Sirs

I write to you in respect of the above meeting and the Council's decision to hold it in private, with members of the Press and Public excluded. I object to this for the following reasons below, and respectfully ask the Cabinet/Executive/Trustees to reconsider with a view to allowing the Press and/or Community representation to attend. The disclosure of financial elements could be held back until a decision has been made, unless the Cabinet/Trustees have already determined to grant a lease of the Pavilion and Ground at Marke Wood Recreation Ground.

This whole episode has only recently been brought to the attention of the local Community of Walmer, through the affixed Notices of Application for a Premises Licence for the Sale of Alcohol at the Pavilion at Marke Wood and sought by the Cinque Ports Football Club, which Application was subsequently withdrawn by the Football Club before the scheduled meeting on the 15th August next.

It then came to light, once I requested a copy from Dover District Council (DDC) of the Restrictive Covenants that were included in and attached to the initial Transfer of Title in Marke Wood to the Walmer Urban District Council and pertain, in perpetuity, to that land, that a meeting to discuss the leasing of the Pavilion and Ground at Marke Wood Recreation Ground to the Cinque Ports Football Club had been arranged for sometime in September. The identified User within the Transfer and Restrictive Covenants is clearly the Community/inhabitants of Walmer, as the land was given for that purpose by the Marke Wood family. What has been constructed on that land is not for the benefit and use of a sole entity, such as a single football club, and on a permanent basis as inferred in evidence below.

It would have been much more open of the Council/Cabinet/Executive, who will be acting as trustees for the Charity of Frederick Franklin for a Public Park (Charity No 1092171), to have put any proposals or considerations for the potential future use and occupation of the Pavilion and Ground, out to the Community of Walmer at large. There has been much talk of making use of the Pavilion and Ground, including the Tennis Courts, by members of the Community for the benefit of the Community, including visitors, and they would have welcomed discussions with the Council in that respect.

I further note, under the submission to the Charity Commission in respect of the Charity of Frederick Franklin for a Public Park (Charity No 1092171) in 2008, that the purpose of this Charity is: Land at Marke Wood to be used for recreational activities of the inhabitants of Walmer. The Cinque Ports Football Club originates from Deal Town Rangers Senior Football Club before changing to Deal Sports FC and not Walmer. I quote from an article in kentonline dated 5th July 2019 in which Mr Bowers and Mr Chivington, the 'owners' of the Club state:- 'Mr Bowers said: "We've been in discussions with DDC about a permanent home for our club for years and this here is a continuation of that process. They've encouraged us to play here because no one was using it. We're delighted with the opportunity and incredible support from DDC, and we hope to see a lot of new faces as well as old." In addition to the pitch, they plan to adopt the adjacent building to create a club lounge for players which will also serve refreshments to spectators.' You will note that there is no mention of the Community in all of this and the reference to a permanent home including the Pavilion and Ground must be contrary to the Restrictive Covenants attached to the original transfer of title, referred to above. I also note that there is a Deal Town Rangers FC in existence providing football for over 250 young people in Deal and the surrounding areas.

The Trustees of the Charity of Frederick Franklin for a Public Park (Charity No 1092171) - Dover District Council who also established the Charity - must have regard to these Covenants otherwise they would be failing in their duty towards their said purpose: Land at Marke Wood to be used for recreational activities of the inhabitants of Walmer. There is and was an alternative option for DDC/Trustees/Executive to consider and that is for the Community to manage the entirety of Marke Wood, under the guidance of the Charity and its Trustees, as a recreational ground for all sports and recreational purposes, as the Community is the User of the Ground. This would extend to the running of the Pavilion and Tennis Courts with a greater openness for the Community and visitors to utilise. To grant a lease to the Cinque Ports Football Club gives a sole entity legal occupation of the Pavilion and Ground at Marke Wood for a term of years and would be subject to renewal, all to the exclusion of the Community. If Cricket was to return to Marke Wood, there would be no facilities to

accommodate teams, in terms of changing facilities etc. This scenario that we are now faced with could not have been considered at the time of the initial transfer from the Marke Wood family, as for this kind of transaction to be contemplated, it would go against the legally enforceable Covenants attached to that initial transfer. To grant such a lease on the Pavilion and Ground to a single entity would effectively change Marke Wood Recreation Ground for ever, you would never get it back.

