

CHARNEY HALL & FIELD TRUST
MEETING OF MANAGEMENT COMMITTEE
Wednesday 8th June, 2022

PROPOSED AMENDMENTS TO THE LAND REGISTRY DOCUMENTS FOR THE VILLAGE HALL AND
CHARNEY FIELD.

1. Charney Bassett Parish Council and the Charney Hall & Field Trust (CHAFT) have for some time been seeking to clarify ownership and management responsibilities for the Village Hall and Charney Field.
2. In February 2021, the two bodies jointly approached Community First Oxfordshire and ACRE (Association for Communities in Rural England) for expert advice on ownership of the two properties, interpretation of the governing document and other associated issues. Clarification was deemed to be crucial to ensuring compliance with all relevant legislation and related guidance.
3. On the receipt of their advice CHAFT contacted Tessa Hennessey, a solicitor specialising in charity law. In October 2021 she hosted a briefing session for Trustees to which representatives of the Parish Council were invited. The training session covered a range of issues including the respective roles and responsibilities of the two organisations and the governance of the Charity.
4. It had become clear that
 - The role of the Parish Council as custodian trustee is restricted to holding the title of the two properties on behalf of the charity (the charity is unable to do so as it has no legal entity)
 - The Parish Council does not own the two properties.
 - Charney Hall & Field Trust holds the two properties in trust for the local community
 - The land registry documents needed amendment to indicate the Parish Council is the custodian trustee.
 - The trustees of the charity have individual and collective legal and financial responsibility for the two properties.
5. In written advice to Charney Hall & Field Trust the solicitor stated

'Property of this nature is a form of permanent endowment also known as designated land and is legally protected. Both the hall and the field are registered with HM Land Registry, though the registered entries don't state that the property is subject to restrictions on disposal (which I would expect to see with charity land). I have recommended that you consult a property solicitor about this and note that you've been in touch with someone'
6. Contact had been made with property solicitor Jennie Loynes, Senior Associate. Spratt Endicott who advised two restrictions should be placed on the land registry documents, one to confirm the properties are charity property and one to confirm the properties are held in Trust. These

restrictions would notify interested parties of these elements and ensure the properties couldn't be disposed of ignoring the trust and charity elements.

7. Earlier, in August 2021, the Parish Council, with the agreement of the Charity, sought advice from the Charity Commission as to whether the land (Charney Field) had been properly transferred to the charity. In their written response of March 2022, the Charity Commission included the following statement

'The problems with the title as it currently stands is that whilst Charney Bassett Parish Council is the registered proprietor of the land, it does not reflect that the Council is custodian trustee or that it is charity land. There are restrictions that must be placed against the title to reflect that. Please find below a link to H M Land Registry Practice Guide 14 which sets these out: - Practice guide 14: charities - [GOV.UK \(www.gov.uk\)](https://www.gov.uk) This would normally be done by a conveyancing solicitor, and we recommend that this is actioned as soon as possible'.

8. At its meeting on the 27th April, 2022, CHAFT appointed Jennie Loynes, Senior Associate, of Spratt Endicott to make the necessary changes to the land registry documents. The Parish Council were informed accordingly
9. On Tuesday 10th May 2022 an email with attachments was received from the solicitor and circulated to Trustees (copied to the Parish Council the same day)

10. The solicitor is seeking (on the Charity's behalf) to

- (a) amend the land registry documents to indicate the Parish Council is the custodian trustee
- (b) place two restrictions on the land registry documents, one to confirm the properties are charity property and one to confirm the properties are held in trust. These restrictions will notify interested parties of these elements and ensure the properties couldn't be disposed of ignoring the trust and charity elements.

11. It is understood the proposed changes at paragraph 10(a) and 10(b) above will ensure that the properties cannot be transferred, leased or otherwise disposed of by the proprietor without an order of the court or agreement of the Charity Commission, as appropriate.

12. As part of this process the solicitor has requested the Parish Council as the registered proprietor to sign a consent form agreeing to changes being placed on the registered entries. Charney Hall & Field Trust cannot sign the consent form as it is not the registered proprietor.

13. At their meeting on the 11th May, 2022, the Parish Council gave initial consideration to the proposed amendments to the land registry documents. The relevant part of their draft minute follows

'The Clerk confirmed that he had received the consent form that the Parish Council was being asked to sign along with several accompanying documents. He had circulated these to Councillors but had not had time to study them in detail. From an initial glance he doubted that he was in a position to offer adequate advice as they were of a legal nature.

Cllr. Mrs Adamson felt the Parish Council now needed to engage its own solicitor. It was noted that the solicitor appointed by CHAFT would not be able to answer questions and give advice to the Parish Council. Mr Sibbert suggested that material gathered during discussions between the two bodies might be relevant to the Parish Council deciding on the appointment of a solicitor. Discussion then followed on the time this process had, and may yet still take, to resolve. The Clerk advised that Councillors could delegate the decision on whether to sign the consent form to the Chair, including whether to appoint a solicitor to advise (with a suggested budget of up to £500). This would allow for further informal discussion by Councillors and might avoid the need for a further meeting. Councillors felt, however, that it was important the Land Registry process was concluded correctly and it was agreed that a solicitor be appointed (with a budget of up to £500) to advise on any matters raised by the signing of the consent form. It was agreed that a decision on the signing of the consent form should be taken at a full Parish Council meeting.'

14. RECOMMENDATION.

The Management Committee is recommended to

a) receive the solicitor's proposals to amend the land registry documents as outlined at paragraphs 10(a) and 10(b)

(b) await a decision from the Parish Council as to whether they are prepared to sign the consent form and if they do so authorise the Charity's solicitor to take action to amend the land registry documents.

Final DS 30/05/22