

Shropshire County Council

Licensing Act 2003

Licence Application Number: 20/02595/LPRM

At

Llanfair Waterdine, December 2020

“Other Persons Representation”

By



(Resident of Llanfair)



To the Chair and Members of the Licensing Sub Committee at Shropshire County Council.

Licence Application Number 20/02595/LPRM
At Llanfair Waterdine.

8th. December, 2020.

You will see from the attached representation that this licence application has caused a measure of alarm and consternation in the little community of Llanfair Waterdine for the reasons and justifications given. It is claimed that the application does not have the level of transparency that is appropriate having regard to the major impact the grant of a licence may have upon the local community. There may even be uncertainty as to the true identity of the applicant, even though your officials have told us that they believe it is the Trustees of the Charity. Your committee may therefore consider in the interests of good decision making, that the grant of the licence be held in abeyance pending a thorough investigation to ascertain accurately all of the relevant facts, unless it agrees with the respondents that the licence should not be granted anyway as a matter of principle. Also from the evidence given herein there are grounds for Members to question whether the applicant trustees are properly qualified and experienced to run such a complex specialist enterprise in any event.

Another major issue for members to consider is whether there is any justification in principle for duplicating facilities that are already easily available in the heart of the community anyway, and what acceptable level of harm to the community, would justify the acceptance of such duplication. In this context Members may want to have in mind incidences of previous noise disturbance, and the nature of the applicant's response thereto, all of which are considered relevant and are detailed herein.

To conclude it will be seen that the application is framed in the widest possible terms, so allowing the applicants to expand the enterprise over the years well beyond any possible local needs without apparent limit; in effect 'shoe-horning' an intrusive and alien commercial/leisure venture into the heart of a small and somewhat vulnerable rural community. You are urged please not to withhold your much needed protection, if you feel that we have made our case on the true facts we have given to you in all sincerity.

Yours faithfully,

Licence Application Number 20/29595/LPRM

Representation by Local Resident: [REDACTED]

INDEX

Item.	Page Number.
Shropshire Council Representation Form	1&2
Detailed Representation:-	
To Prevent Harm to Children	N/A
To Prevent Public Nuisance	3
To Prevent Crime & Disorder	3
Public Safety	3
Background & Justification:-	
Llanfair Waterdine relevant details	4
The Pavilion	4
Historic Noise Pollution	5
Trustees Response	5
Trust Management	5
Accountability	5
Suggested Condditions	6
Annexes:	
Annex 1a, 1b,1c	Narrow approach roads
2	Everest Hall exterior.
3	Sketch Plan of part of village
4	Copy Llanfair Times June 2018
5,6,7,8,9	Relevant correspondence
10	Attendance Note of meeting

LICENSING ACT 2003
REPRESENTATION FORM

APPLICATION No. :-
20/02595/LPRM

Other Persons

Name/Company Name/Name of Body you represent	[REDACTED]
Postal & email address ↓	[REDACTED]
Telephone number	[REDACTED]

Name & Address of premises for which the representation is being made

THE COMMUNITY PAUILLION,
LLANFAIR WATERDINE,
KNIGHTON, LD7 1TU

Your representation must relate to one of the following four Licensing Objectives. Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary.

THE PREVENTION OF HARM TO CHILDREN

N/A

TO PREVENT PUBLIC NUISANCE

Please see page 3
& pages 4 & 5 for justification & background.

REPRESENTATION FORM
FROM:-



TO PREVENT CRIME & DISORDER

Please see page 3
& pages 4 & 5 for justification & background

PUBLIC SAFETY

Please see page 3
& pages 4 & 5 for justification & background

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary - refer to checklist.

Please see page 6.
and pages 4 & 5 for justification & background.

Generally if there is to be a hearing to determine the premises licence application, the sub-committee will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. Please attach additional sheets if necessary.

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal process. All representations in their entirety, including your name and address, will be disclosed to the applicant for the premises licence and any other interested parties. If all parties agree, the application can be dealt with without holding a hearing.

Signed:

[Redacted Signature]

Date:

4th December 2020

Please return this form along with any additional sheets to the address below:

Licensing Team
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

This form must be returned within the statutory period, which is generally 28 days from the date the notice was displayed on the premises or the date specified in the newspaper advert.
For confirmation on this date please contact the Licensing Team on 0345 678 9026

From: -

[Redacted Name]

Representation by [REDACTED] 4th. December, 2020

To Application Number 20/29595/LPRM

At Llanfair Waterdine

To Prevent Public Nuisance.

- (a) Please see pages 4&5 for general background and justification
- (b) There is a history of intense noise pollution and bad incompetent management on this site. Amplified sound both inside and outside should not be allowed.
- (c) The proposed uses clearly appear to undermine the functions of the existing village hall and thus should not be licensed.
- (d) All approach roads are single track and cannot accommodate significant extra traffic without causing congestion. There is no street lighting nor pavements.
- (e) The application implies to intended to serving the wider area and will thus generate a frequency of events that are alien to this AONB and the Council's own policies
- (f) There is a predominance of retired people in the immediate area who would be greatly disturbed by the intensity of the use detailed in the application.

