

Scott Smith

Mon,
Mar 14,
1:59 PM

to Colin, Croft, Alwyn, Ann, me

Hello Grace

We impose small fees for the use of some public spaces, both indoor ones such as community centres, halls, and libraries, but also outdoor spaces such as playing fields, parks, and reserves. We have the legal ability to do that as a result of our ownership of the land and buildings, and also where relevant pursuant to our powers under the Reserves Act '77 (see for instance s53 and 54 of that Act in relation to Recreation Reserves, and s61 for Local Purpose Reserves). Those charges help us to provide and maintain the spaces and facilities for the benefit of the community as a whole.

I appreciate your intention is that the community will benefit from your activities, and that it is a not-for-profit thing. That is the case for most of those who undertake activities on our reserves and in our facilities.

At Farndon Park the Farndon Park Domain Board (the Board) have for a number of years helped us by managing the domain on our behalf, and we greatly appreciate their work in that regard. We have an agreement with the Board that (among other things) empowers it to, on our behalf, hire out the Domain and any facilities on it, fix and charge rentals or hire fees, and to make rules for the use of the domain. From a legal perspective, the Board is our agent or delegate in that regard.

Clearly there is a lower threshold where the combinations of size, nature, impact on others, and infrequency may mean charging is not practical or appropriate. But the sort of regular and larger activity you describe below is the sort of thing we may look to charge a fee for were on one of our other open spaces such as Cornwall Park that we administer more directly. I've discussed this with Mr Hosford who manages our Open Spaces team as it is desirable to have a generally consistent approach to such things, and he intends to touch base with the Board to discuss that, but there is nothing in the information below that gives Mr Hosford or me cause for concern.

We don't have signage about fees at all our parks, but there is information about it on our website (see: <https://www.hastingsdc.govt.nz/hastings/reserves/book-a-park/>). You'll see our usual fee for "Not for Profit Community events small" on "Parks, Reserves and Public Spaces" is \$20 per hour.

Ngā mihi
Scott

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Mar 14,
2022,
4:55 PM

to Scott

Thank you Scott I appreciate your response but in accordance with the requirement of open and transparent and democratically accountable governance as set down by section 14 of the local government act there is an expectation that the information I have sought is available .

FYI <https://www.hastingsdc.govt.nz/hastings/reserves/book-a-park/> does not list farndon park
section 54 requires prior consent of the minister , we are not looking for a lease and have no intention of carrying out any of the functions as set out in S61

We are not seeking exclusive use of the park, nor do we wish to build on it, use it for horticulture (61 2A) etc
. we do not exclude any one; we simply arrive, meet with others and leave the property as though we have never been .
we are not a body and are neither incorporated or unincorporated we are a gathering of citizens which changes from week to week in numbers persons and viewpoints , strangely enough we are using a public park for exactly the reason it was intended to be used that is why it is so important to know why we are being charged .

This is not about the chargers, this is about fairness, transparency and the need to have proper procedures in place.

I have not seen any evidence in the legislation you have quoted which is applicable to this park and would really like to know when is public place not a public place and when can a committee which appears to have no minutes decide who and what should be charged

In the interest of transparency Please provide me with the constitution of the committee and any minutes which they have passed for charging a member of the public for using the park, and the associated definitions and limitations which they wish to apply to members of the community gathering in a public space

Please also provide the minutes of their last four meetings .

I make this request under the provisions of LGOIMA

Regards Grace Haden

Minutes provided as per links

<http://www.transparency.net.nz/wp-content/uploads/2022/04/Farndon-Park-Minutes-Committee-Meetings-26-October-2021.pdf>

<http://www.transparency.net.nz/wp-content/uploads/2022/04/Farndon-Park-Minutes-Committee-Meetings-26-June-2021.pdf>

<http://www.transparency.net.nz/wp-content/uploads/2022/04/Farndon-Park-Minutes-Committee-Meetings-20-April-2021.pdf>

<http://www.transparency.net.nz/wp-content/uploads/2022/04/Farndon-Park-Minutes-Committee-Meetings-17-August-2021.pdf>

<http://www.transparency.net.nz/wp-content/uploads/2022/04/Farndon-Park-Minutes-Committee-Meetings-15-Feb-2022.pdf>

use of Farndon domain by the public

Wed,
Apr 6,
2:34 PM

to Croft, ronmcg8700, Alwyn, Colin, Scott, Ann,

Good afternoon Mr Ashcroft

I have looked into the matter of your chargers for the use of Farndon park by the public on behalf of Jill Norman .

I have obtained minutes of meetings and the constitution under which the board was formed

Most importantly the constitution states "to make rules for the use of the Domain and its facilities, subject to first obtaining the prior approval of the Council;

I see nothing in the minutes relating to rules of use of the park I do see that one occasion a business was granted use of the park and chargers were made but have not found any rules which would allow you to charge a group of people using the park for a non commercial social event which does not exclude any one or restrict access to the park .

The commercial hire is an entirely different matter and appears through the minutes to be transparent, there are however no minutes or resolutions which enables you to levy charges on Jill or any other member of the public using the park in accordance with the reserves act.

As there appears to be no legal basis for your demand for payment we request that you repay all funds which you have received for the use of the park.

I do believe that on one occasion there was hall hire which is an entirely different matter for clarification we are only dealing with charges demanded by you for the use of the park on Saturday mornings.

We look forward to you reimbursing Jill for the funds incorrectly levied. and expect this to occur this Saturday.

For transparency Please also provide me with the resolutions and documentation which makes the park available to the sports groups and evidence of the charges levied on those people so that we as the public can respect their exclusive use rights and also please advise us of the areas which are for use by the public and those which have been leased.