Only last night, Tuesday 6th August, whilst training was underway, I was alerted whilst in the garden, by some crashing sounds - something hard on metal. I went out into the park and noticed two young children in the Children's Play Area throwing something onto the slide and the merry go round. I also noticed one of the children throwing stones onto the roof of the Pavilion. This must have been ongoing for at least 20 minutes. A neighbour, whose garden backs onto the Children's Play Area, was also attracted by the sound. An altercation took place with the mother of one of the children which could have become unpleasant. The mother then retorted to someone on the playing or coaching staff - "more complaints coming" - but there was nothing forthcoming from the player or Coach. I make this point because there has been little attempt by the CPFC to meet with the Community and discuss plans, other than a letter dropped through the letter box after objections were raised about the Application for a Premises Licence to sell Alcohol, and I can only see this ending in disaster.

Yours faithfully

Comment 2

Dear Councillors

I write in reference to a meeting of the Cabinet, when the members will be acting as Trustees to the Charity of Frederick Franklin For a Public Park, to be held on 2nd September during which the leasing of Ground at Marke Wood and its Pavilion to the Cinque Ports Football Club is to be discussed.

I object in the strongest terms to the land, or parts of it, and the Pavilion being effectively granted to a private enterprise or a single entity for its benefit alone and through a legal interest. In so doing, the community, by and large, lose the full amenity of Marke Wood that is guaranteed under the terms of the Restrictive Covenants that formed part of the original transfer of title in the aforementioned land to Walmer Urban District Council. Football is largely a Winter pursuit in the UK but putting the legal interest in land and Premises into a single entity prevents the Community from occupying those aforementioned elements throughout the year.

By proposing or, indeed considering, this means of transfer marks a change in practice from individual sports renting the recreation ground and Pavilion to granting a leasehold interest to a single entity for their sole enjoyment and benefit which will remove those aspects from the Community's enjoyment and thereby change the nature of Marke Wood forever.

I urge you to reject any granting of a lease that would create a legal interest in land and premises at Marke Wood to the benefit of a single entity and retain Marke Wood as a Community amenity for the "use and enjoyment of the children and people of Walmer", as it stipulates in the Restrictive Covenant and is indeed contained within the purpose description of the Charity of Frederick Franklin For a Public Park (Charity Number 1092171) – Land at Marke Wood to be used for recreational activities of Walmer inhabitants.

Yours sincerely,

Comments 3 and 4 – from same member of the public

Comment 3

To: DDC Democratic Services

Subject: Notice of Intention to Hold a Cabinet Meeting (or parts of it) in Private

I am writing to make representations to the Cabinet that the meeting to be held on 2 September 2019, relating to the possible lease of the Pavilion in Marke Wood Recreation Ground, should not exclude members of the press and public.

I can see no justification for this intention, other than to prevent the public from being made aware of the intentions of the Cabinet to permit an unlawful lease of the pavilion to Cinque Ports Football Club.

This intention is said to be so that information of a financial nature may not be made public. This should not prevent representations being made by interested parties as to the granting of a lease of the Pavilion to one entity, namely the Cinque Ports Football Club.

This appears to be completely undemocratic and not in the interests of the people of Walmer who have an interest in how Dover District Council manage the land gifted to them.

Comment 4

Dear Sir

MARKE WOOD RECREATION GROUND **CINQUE PORTS FOOTBALL CLUB**

I am writing to you in your capacity as Vice-Chairman of the Cinque Ports Football Club. Yours is the only address I have.