To Prevent Crime & Disorder

- (a) Late night private parties fuelled with alcohol even when strictly controlled are bound to cause a degree of disorder, especially regarding those that have no connection with the community. Large numbers of high spirited people are exceptionally difficult to control, even with the help of the police: there isn't even a police station in Knighton, so significant delay would be inevitable, even in an emergencies.
- (b) The Trustees have no known management team in place that is skilled, experienced and professionally qualified in event management, thus public disorder in this remote hamlet with the intensity of use indicated is virtually inevitable.

Public safety

- (a) Congestion of approach roads which is likely to happen frequently, and could cause fatal delays for the emergency services ie fire and ambulance.
- (b) Very narrow single file unlit roads with no pavements pose a real challenge to sober drivers not conversant with the area, thus there is a major public safety issue for pedestrians and dog walkers in the village emanating from large numbers of strangers driving cars throughout the day and night, seven days a week.

**Llanfair Waterdine Community Trust's Application Number 20/02595/LPRM
Under
Licensing Act 2003**

Representation by [REDACTED] Dated 4th. December, 2020.

This part of the representation details the supporting evidence and justification to [REDACTED] objection to this application. He is resident at nearby at [REDACTED]

[A] Background

1. Llanfair Waterdine is a hamlet of some twenty residential dwellings the parish of the same name that contains a population of about 170 persons, within an area designated as being of Outstanding Natural Beauty. It is approached from every direction by single track roads; there are two public buildings being St. Mary's Church and the much cherished Everest (Community) Hall (see Photo annex 6) named after local resident the late Sir John (later Lord) Hunt's Everest expedition. The Everest Hall is central to a thriving community life providing meeting rooms, bar, extensive kitchens and large assembly hall with stage and cinema /projector which can accommodate an audience of approximately a hundred and fifty, with ample lavatories. It has been run efficiently for over fifty years by a committee of dedicated local residents, without raising any complaint. It provides a wide variety of events and activities including all those indicated in the licence application and many more besides. Thus the Everest Hall is a major component in the identity of Llanfair and its community. Wider facilities, though rarely needed are available in Knighton, which is just some six minutes' drive away. The narrowness of the local access roads to Llanfair is illustrated in the attached photographs (annex 1a, 1b 1c) The two local public houses, one each in both Llanfair and Lloyney were recently closed, as have so many across the country: there was simply no call for them.

2. The Pavilion is newly built of a timber frame with timber cladding, having three large 'French windows' facing the valley and Lloyney village and three roof lights facing Fedw Farm; there is no air conditioning so the only form of ventilation is by opening the doors and windows. There was no professional acoustic input at the design stage and thus there is no internal sound insulation to the nearby residential dwellings. The building is situated in the Charity Field and is surrounded by eight dwellings being Fair Field, Thistle Down, Buckland, Fedw Farm, Coach House, Nantiago, Teme Cottage, and the Holiday Caravan, all as shown on the attached sketch plan marked annex number 3. The Trustees of the Charity owner made it abundantly in 2018 that the building was intended as a sports pavilion for the immediate local community, and would thus contain "...changing rooms, washing and shower facilities, and toilets....." (see annex 4). From the plan attached to the application it will be seen that as built there is but one shower, two lavatories (plus one outside) and no changing rooms. Many members of the community were involved with its construction which broadly speaking was perceived as the creation of a community asset for local sports, as per the. the Llanfair Times article dated June 2020 in annex 4 above.

3. Historic Noise Pollution. On three occasions of late, the peace and quiet of this rural hamlet and wider area was shattered by amplified music, screaming and shouting generated at uncontrolled events that the Trustees had allowed to take place on the Charity Field without any form of 'Terms and Conditions' (some have been drawn up subsequently but in my view they were not fit for purpose), regulation or payment. The noise was so loud as to be heard half a mile away at LLoyney village, continuing into the early hours of the morning. At [REDACTED] it penetrated every room: there was no getting away from it and thus it brought normal family life to a stand-still. Indeed it was so loud as to penetrate modern double glazing at the [REDACTED]. Were this to be repeated regularly it would be bound to have a detrimental effect on residents health and harm property values in the entire village. It has been very distressing for many community members, especially those living closest to the Charity Field.

4. Trustees Response to Complaints. Letters of complaint were sent to all the Trustees in post at the time, detailing the harm the excessive noise had caused to community members, by them allowing uncontrolled and unregulated events to take place on the Charity Field. Whilst they have admitted to their mismanagement, it was also evident that they failed to appreciate or understand their own duties and obligations to the wider community by not preventing the sort of disturbance we had suffered (see annex 5,6,7,8) However the Trustees did offer to attend a meeting which took place in my home on 5th July, 2019; the attendance note of that meeting is in annex 10 attached. It will be seen that their response to all the harm they had caused was, in my opinion one of perplexing indifference verging on contempt. Others in the community feel they were treated similarly. This was hugely disappointing and unexpected, as every effort had been made to settle the matter to mutual satisfaction.

