

The Ivers Parish Council
 Clerk, Stephanie Bennett
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YOUR REF
 OUR REF 45036.001/MB/MB
 REPLY TO Butler House
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 DATE 24th June 2021

Dear Stephanie

Re: General Advice

Thank you for instructing me to provide advice in relation to the Iver Heath Recreation Ground.

I have reviewed the following:

- Conveyance of 22 December 1930 between Mr Arthur Sherren and The National Playing Fields Association of the Freeholds at Iver Heath Bucks.
- Conveyance of 12 May 1931 between Mr Arthur Sherren and The National Playing Fields Association of the strip of freehold land at Iver Heath, Bucks.
- Lease of 8 February 1940 from the National Playing Fields Association to The Iver Parish Council
- Lease of 28 February 2001 between National Playing Fields Association, The Iver Parish Council and Iver Heath Bowls Club
- Iver heath Recreation Charity Status
- Community Use Agreement between The Ivers Parish Council and Iver Heath Football Club

By conveyance dated 1930 and 1931, the land including the strip was transferred from Mr Arthur Sherren to The National Playing Fields Association (NPFA) to use as recreation grounds for the benefit of the Parish of Iver Heath. These two conveyances created a recreation ground charity. The NPFA were appointed as managing trustees and the Iver Heath Parochial (Church) Council was appointed as the administrative trustee (managing trustee) to deal with the day to day management of the charity.

On the 8 February 1940, NPFA granted a lease of the recreation ground and the strip to the Iver Parish Council to maintain and use the land for the sole purpose of a recreation ground for the benefit of parishioners. This lease in itself does not create charitable trust.



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According to the charity commission website, the Recreation Ground is a registered charity of which the Parish Council are the sole managing trustees. The governing document referred to is the 22 December 1930 conveyance and 13th October 1939 Scheme. This suggests that in 1939 a trust was set up by scheme of 13th October 1939 for the trust/charity. These are the governing document of the charity. A copy of the 1939 scheme should be available to obtain from the charity commission.

It is unclear why a lease was granted to the Parish Council in 1940. It is further not clear when the Parish Council were appointed as the sole trustee of the trust. I would assume that either the Parish Council or the NPFA wished to formalise the managing trustee position and therefore entered into a lease which was not necessary.

As it stands, the Parish Council are lessees of the Recreation Ground and also the sole managing trustees. As the conveyance of 1930 has been registered with the charity commission, the entire Recreation Ground is charitable land and any building. The holding trustees are NPFA and the managing trustees are the Parish Council.

We will need to review the scheme of 1939 to ensure the position of the trust. If the 1939 scheme appoints the Parish Council as the sole managing trustee of the Recreation Ground (which we assume it does) then the lease from NPFA to the Parish Council of 1940 can be terminated. It is also worth noting that the Bowls Club is lease granted by NPFA to the Bowls Club. This completely ignores the lease of 1940 and therefore further confirms my assumption that a) the Parish Council are the sole managing trustees under the 1939 scheme and b) the lease of 1940 was granted to the Parish Council to document their role as trustee, albeit completely unnecessary.

The Recreation Ground should be run and managed by the Parish Council as managing trustees.

Operation as managing trustee

As managing trustees, the Parish Council is responsible for the day to day management of the Recreation Ground. All income generated belongs to the charity and all expenses must be paid from the income. In the event of a deficit, the Parish Council can grant funds as local authority, to the charity to cover the additional expenditure.

It would be my advice to set up a separate bank account for the charity. This will simplify the accounting and also record keeping on behalf of the charity as managing trustees. The Parish Council can submit back dated accounts to the charity commission, going back as far as they are able to do so.

Other

The Bowls club lease, the Community Use Agreement and any other agreements with clubs can be granted, provided that the clubs do not have a closed membership.

Next Steps

I have requested a copy of the 1939 Scheme from the charity commission and I will write to you further once I have received this. It is highly unlikely to change this advice or the position of the Parish Council.

Please let me know if you have any further questions or if you would like me to expand on any parts of this advice.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mariam Baraki', with a long horizontal flourish extending to the right.

Mariam Baraki
Solicitor