Last Tuesday, 6 August, I was sitting in my house watching the TV when I heard loud and continuous metallic 'banging' noises coming from the children's play area in Marke Wood. As this continued for some time I felt obliged to investigate. I discovered that 2 small boys were throwing large lumps of stone/tarmac at the play equipment.

I attended the scene and remonstrated with the boys, asking who they were with. I was told, by one of the boys, that Dad was playing football and Mum was sitting on a bench. I observed the mother engrossed on her mobile phone. I was surprised that she had not heard the disturbance as the bench was near the pavilion and closer than I was at home.

Another neighbour, further away, had also been alerted to this disturbance and had attended independently and observed the behaviour.

I attracted the attention of the mother, who came over. She was told of the attempted vandalism and retaliated in a somewhat aggressive manner. I suggested that the children should be supervised and was

told that she had been attending to her 'brother's bench' that had been vandalised. When I first saw her she was not engaged in any activity, apart from viewing her phone. She clearly could not see the irony of the bench being vandalised and the attempt at damaging the play area by her son.

Because of the aggression of the mother, I did not stop to investigate if any permanent damage had been done to equipment and withdrew.

I should be grateful if you would remind your members to respect all areas of Marke Wood and supervise their children when attending events hosted by your club in Marke Wood. There is concern that this incident will not be isolated and the behaviour of supporters questionable.

I am pleased to see the use of Marke Wood for football but am opposed to the sale of alcohol in the area, or a lease given to one particular entity when Marke Wood was gifted to the people of Walmer for general public use and enjoyment.

Yours faithfully

Comment 5

Dear Cllrs Morris and Vinson

I would like it known that I object to the sale of the above into private ownership.

Simply put , it should remain under your guardianship and available for public use and it is a very popular park for locals and visitors.

I strongly object to any application for an alcohol licence now or in the future.

Please do not allow this current proposal to be accepted by your authority

Comment 6

To: Cllr-Keith Morris
Subject: Marke Wood Park

Dear Councillor

I am writing to you to express my concern over the proposed leasing of Marke Wood ground and Pavilion to the Cinque Ports Football Club.

The ground was donated to the people and children of Walmer and Deal in 1927 by Mrs Marke Wood and must remain for that purpose. I strongly object to leasing the land and Pavilion, and the alcohol licence that would surely follow.

The land is for the enjoyment of all.

Yours sincerely

Comment 7

Dear Councillor ,

I am writing to you on the above matter to express my concerns on the possibility of the council (which are the trustees of the Charity of Frederick Franklin for a public park) allowing the Cinque Ports Football Club to lease two football pitches and the pavilion .

This would transfer the pitches and pavilion over to private control .

Surely the original restricted covenants covering Marke Wood should ensure that forever the playing field and recreation ground are for the use and enjoyment of the children and people of Walmer .

Should the space be leased out it will not be available to the people as originally intended .
I urge you to keep the recreation ground as a community asset for all.

Yours

Comment 8

I wish to add my voice to those who are alarmed at the proposed change of use to the above ground originally gifted long ago by the Contessa di Sant ' Elia.

It is used daily by members of the public, local parishioners, dog walkers, children at play, and parents bringing their young children to the specially designed child's playground.

To lease part of this land to a local football club and, in particular, to grant a licence for the sale of alcohol on premises immediately adjacent to the child's playground would be scandalous.

I hope and trust that these proposals are not be accepted.

Comment 9

Dear Sir,

I live at [REDACTED] opposite Marke Wood the community recreation ground currently enjoyed by and open to all. Long may this continue.

It is pleasing to note the proposal for the return of football matches to the site.

However, I am unhappy about and strongly object to the application to use the pavilion for the sale and consumption of alcoholic drinks. Having played various such matches until my late forties I know full well that there is absolutely no need for such provision and the avoidable associated problems which can arise.

I say play on the pitches by all means subject always to rules properly agreed and laid down by the Trustees of the relevant Charity and enjoy the pavilion.

But go elsewhere for alcohol.