5. Trust's Management Structure. The Trustees are currently but three in number (likely to be reduced to just two by the end of this month of December, 2020); they have advertised for others for some time but no new appointments have been made. As another member of the community ([REDACTED]) has indicated in his letter of objection dated 3rd December, 2020 the Trustees are believed to have no management team in place let alone one that is experienced in running ventures and events of the nature of those detailed in the licence application. Sadly the Trustees have a history of allowing events to take place with no effective supervision which has thus caused real harm to the community. Indeed the last such event turned out to be not entirely dissimilar to a 'Rave', which is wholly incompatible with the character of the hamlet and the wider AONB location.

6. Accountability The Trustees keep the minutes of their meetings secret (personal details of confidential benefactions could easily be redacted) in breach of the policies of openness and transparency of the Charity Commission, thus holding the Trust to account on any matter is virtually impossible. As a consequence we have no idea as to the reasons for the Trust's dramatic one hundred and eighty degree change of policy away from a sports pavilion to an entertainment venue that may well subvert the functioning of the Everest Hall by duplication of its events. This was never stated publicly as an objective by the Trust, and is inimical to the best interests of the community as a whole. One cannot therefore help posing the question as to the Trustees real intentions: what are they? Is it to create a regional wedding venue, or provide an added facility to a local chalet business owned by one of the trustees? I make no accusations at this stage, but merely pose the questions that many in the community have also raised. It is noteworthy that the application does not even mention sports facilities at all in any way.

Suggested Conditions.

Many members of the community feel very let down by the Trustees who promoted a sports pavilion, sought considerable assistance from members of the local community to build it, and gave constant assurances that the pavilion was exclusively for local community sports use. Yet even before the building is fully finished they now seek, without any explanation or justification a licence that may well be effectively for a wedding and leisure venue with an intensity of use that bears no relation to local demand, and which anyway is fully met by the existing Everest Hall. I fear that they have therefore destroyed the trust of the community as to what are their real intentions: certainly there is no demand for these activities in the local community in addition to those already provided at the Everest Hall. Inevitably therefore the local community is bound to ask for whom are these facilities intended ultimately to benefit: certainly not the residents of Llanfair Waterdine, but what about a local chalet business? Has there been a conflict of interest?

I am thus convinced that this application is entirely without merit and should be refused by the Council: this is an alien pattern of intensive use for a small hamlet deep into an unspoilt rural area. Nevertheless I recognise that the council has a heavy responsibility of taking the decision which will affect our lives so profoundly for years to come. I list therefore the conditions that they might like to consider as being appropriate to protect our community from adversity, if they take a decision against our wishes and best interests. They are as follows:-

- 1 That the licence be of strictly limited duration in the first instance, say for six months, subject review in the light of performance. But no licence should be longer than for twelve months, and always to be non-assignable
2. That all events must be concluded by 10-00pm, and the building cleared by 10-30pm.
- 3 That there should be no more than three weddings a year, and three events a fortnight in the pavilion.
- 4 That all events must be sponsored by a local resident of the Llanfair Waterdine, who shall take responsibility to ensure that appropriate terms and conditions are signed.
- 5 That the Trustees set up a management team with well established, proven long established skills in event management.
- 6 That the Trustees to appoint a qualified solicitor to draw up appropriate 'Terms &
- 7 Conditions' for all events. Such document to be submitted for approval by the Council before any event is held in the pavilion
- 8 That there should NEVER be amplified sound outside the building, and only inside after appropriate sound proofing has been installed to the Council's satisfaction.
- 9 That alcohol should not be served later than 8-00pm or more frequently than four times in a callendar month.
- 10 At least one Trustee must be in attendance at the pavilion whenever alcohol is served.
- 11 All trustees must give personal guarantees for the proper compliance with the Council's licence terms and conditions of use and events.

This representation to the Council is signed by all three residents at [REDACTED] on 110th. December, 2020.

