

Bell Fields Trustees report to RPC 23 Feb 2021

The trustees appreciate the invitation from the Parish Council to provide an update on their activities and are pleased to do so in the interest of openness and transparency.

1. Since our last report we gave on 15th December the Trustees have progressed the following:

2. Football Pitch

- a. A specification for the Pitch remedial work has been prepared and a quotation secured.
- b. Constructive conversation with SWUFC held / intent to continue to use recorded.
- c. Grant application to RPC now being compiled to cover costs of pitch remedial work
- d. Other sources of funding to mitigate total costs are being explored.
- e. Re-alignment of the pitch and use of mobile goal posts have been proposed by SWF FC to protect / improve the current goal mouth areas that require major rectification.

3. Barclays Bank

- a. Progress in updating the account to include additional signatories is contingent on cooperation from RH who is currently the only trustee as recognized by Barclays as a signatory. Action by RH has been delayed.
- b. A consequence we continue to have no access to the charities' bank account, and have little option but to approach RPC for grant funding for the essential remedial work to the pitch as outlined.

4. Demand by RH for Refund of Donations

- a. Roy Hart has advised trustees that some or all of those residents who participated in a fund raising event for the benefit of the UBF charity have asked for their donation to be refunded. The Charity Commission has guidelines regarding the refund of donations and they are not at the sole discretion of the trustees. We have suggested that Roy Hart contact the Charity Commission and secure their written approval for the trustees to effect this refund. This seems a reasonable ask given that he has knowledge of the details of the event, the sum raised, the purpose of the donation, and who gave what.

5. Governing document update

- a. Trustees have drafted an amendment to the existing governing document for each charity. The 2 docs will be shared with RPC shortly in the interests of transparency, once all trustees have reviewed it. The intent is absolutely to preserve the purpose of each charity and solely to add administrative guidelines such as arrangements for trustee meetings for example.

6. Charity documents

- a. In our previous report to RPC , I advised that the trustees were seeking cooperation from the previously appointed trustees to ensure the integrity of charity records and determine whether any amendments had been effected to the original governing document. With disappointment I must advise Councillors that no such cooperation has been forthcoming.
- b. However, the trustees have been able to locate 5 additional documents that we believe ought to be of interest to Councillors. I shall provide a copy of each to the council's clerk

for distribution, but in the meantime provide the following summary.

- i. The first document is a form ST3 provided by HM Land Registry. The form is titled "Statement of truth in support of an application for registration of land based upon lost or destroyed title deeds."

The form was signed by Ron Fallows on September 9, 2010 and the land in question was the Upper and Lower Bell Fields.

On the form, Q6 asks who had possession of the deeds, which has been answered "Rettendon Parish Council"

Q7 asks who the person in possession had custody of the deeds, which has been answered "Legal owner"

(For reference: Minutes of the RPC meetings either side of this date (23 Aug and 25 Oct 2010) record discussion of registration of the Bell Fields in the presence of Councillors including Fallows, Hart, Prebble and others. Minutes 84 and 104 respectively.)

This document would appear to establish that, as of Sept 2010, RPC believed itself to be the legal owner of the Bell Fields.

We note too that this document appears to be missing from RPC records.

(Reference: A letter dated 29 June 2011 from RPC Clerk, Barry Summerfield, to Giles Wilson solicitors confirms completion of the registration and payment of Giles Wilson's fees. This letter is in PC records.)

- ii. Also provided by HM LR is a letter from the Charity Commission to Ron Fallows dated 16 April 1997 that was used to support the statement of truth in Sep 2010. The letter includes the relevant extracts from the 1861 Inclosure Award and also states:

- that the Lower Bell Field should be used as allotments or let and the income applied for the benefit of the labouring poor, and
- that the Upper Bell Field should not be let out but used for the purposes of a recreation ground
- "according to our records the Parish Council is the charity trustee for both charities" and
- "the land belonging to each charity is vested in the Parish Council"

This document also appears to be missing from RPC records.

- iii. The third document is a declaration of trust, signed by the defendants in June 2017 and provided by the Charity Commission itself and appears to be of some significance. Key points include:

- Adding "any other charitable purposes" to the UBF charity objects
- Adding "to borrow money and to charge the whole or any part of the property belonging to the charity as security for repayment of the money borrowed"

- Adding “to acquire, merge with or enter into any partnership or joint venture arrangement with any other charity formed for any of the objects”
 - Adding “nothing in this trust deed restricts or excludes the exercise by the trustees of the powers given by the Trustee Act 2000 as regards investment, the acquisition or disposal of land and the employment of agents, nominees and custodians.”
 - Adding “A charity trustee or connected person may receive rent for premises let by the trustee or connected person to the charity.”
 - Adding “A charity trustee or connected person may receive interest on money lent to the charity at a reasonable and proper rate”
 - Adding “The trustees may dissolve the charity if they decide that it is necessary or desirable to do so”
- iv. Document 4 seeks to make these same changes to the Lower Bell Field charity.
- v. Documents 3 and 4 having, presumably, been rejected by the Charity Commission, document 5 is a resolution by the defendants to enable themselves to stand for-re-election and that they be able to appoint new trustees. It is dated 20 April 2018.
- c. More help and cooperation from the Charity Commission would have helped us reach this point sooner, but it does seem that the original governing document for each charity, ie the 1861 Inclosure Award, continues to prevail and without any amendments.

Members of the Parish will not fail to acknowledge if those amendments as proposed by the defendants to the Governing document of the Bell Fields been adopted the fundamental characteristics of the charities would have changed and not for the better in our opinion.

That concludes my statement to the Parish Council this evening.

Ray Ride
Chair Trustees
23rd February 2021