

To: All Members and Officers of the Charities and Trusts Committee.

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**Date:** 23 September 2019

Dear Sir/Madam,

**Charities and Trusts Committee - Wednesday, 25th September, 2019**

I have recently forwarded to you a copy of the agenda for the next meeting of the Charities and Trusts Committee.

I am now able to enclose, for consideration at next Wednesday, 25th September, 2019 meeting of the Charities and Trusts Committee, the following reports that were unavailable when the agenda was printed.

John Tradewell  
Director of Corporate Services

Enc

6. **North End Charity - Report to follow** (Pages 1 - 6)



**Charity information**

**Stafford North End Community Association (Charity Number: 522723)**

Address: Holmcroft Road, Stafford ST16 1JG

**People involved:**

**Gerald D’Arcy** – Chairman of North End Community Charity

**Zach Simister** – Support Officer, Member and Democratic Services

**Bev Sutherland** – Chartered Legal Executive – Property Team ,Staffordshire Legal Services

**Melanie Stokes** – Head of Treasury and Pensions & adviser to the Charities Committee.

**Lee Wells** – Senior Land and Property Information Officer Staffordshire County Council

**Clair Ruskin-Brown** – Senior Solicitor – Commercial Contracts Team, Staffordshire Legal Services & adviser to the Charities Committee.

This report is to raise the awareness of the Committee Members about this charity and also to consider:

- 1 whether Committee will need to allow/authorise the changes/updates to the constitution of this Charity when known;
- 2 whether the Committee wants to renew the lease when it expires;
- 3 whether the committee wants to register the lease against the registered title before the current lease expires or wait until the current Lease expires.

**Background**

- There was an email sent by **Gerald D’Arcy** to **Zach Simister** on 17/07/2019 requesting a copy of the charity’s constitution as the Charity board want to update the constitution however this must be done in accordance with ‘the Constitution contained in the Schedule of the Lease and Deed of Declaration dated 28/02/1961’;
- This charity was not previously on the recently drawn up list of charities looked after by the Staffordshire County Council Charities and Trusts committee;
- Constitution from 23/06/1975 states that SCC are trustees;
- Legal Adviser to the Staffordshire County Council Charities and Trust Committee wanted to draw this addition to the list to the members of the Committee;
- Lease term is 60 years from 29 September 1960 to 28<sup>th</sup> September 2020 – Legal Adviser wants to confirm in advance any instructions from the committee regarding the Lease and whether it should be extended;
- Moreover the Legal Adviser would like to understand from the Members of the Committee what other information (if any) the members would like to enable them to give such instructions.

**Information on North End Community Charity**

- The lease dated the 28 February 1961 relates to the land edged red on the enclosed plan and is a lease from Staffordshire County Council as freeholder to Staffordshire County Council as Charitable Trustees of the Charity in question.
- Under the terms of the Lease the Stafford North End Community Association, with the consent of the Charitable Trustees administer the use of the property as a Community Centre.

**Author – Clair Ruskin-Brown**

- The North End Community Association built the youth centre and maintain and insure the building.
- Part of the land was sold off and the proceeds of sale was then split equally after legal and surveyors' costs between SCC as freeholder and the North End Community Association correspondence is available to clarify and show audit trail. The presumption is that this money was invested by the Association and is used to maintain the property.
- The Stafford North End Community Association have confirmed that *“no SCC employee nor elected representative have taken any interest in the running of the centre or attend any meetings. When the former chairman asked SCC for advice 40 years ago, he was told to form a committee and get on with it. The constitution is worded in such a way that it is the users who run the centre and that is what is happening.”*
- The property was built on the land which is the subject of the lease after the commencement of the lease and The Stafford North End Community Association under the lease are to be responsible for keeping any buildings erected or to be erected on the demised property in good and tenantable repair. The Association are also responsible for insuring any buildings.

### Information

1. SCC acquired land by way of Conveyance dated 26 September 1952 Frederick William Carder (1) SCC (2), the land contained in this conveyance as a large area and some land was later sold off in 1994 for a Doctors Surgery.
2. Lease was granted on 28 February 1961 SCC (as Lessors) (1) The Staffordshire County Council (as Trustees) (2) The Stafford North End Community Centre (3).
3. Charity Commission Order was given dated 28 April 1994 to allow part of the land contained in the Lease dated 28 February 1961 to be surrendered and sold off for the Doctors surgery.
4. Deed of Surrender 10 May 1994 Staffordshire County Council (1) The Staffordshire County Council (as Trustees) (2) The Stafford North End Community Association (3) surrenders the land (sold for the Drs Surgery) out of the 1961 Lease for the Doctors surgery.
5. The SCC registered the property in 2009 (SF552796) however the Lease to Staffordshire County Council as Trustees was not noted against SCC's freehold title. – **consider is this an action that the committee want to undertake and pay for now or consider whether this should this wait until the renewal of the lease.**
6. Within the Deed packet there is a Deed of Grant dated the 24 September 1969 SCC(1) The Trustees of Stafford North End Community Association (2) The Mayor Alderman and Burgess of the Borough of Stafford (3) this is not registered however think that SCC now own the land that has the benefit and burden the easement e.g. Stafford Library and the Youth Centre so there is no need to register.
7. The objects of the Charity are set out in paragraph 2 of the schedule of the 1961 Lease.
8. The Trustees of Stafford North End Community Association run and manage the building at no cost to Staffordshire County Council as Trustees.





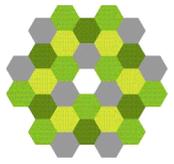
**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

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This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

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