Ames

1A

Ames

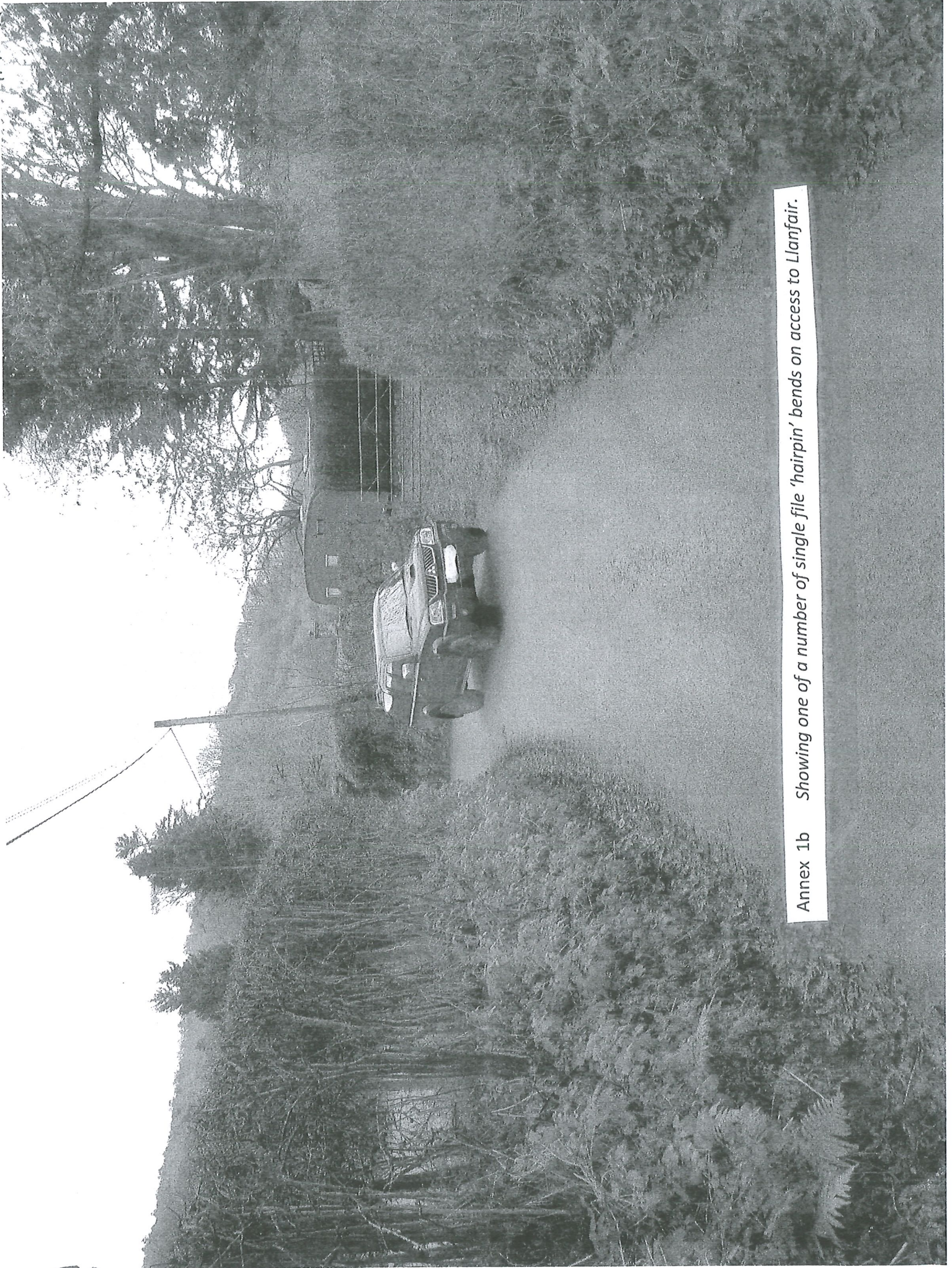
Ames 1A



Annex 1a Showing narrow Teme Bridge access from B4355 road.