Regards Grace Haden

The chairman The Farndon Park Domain Committee of Management

Grace Haden

Thu, Apr 7, 11:48 AM

to ronmcg8700, Ann, Croft, Alwyn, Colin, Scott,

Good Morning Mr McGrannachan

Since early this year Farndon domain has become a meeting spot for locals to have a picnic and socialise on a Saturday morning

We do not belong to any structured group or organisation we just know that this is a place where others will be and can share friendship and support.

We do not pay any fees for attendance although Koha was collected to cover the demands of Ms Ashcroft.

I am a former long serving police officer and former police prosecutor. It appeared odd to me that members of the public were being charged for using an area which is open to and for use by the public.

Since I strongly oppose corruption I have taken this task on for and on behalf of the people who were asked to come up with funds for using a public place.

I have obtained copies of the minutes of your meetings since it was formed and a copy of the MOU signed with Hastings DC 2021

I have also been provided with a transcript of a telephone conversation between Mr Ashcroft and Jill Norman of whom Mr Ashcroft has made demands for funds .

It concerns me, as it should you that Ms Ashcroft states (6 April 20220

"I will not be refunding any money " and" We can set charges as we see fit to people who use the park "

The MOU allows your committee to make rules for the use of the domain and its facilities .. subject to to first obtaining

the prior approval of the Council

I have not seen any rule which would allow Mr Ashcroft , unilaterally or on behalf of your committee to make rules without adhering to the prescribed democratic process. There is no evidence that the council has been approached with this regard or of any resolution to approach the council for the purpose of making such a rule .

It appears to me that Ms Ascroft is acting well outside the scope of his position and his actions are that of demanding funds without legal basis which is corruption and abuse of his position .

I am of the view that the best manner to deal with this would be that Ms Ashcroft cease acting as an individual and act only with the authority of the board after adhering to the recorded democratic processes ,it may be best that since he appears to be conflicted that he is taken out of the equation and that someone other than him deals with it

I also ask that this matter is raised at your meeting on the 22 nd April and that in the interim the funds which have been levied without lawful basis are returned .

If they are not returned by Saturday I expect to see the full legal basis on which they were levied and consent from the committee to retain the funds .

At this stage we do not even have evidence as to who has the funds or if they are in the committee's accounts , but whoever has them has them without legal basis in my day that was called theft , this is reinforced by Mr Ashcrosts statement that he will not be returning the money . (to deprive permanently)

I look forward to having this matter resolved. It is of concern to all who use public parks that we are not asked to pay for the use of a public domain.

Further Mr Ashcroft appears to like using phone calls. I request that in the name of transparency that he or any other member of the committee communicates with me regarding this by email as that gives us a transparent platform that we can refer to if it is not resolved.

Regards Grace Haden

Scott Smith

Apr 7, 2022,
1:47 PM

to Ann, Alwyn, Colin, Gavin, ronmcg8700@gmail.com, me

Hello Ms Haden

The Board is no doubt aware of the concerns you hold, and I'm sure it will discuss your correspondence when they meet. But I thought it might assist to make the Council's position clear at this point.

The members of the Board do the community a considerable service. The Council greatly appreciates their efforts for the community, and the way in which they look after the domain. The Board (including through Mr Ashcroft) are acting within the powers the Council has provided to them, are doing so as we would expect them to do, and as they have been doing for many years.

You are making accusations of serious impropriety that appear completely disproportionate and unjustified. If it assists to put your mind at ease in terms of financial and governance oversight, the Council's finance team helps the Board by preparing their annual accounts for them and two of our Councillors sit as members of the Board in their capacity as Councillors.

In short, your group's desire to use the domain for its events has been accommodated by the Board. That comes at a modest charge. The charge is consistent with the charges for small not-for-profit community events at similar Council controlled areas within our district. The Board may wish to vary, waive, or refund that charge as you seem to be requesting they do, but that is up to them to consider and you should not assume they will. In the interim, if the charge is a problem for your group it might be best to relocate its events.

Ngā mihi
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Apr 7,
2022,
2:51
PM)

to Scott, Ann, Alwyn, Colin, Gavin, ronmcg8700@gmail.com,

Thank you Scott

This comes down to accountability to the public.

We are not a group, we are a gathering of the public . The public have the right of access to the public domain and we have not seen any documents or evidence which support any charges. if you have a different definition please advise when members of the public having a picnic in a park become a group. a family of 5 perhaps or only if grandma and grandpa come along? What is the definition ? the criteria ? If I go to the park and see someone I know, do I then become a "group" for going up to them and saying hello, at what point should I be paying ? and at what point will you make demands for payment ?

Councils need to operate in an open transparent manner and when they do not operate in that manner then it is open to speculation as to what authority the funds are levied, who decided to do this and if so why were there no minutes of a meeting or a resolution

At this stage money has gone to Mr Ashcroft no receipt (that I am aware of) has been issued that I am aware of and no proper invoices have been presented . The "board " due to its lack of legal existence is not an entity which is capable of suing or being sued or able to make demands or hold assets in its name . It is merely a group of people who together have consented to carry out a function for the council which has to be in line with legislation, in this case the reserves act and the MOU . the management group appears to be an unincorporated group of persons , ie the board has not been incorporated under any legislation and lacks legal existence of its own

MOU's as you know are drawn up between legal persons and it would appear that the legal persons involved in this agreement are the natural persons who have signed the agreement. I doubt if all were consulted in the demand for the money and all should at least consent to it before it is legal

If you are not going to return the money please provide us with an official receipt and the legislation you rely on for having demanded it and retaining it .

If you are demanding further payment please provide us with a legal demand stating the legal basis on which the demand is made .

We look forward to an official receipt from the board or a full refund forthwith .

documentation is necessary as I see this going to the ombudsman

Regards Grace Haden