

# CLAPHAM RECREATION GROUND TRUST

## NEWSLETTER 6 – August 2018

Dear Clapham and Patching residents

Here is an update on what has been happening with regard to the Recreation Ground since our last Newsletter in March. Things are still moving forward, though not as fast as we had hoped. Although the situation is changing rapidly, we felt it would be helpful to give the facts so far, in order to clear up any misunderstandings or rumours that may have arisen.

### The Charity Commission

Matters have recently been delayed because a complaint was made to the Charity Commission about the operation of the Trust. We supplied all the information that the Commission asked for, to enable it to reach a view on two questions:

1. Is the Trust a Charitable Trust?
2. If so, is the complaint valid? (If they decide that it is, it will be taken further.)

Unfortunately, we may not get a definitive answer on either of these questions before the end of September. This is because – as, in the Commission's view, the matter complained of poses no risk to the Charity (if it is one) – it is not being handled as a priority.

If the Commission does confirm CRGT's status as a Charitable Trust (as seems likely), one consequence is that we can't just issue a lease (it counts as a 'disposal' – something we are unable to do without the Charity Commission's express permission). We will have to apply to the Commission for official permission (an 'Order') and a summary of what we can and can't do (a 'Scheme'). This does not seem likely to present any difficulty as far as the Head Lease with the Parish Council is concerned, since there is a clear benefit to the Trust and its beneficiaries (and the Commission is very familiar with the problems confronting trusts which don't have funds to maintain their own recreation grounds). We shall also need to apply for an Order and Scheme for any sub-lease, which means that we will have to be more closely involved in the details than we had previously expected. This may prove more complex; in principle we are happy to permit a community-owned and community-run shop, café and meeting place on the site, but we shall need the Commission's more detailed advice on what they can and can't allow. It seems clear, for instance, that any trading organization (of whatever type) will have to pay a full market rent.

If CRGT is deemed to be a Charitable Trust, it will continue to be governed by its Trustees, and not by its beneficiaries (the residents of Clapham parish); the Trustees, and not the beneficiaries, appoint their successors. This is different from a Membership Charity such as the C&P Village Hall, which is governed by its Members (the over-18 residents of both villages) and managed on their behalf, and under their direction, by the Management Committee, which is appointed by the Members. Details of the way Charitable Trusts operate can be found at [https://en.wikipedia.org/wiki/Charitable\\_trusts\\_in\\_English\\_law](https://en.wikipedia.org/wiki/Charitable_trusts_in_English_law)

## **Clapham Parish Council**

We have had a couple of very constructive meetings with Parish Councillors to discuss what form the proposed Head Lease (replacing that previously held by Arun DC) should take – most areas have now been satisfactorily clarified. We are now checking what we will need to do to set in motion an application for an ‘Order’ and ‘Scheme’ to permit this Head Lease as soon as we have the Commission’s decision – as mentioned above, the sub-lease may raise more complicated questions.

## **Children’s Playground**

The provision of a playground is absolutely in line with our responsibility to provide ‘Pleasure (i.e. Recreation) Grounds’ for the residents of Clapham; charitable status would not affect this. Back in February, we sent the CPR group a formal letter of permission to go ahead with installing a replacement children’s playground (you can see the letter on their Facebook page). We have also offered any help they require in applying for grant funding. However, we know that they will also need formal agreement from Clapham Parish Council to take over responsibility for the playground, its boundary fence and disabled-access path – including annual safety inspections, maintenance and insurance – once everything has been installed. This is of course all tied up with the question of the Parish Council’s proposed Head Lease from CRGT, which has been delayed for the reasons outlined above.

## **Boundaries**

We have reached an amicable agreement with the new owner of Chestnut Tree House that he can install his replacement rear garden fence along the correct boundary line, which gives him a bit more garden, particularly towards the SW corner.

## **Maintenance**

We are aware that questions have been raised about the piles of plant refuse remaining from the boundary clearance to date. Unfortunately the work was delayed, firstly by the wet Spring weather (making it impossible to get heavy equipment onto the land) and then when Charlie suffered an injury. Now we are into the bird-nesting season, and cannot do any more cutting or removal of bushes and scrub until the end of July. Furthermore, everything is now so dry that it would not be safe to burn the existing refuse. We shall get back to work as soon as we can, including digging out the remaining invasive scrub, levelling the ground and re-seeding the grass; our aim is that everything will be spick and span (including the planting of a few new native trees and shrubs) by early Autumn.

We are always happy to answer any questions you may have – our email is [crgtrustees@gmail.com](mailto:crgtrustees@gmail.com)

The Trustees

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