1B

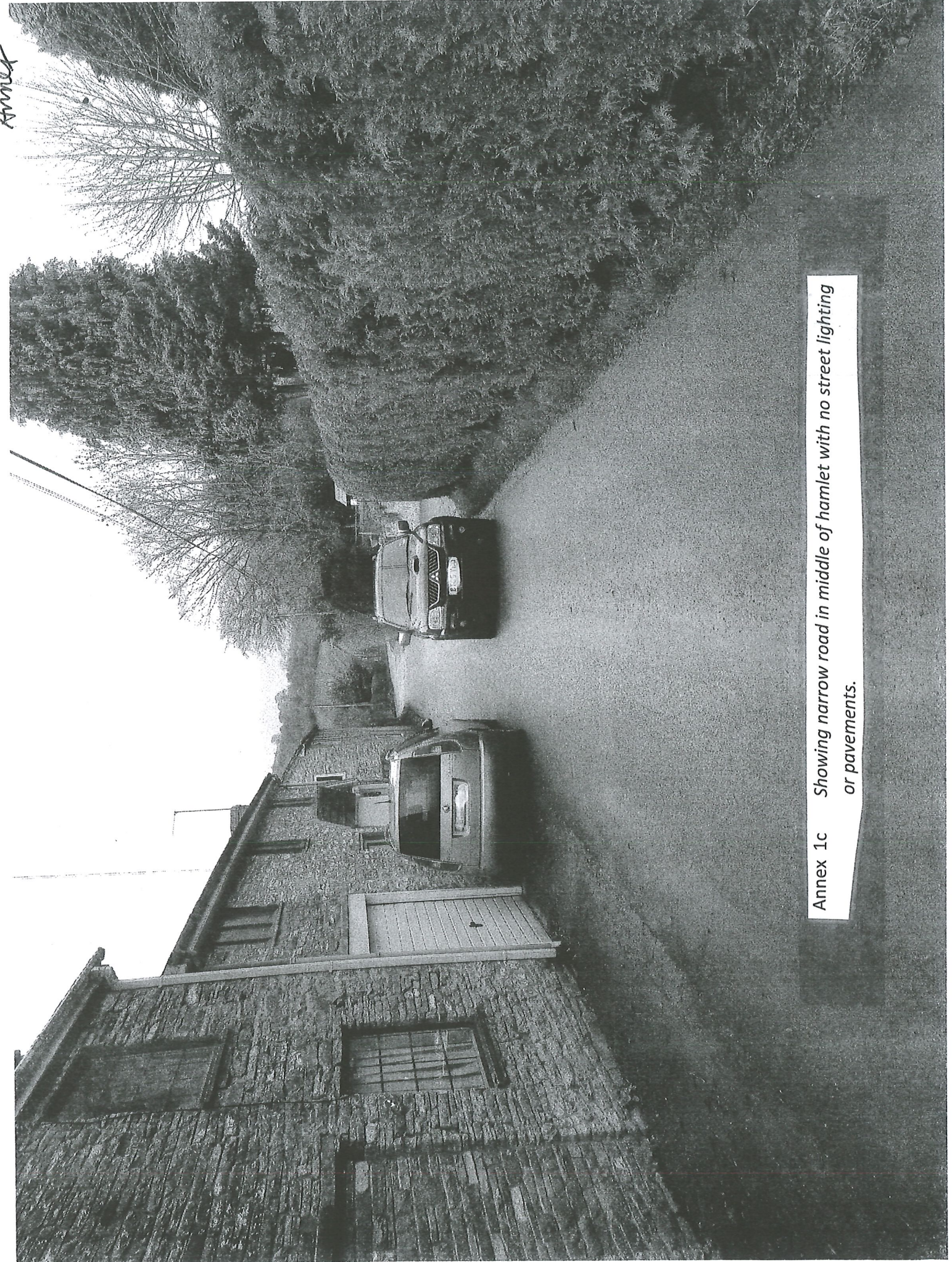
Annex 1B



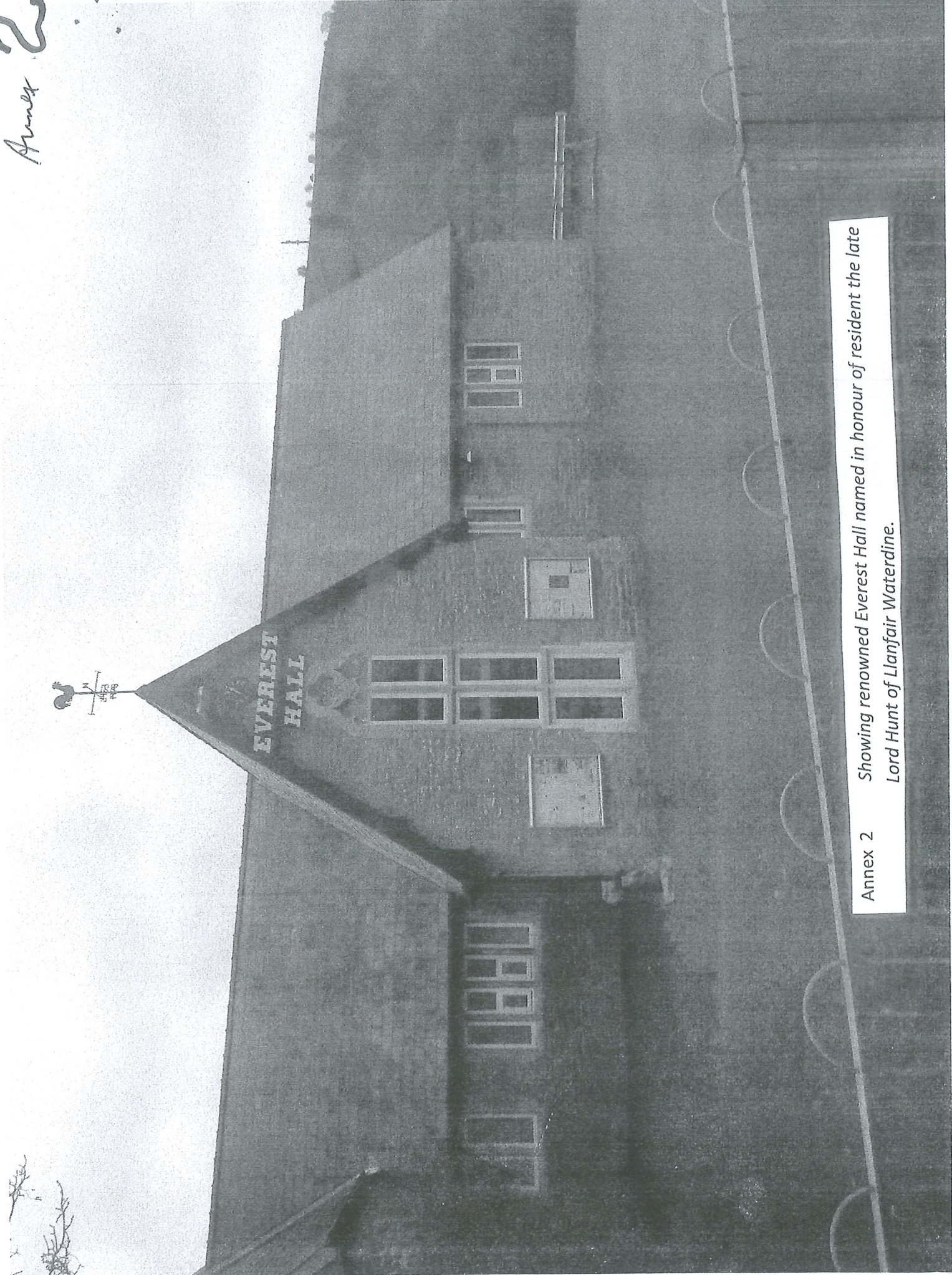
Annex 1b Showing one of a number of single file 'hairpin' bends on access to Llanfair.

