

From: fcemailteam@charitycommission.gsi.gov.uk

To: tmaroney@hotmail.co.uk

Date: Mon, 27 Jul 2015 14:48:58 +0100

Subject: RE: BRAMSHOTT WAR MEMORIAL RECREATION GROUND - 301766 CRM:0321676

Dear Cllr Maroney,

BRAMSHOTT WAR MEMORIAL RECREATION GROUND - 301766

Thank you for your email and attachment, regarding the above named charity.

Please note that as a general rule, we do not usually offer call backs if an email is suffice, due to lack of resources.

From the information provided, it appears that your main query relates to a disposal of land.

Since the introduction of the Charities Act 1993, the consent of the Commission is now only required, where trustees cannot comply with section 36(2) of that Act. This is now covered by section 117(2) of the 2011 Act.

However, if you are disposing of 'designated' land, it is most likely that you will need our authority. If unclear as to whether the land is designated, the trustees may wish to seek their own independent professional advice.

We also recommend that all of the trustees read our guidance on land disposals, which can be found in the link below:

<http://www.charitycommission.gov.uk/Publications/cc28.aspx#D>

Please also note that there are circumstances where a scheme would not be required to dispose of designated land. Section 5.9 of the guidance may be of particular help in establishing whether our authority is required to dispose of designated land.

If, after reading this guidance, the trustees find that they do require a Scheme, they will need to provide us with full details as we would require a robust case, before we would consider making a Scheme.

I hope this is of assistance to you.

Yours sincerely,

Philip Connick

Charity Commission - First Contact

----- Original Message -----

From: tmaroney@hotmail.co.uk

Received:

To: FC Email Team (Queue)

Cc: cllr.michael.croucher@hotmail.co.uk

Subject: BRAMSHOTT WAR MEMORIAL RECREATION GROUND - 301766

For the attention of Mr Phestus Mokae

Dear Phestus

Bramshott War Memorial Recreation Ground, Charity No 301766

We spoke a moment ago concerning advice on whether or not the trustees of this small charity consisting purely of land and buildings would be breaching its Objects were it to grant a lease to a the Willows Nursery School, which is a business. The Objects do not include education. The owners were allowed temporary use of the 75+ year building until it was unfit for purpose. We closed the building this year and have it insured for demolition only. The nursery owners wish to spend over £30,000 on repairs and reopen in September.

The trustees, who haven't met before, are meeting on Monday to familiarize themselves with their duties and responsibilities. Copies of all the relevant guidance notes have been distributed to them along with the agenda and the attached Explanatory Notes. What I would like to know is:

- a. Have we given the trustees all the relevant guidance?
- b. Would we be in breach of the Trust's objects if we granted a long-term lease to a business?
- c. Do we need to change the Objects to include education?

I would like to talk through these issues and others with the Charity Commission before attending the trustees' meeting on Monday night. Could somebody please ring me or could you give me a number to ring? Thank you for your help.

Kind regards

Cllr. Trevor Maroney
Bramshott & Liphook Parish Council
Tel: 01428 725193

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