

Ston Easton Village Hall, Playing Field etc.

Introduction

On 11th February 2020 a meeting was called by a number of villagers who were concerned about the deterioration of the village hall over recent years. At that meeting, the Village Hall Management Committee stood down (with one exception), and a number of others present agreed to take their place. This new committee held an initial meeting on 25th February, and I was elected Chair, with Val Jones as Secretary and Fiona Swainston as Treasurer. It was apparent that no accounts had been prepared for a number of years, and Graham Jones was asked to assist (as an independent advisor) in collating all the available financial records in order to produce sufficient retrospective accounts to enable charitable status to be resumed.

As Chair, I was concerned that there appeared to be no clear Terms of Reference or operating procedures to guide the running of the committee. I have since examined the two separate deeds (described below), and had a number of discussions with others.

I have prepared this document to describe my current understanding of the situation, with the sole purpose of establishing the relevant facts in order to find a way forward.

The trust deeds

Conveyance of 1949

The conveyance of 1949 establishes a trust for the provision of a Public Park, open to the public free of charge (clause 2b), but which may make a charge for use of facilities for sporting purposes (clause 4). The Trustees (whose number must be either four or five) have full control of the everything relating to the trust (clause 7), and are solely responsible for appointing new Trustees as required (clause 8). The Trustees are responsible at their own cost for the maintenance of a substantial stock-proof fence (clause 13), but there appears to be no other specific duty of maintenance. The “Public Park” is now more generally referred to as the “Playing Field”.

Conveyance of 1967

The conveyance of 1967 establishes an entirely separate trust (known as the “Foundation”) to own a parcel of land alongside and behind the row of cottages in Green Street, adjacent to the Playing Field. This plot of land originally included the old village hall (known as the Red Room). The purpose of the charity thus created is to provide a Village Hall (first schedule, clause 1.1) and it is to be administered by a Committee of Management (clause 1.2). The property is held by the “holding Trustee or Trustees” (there is no restriction on number), and the appointment or discharging of holding Trustees is exercisable by the Management Committee alone. Furthermore, no individual may be both a holding Trustee and a member of the Management Committee (clause 2.1). The Committee has the general control and management of the Foundation, and its members shall be the Charity Trustees within the meaning of the Charities Act (Clause 2.2).

The Management Committee comprises four Elected Members (elected at AGM), five Representative Members (appointed by four village organisations listed in Schedule Three, of which only one still exists), and up to two Co-opted Members (appointed by the Committee). All committee appointments expire at the end of the subsequent AGM, but any member may be re-appointed or re-elected. (There is no explanation within the trust deed of how the fifth

Representative Member is to be appointed when only four appointing organisations are specified, so I assume this to be an error in the original document.)

Conclusions

It appears that there are three distinct groups involved in the ownership and operation of the Public Park and the Village Hall:

- the Trustees of the original 1949 deed, who own and manage the Public Park;
- the “Holding Trustees”, who own the area of land adjacent to the cottages and who hold all deeds and titles belonging to the Foundation (as established by the 1969 deed);
- the “Charity Trustees”, who are the members of the Management Committee and who have the general control and management of the Foundation.

I understand that the Public Park Trustees and the Foundation’s Holding Trustees are currently the same people. While this may appear to make things simpler, it does rather cloud the legal distinction between the two separate trusts, which were established to serve different purposes and are subject to different provisions in their respective trust deeds.

It seems that the Management Committee of the Foundation as defined by the 1967 Conveyance is responsible for the running of the Village Hall “in particular for use for meetings lectures and classes and for other forms of recreation and leisure-time occupation ...”. This would appear to be quite separate from the Public Park that is the subject of the 1949 deed.

Furthermore, the 1967 deed makes specific reference to “The Committee of the Ston Easton Playing Fields” (third schedule). This suggests that the Management Committee was never intended to be responsible for the management of the playing field.

This also calls into question the management of the MUGA and the children’s playground. At present there is a separate committee that was set up to restore these facilities, so I assume this also falls outside the Village Hall Committee’s area of responsibility.

What is not clear (to me) is how the present Village Hall building fits in with this. It is located on land of the original Public Park conveyance (of 1949), but replaces a building that was owned by the Foundation. I would be interested to know how the title deeds accommodate this; is the new building owned by the Foundation trust or by the Public Park trust?

As stated above, my intention is to understand how all the pieces of this puzzle fit together, so we can find the best way forward with the newly formed Village Hall Management Committee. As we need to update our registration with the Charity Commission I need to make sure that everything is in order, and that we are following the provisions of the “Governing document” as closely as possible.

I would be most grateful to receive any corrections to any of the above, or for any additional information that I may have missed.

Richard Fitzsimmons
18th April 2020.