1B

Annex



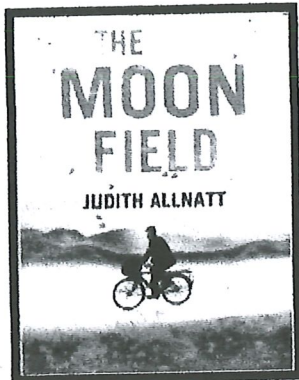
Annex 1c Showing narrow road in middle of hamlet with no street lighting or pavements.



Annex 2 Showing renowned Everest Hall named in honour of resident the late Lord Hunt of Llanfair Waterdine.

4 experiences, told simply in sequence, referencing the 'pals', the trenches, injury and the emotional journey through it all.

The story does not have the depth of Pat Barker's books of the period, but it is well researched, competently written and very

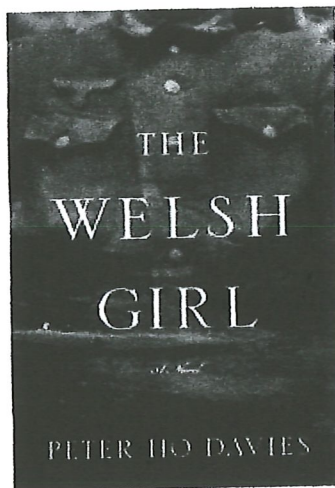


readable. We imagine this would be a book to give to a late teenager asking about the First World War, and it should provoke many questions. We thought this book was worth reading because it did provoke discussion among us, about that war, and others. Star rating ****

Our April book was **The Welsh Girl** by Peter Ho Davies, which was set during WWII. The central character of the book is the daughter of a widowed sheep farmer, and the war influences all the other characters as a POW camp is built near to the farm: an engineer building the camp, an evacuee child, the village schoolteacher and her son, and eventually a German POW, and a British Army Interrogator. All of these characters have made one small mistake which has impacted disproportionately on their lives.

The story deals with the meaning of the Welsh word 'cynefin' (which when applied to Cumbrian sheep translates as 'hefted', the sense of belonging to a piece of land passed down from mother to daughter). This book is a story about people who have lost their way because of the war and their certainty about where they belong. It provoked a great deal of discussion between us.

Star rating ***



4 For our May meeting we are going to... library to hear an author, Jo Jackson, speak about her book **Too Loud a Silence**, set in present-day Egypt. We will report on that, and our present book, **The Eyre Affair** by Jasper Fforde in the next edition of the Llanfair Times.

Helen Henchoz

Llanfair Waterdine Community Trust

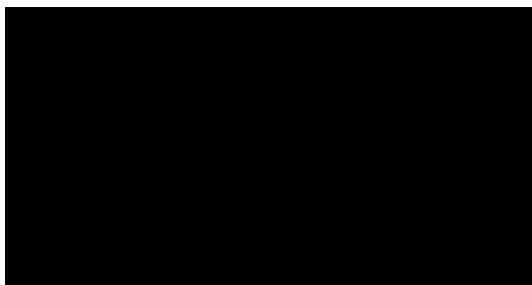
You are all aware that, following the findings of the Community Led Plan, the decision was taken to build a pavilion on the Joan Adams Community Field. When the pavilion was designed it was felt that three important criteria had to be achieved:

PROVIDE THE NEED: We needed to provide a warm, dry building with changing rooms, washing and shower facilities and toilets which would include a wheelchair access toilet. We also need to provide a large room for indoor sports activities, and, of course, a kitchen to enable food and drinks to be prepared for the sporting groups using the Pavilion. It was also decided to add something that has been sadly missing from this Community: an outdoor toilet which will be permanently open to visitors to our community.