Yours truly,

Comment 10

Dear Mr Morris

I have lived in [REDACTED] for over 65 years, and enjoyed going to Marke Wood, both as a child and as an adult, with my parents, friends, husband, children and grandchildren.

Both my husband and I feel that the applications made by Cinque Ports Football Club to lease two football pitches and Pavilion should be rejected as this will not enhance the area to the benefit of the children and residents of Walmer, and it should remain a community asset free for all to enjoy.

It would need the Restrictive Covenants to be altered which in future could also mean that these could be changed to allow the building of houses on the land, and the facilities lost completely.

We would be grateful if you would make these concerns known to the council and reject the applications.

Yours sincerely

Comment 11

Dear Sir,

I am writing to you to express my opposition to the application by the Cinque Ports Football Club to lease two football pitches and the pavilion in the Marke Wood recreation ground.

This land was left to the community as a whole to enjoy. Should it be taken over by a private sports club the nature and use of those amenities would surely change and be restricted to members and guests of that club, to the detriment of all others.

The creation of a private sports club in the recreation ground would potentially create more noise, additional traffic in the area, and parking problems around the area.

Having temporarily retracted their application to sell alcohol recently it is extremely likely that this application will be revived should they succeed with the lease application. This would inevitably increase noise, litter and probably anti social behaviour over a greater number of hours.

It is not suitable for a licensed premises to be located immediately next to a children's play area. What happens to the tennis courts sited next to the pavilion, do they form part of the private application?

As Trustees of the Charity I feel that it is incumbent on yourselves to maintain the the use of the recreation ground as it was originally intended. i.e.

THE OBJECT OF THE CHARITY IS, IN THE INTERESTS OF SOCIAL WELFARE, THE PROVISION OF, OR TO ASSIST IN THE PROVISION OF FACILITIES FOR RECREATION OR OTHER LEISURE TIME OCCUPATION. TO IMPROVE THE CONDITIONS OF LIFE FOR THE INHABITANTS OF THE AREA OF BENEFIT WITHOUT DISTINCTION OF POLITICAL, RELIGIOUS OR OTHER OPINIONS.

Comment 12

Dear Councillor Keith Morris,

As a regular dog walker in Marke Wood Park I do not understand why the request by Cinque Port Football club for the lease to use the pavilion has created so much disquiet.

The pavilion has not been used for many years and has been mainly abused by the vandals of the area. If the people who are concerned about the pavilion being used for 'community use' why has it not been used for so long?

The vandals have purchased alcohol from the garage on the corner of Salisbury Road, where they can acquire alcohol all hours of the day or night, smashed the bottles all over the park with not a thought for the dogs and children who use the park.

They vandalise the pavilion and surrounding area, including the children's play area. They take various drugs in the blue covered area and leave their drug paraphernalia in the grass. They foul in the bushes behind the tennis courts. In recent weeks we have also have a settee set alight which involved the Fire Services having to come to the park.

I have also been in the park when they have been astride the roof of the pavilion removing the roof tiles and throwing them down.

If you dare to question their behaviour they mass together to intimidate you.

One evening this week there were also youths riding their motor bikes around the park.

Why is it that these people complaining about the football club have not seen it fit to complain about the above points I've drawn your attention to?

Do they ever use the park?

I would have thought that now the club has withdrawn the request for an alcohol licence, after finding out there is a covenant on the use of alcohol in the park, that the local residents would be glad that the pavilion has now got a permanent club who are willing to look after the building.

I have spoken to a representative of the club and they are also willing to serve the public using the park with coffee etc when the pavilion is open.

Myself and many people that I have spoken to are pleased that the park is now being used for what I am sure it was intended for, and that is for the youth of the community to come together in harmony and not roam the streets creating a nuisance and vandalising cars and property and stealing from the local shops.

I certainly hope that the men that give up their time to run this club finally get the lease and are able to continue with the club without the interference of small minded people.

Yours sincerely