AESTHETIC DESIGN: The Pavilion must fit in with our surroundings and therefore will not be built of breeze blocks or brick, but will be a wooden construction, inside and out. 50 tonnes of topsoil have been retained and will be used for soft landscaping and the creation of flower beds.

ENVIRONMENTALLY FRIENDLY: It is vital that our carbon footprint is as light as possible, and the fact that this is a new build will enable us to have the highest specifications for insulation. The lighting will be LED. Basic heating will be underfloor heating provided by a ground source heat pump, which will be topped up with four wall-mounted radiators, heated by electricity. These will be, of course, controlled by timers and thermostats which could be

Annex 4



To The Trustees, The Llanfair Waterdine Community Trust
From [REDACTED]

29th. May, 2019.

Gentlemen,

Regarding: The 'Community Field'

I have before me your letter of 21st May, 2019, and I am grateful to you for the time and trouble taken to consider the matter of the intrusive noise you have allowed on more than one occasion (apparently with more to come)to emanate from this field, as initially mentioned in my letter to you of 16th May. Following last Saturday's event I shall respond as follows:-

- (1) Whilst of course the Trust has liberty to undertake various functions (some of which you mention, but I have not seen your Trust Deed), there is no obligation for the Trust to undertake them, and certainly not in a manner that could harm the local community.
- (2) There is an implied obligation for this and all trusts not to undertake actions that are inimical to the best interests of the local community. Indeed the Charity Commission's guidance notes lay much emphasis on Trustees need to conduct the affairs of their charities by exercising good judgement in order to achieve efficient, judicious, and fair administration according the highest reasonable standards of the time, which are in the overall interests of the whole community within which they serve to their best ability.
- (3) The use of past performance (ie. historic lack of complaints) under wholly different circumstances as a yardstick for assessing current and future measurement of acceptable conduct is inappropriate in my view and irrelevant too. Indeed quite to the contrary there is a duty for all charities to anticipate problems well in advance, so far as is possible, in order to formulate adequate solutions for the benefit of all concerned. Preventing problems from arising is the challenge that all trusts need to address.
- (4) It is a relief to note that the Trustees accept the need to avoid further harm to the community in future, by not allowing intrusive noise to emanate from the Community Field. I feel sure that this happened unwittingly anyway, but I would expect therefore that they will now wish to take whatever action is needed to make good permanently their acknowledged neglect of this matter in the past.
- (5) Inevitably and quite predictably last Saturday's wedding which you allowed in the Community Field, created a chaotic situation for us here: what appeared as a circus tent was erected in the Field with loud speakers directed towards the village residents; some guests came from far and wide as well as those bussed up from Knighton; the bar facility within the tent very possibly contributed to the shouting and screaming we experienced, as well as the thumping music which went on until the early hours of the morning. We suffered badly enough here at [REDACTED] so it must have been horrific for those many houses nearer to the site than us: the noise travelling as far as the [REDACTED]

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- (6) It was clearly a mistake for the Trustees to have abrogated responsibility for the event by not even attempting to impose written terms and conditions which might have sought to regulate proceedings; thus in effect it appeared to me to have been a simple 'free for all'. I feel that it was also a mistake not to have anticipated this: what we see as antisocial behaviour, is these days part and parcel of what can often be expected from weddings: just high spirits to some. Even with the most tightly drawn up regulations such events are by their very nature almost impossible to control effectively either by trustees themselves or by someone else, which is why as a matter of principle weddings are so unsuited to locations of this kind, whether they be in the open air (as in this instance), or enclosed. Fully noise insulated buildings with air conditioning purposely designed for weddings are of course another matter, which I believe does not apply here.
- (7) I cannot accept that limiting the use of the Community Field (as a wedding venue) to local residents will of itself make any difference at all to noise levels: an 'infernal racket' is an 'infernal racket' whoever causes it. Also as Trustees imply, it is virtually impossible to predict the frequency of such weddings in advance even when trying to limit them to those with a close affinity to the area. Indeed defining such affinity fairly and then trying to enforce it would probably be virtually impossible, as well as inevitably giving rise to argument and sorrow at times. This would be inimical to the proper administration of a trust, and thus needs to be avoided in my view.
- (8) I note that none of the Trustees live close by the Field, so only in order to illustrate the point, I would ask them if they would consider tolerating a loud speaker van outside their homes on occasion, playing music at the same decibel level we had to experience, for many hours at a time on a Saturday night? I suspect not much. Indeed, were this to happen at [REDACTED] it would be astonishing if bookings were not decimated as a result and possibly claims for compensation made, much to the justifiable anguish of the owner.
- (9) You refer to 'the rights of the beneficiaries' but with respect there are none: neither legal nor moral, are any created by a trust deed, and it would be invidious for all concerned if they were. Just think of the position of any trust being obliged to comply with some amorphous 'rights', supposedly given to 'the public' by a donor. No, there are no 'rights' as such, merely privileges given at the discretion of the Trustees as regulated by the Charity Commission, for the benefit of communities as a whole. So you cannot possibly justify hurting one section of the community by claiming to observe 'rights' (that actually do not exist) for the benefit of another section of the community. Solomonic judgements such as this are rightly to be avoided by all trusts!
- (10) The Trustees seem not to have appreciated fully the likely consequences of their adverse management of this trust in these matters upon the local community: doubtless there are nearby residents who are not in the best of health, where the stress of dealing with this particular issue can be truly harmful. Furthermore were these disturbances to become a regular feature of life here, then they would have to be disclosed in the 'enquiries before contract' with house sales. This could be very disruptive and probably have significant financial consequences for house owners as well perhaps also for the Trustees personally. This I submit is an issue the Trustees must avoid, 'at all costs'.

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(11) This whole subject therefore has profound implications for the future management of the Field as a community resource owned by a charitable trust. The world is changing faster than ever, where a sense of personal responsibility for one's own actions is becoming more and more tenuous for some. Just think of this lovely rural area, supposed one of peace and quiet, yet only in the last twelve months there has been in the immediate locality one murder, the discovery of a drugs factory, and a violent burglary against vulnerable pensioners. Sadly this rapidly changing world now has to be taken into account by the Trustees in the future management of the Field, and the projected pavilion, where protecting the locality from outside adversity will have to be considered carefully.

(12) Conversely all this could be an exciting challenge for Trustees to formulate and be to put into practice by procedures, powers, standards, and regulations that will enable all residents to benefit from the Field should they wish to do so, and not just a select few who may want inappropriate facilities at the expense of others. For example have the Trustees employed qualified acoustician in respect of the new pavilion; are they aware of how it will perform when completed etc., etc? I ask this because in hot weather, without air conditioning, windows and doors will inevitable be opened, thus negating sound proofing if there is no air conditioning. These are clearly just some of the many issues where the Trustees will need to be seen to be managing in a manner that is 'fit for purpose'.

(13) Then there is the overall wider reputation of both Trust and individual Trustees to be borne in mind. Inevitable this will suffer if all necessary routine steps are not taken so that the whole community can be sure of being able to benefit from wise judgement at all times, perhaps allied to enlightened self-interest being exercised 'without fear or favour'. I would therefore suggest this may be the ultimate challenge which, with good will all round can surely, with hard work and commitment be achieved in the long term.

For the avoidance of doubt I would like to record that I am wholly in favour of the wider objectives of the trust, especially with regard to young people and sport, which I regard as being more important than ever in this day and age. This is why I have written at such length, and also in the hope that my opinions may be of assistance to the Trustees: I have been involved with charitable trusts for nigh on fifty years, as Chairman, Vice chairman and Trustee of both national and local Charities, so I have some idea as to issues, problems and joys that you face. Thus I hope in addition, that I have made it clear as to 'where I am coming from' in wishing the Trust every success in serving the community in the long term in accordance with the Trust deeds. I will therefore be very glad to meet with two Trustees as suggested, as soon as is mutually convenient.

In all sincerity, I remain


This letter addressed and sent to the Trustees: 


7. Without any prompting [REDACTED] claimed the apparent incidence within some local families of long standing, of intolerance/resentfulness towards the presence of new arrivals to the community. He personally did not hold such opinions, he said. (NB The writer, [REDACTED] is unaware as to why this matter was raised nor indeed its relevance to the case in point).
8. [REDACTED] suggested that the level of noise pollution emanating from the Community Field was by comparison no greater than that generated by routine garden maintenance. This was rejected by [REDACTED] as a comparison which he thought verged on the bizarre.
9. Four times [REDACTED] suggested to [REDACTED] that he should seriously consider joining the Trust as a Trustee, and even that [REDACTED] should take the Chair. However at the point of the Trustees departure from the meeting at [REDACTED] [REDACTED] admitted that his suggestions had not been made in all sincerity, but more as a 'trap for the unwary' so to speak.

The meeting started at 8-00pm and closed at 10-30pm. The above record has been taken from [REDACTED]'s hand written notes drawn up immediately after the Trustees departed: they are intended as an honest, accurate, and substantive record of what took place but not a verbatim record with recording devices.

I consider that the above points speak for themselves, and thus no further comment from me is warranted.

As ever I remain in all sincerity:

[REDACTED]