

Dear Mulbarton Parish Council,

I am writing to request an internal review of Mulbarton Parish Council's handling of my FOI request 'Village Hall Site: Contracts, Legal Basis, Asset Register and Trust Property'.

You have answered two of my five questions.

With regard to the first, you note that your authority is not bound by the Local Government Transparency Code 2015; nevertheless you have responded in the spirit of that provision, which is what I was hoping, and for which I am grateful. You list agreements and redactions, and state that the documents themselves are available on the authority's website. Please could you provide links, since I have searched your website and have been unable to locate them.

You have also addressed my fifth question, regarding what property the authority acknowledges it holds on trust for the Village Hall Charity. The answer, as I understand it, is that the authority does not currently acknowledge any trust property, and expresses uncertainty about ownership of the land under conveyance ref PAJ481XAK, which you hope to resolve with the Charity's managing trustees in due course. I note that this uncertainty sits in some tension with the authority's last official clarification statement, issued 22 years ago, which affirmed that not only the land under conveyance ref PAJ481XAK, but also Orchard Park to the east, was held on trust for the Charity. I would be grateful to understand what has occurred in the intervening period to cause the current position.

You did not answer my remaining three questions, regarding the legal basis upon which the authority has:

1. entered into agreements relating to the property;
2. occupied office accommodation within the Village Hall building; and
3. recorded the property in the authority's asset register.

No legal basis has been provided for any of those three actions. I would be grateful for direct answers to those questions.

I note that the agenda for the authority's most recent meeting included the following item:

"To pass a resolution under the Public Bodies (Admission to Meetings) Act 1960 to exclude members of the public and press for the following confidential items: 21. Village Hall ownership — 21.1. To discuss ownership of the village hall and draft heads of terms for lease. 21.2. To consider Village Hall Management Committee's comments on heads of terms. 21.3. To agree next steps."

I do not (and cannot) know the precise nature of the lease being contemplated. However, I draw attention to Clause 18 of the Charity's governing document (the 1976 Schedule), which provides that if the Committee decides it is necessary or advisable to

discontinue the use of the Trust Property, in whole or in part, it must call a public meeting of inhabitants of the area of benefit, with not less than 14 days' notice posted on the Trust Property and advertised in a local newspaper. Any decision to let or sell the Trust Property, or any part thereof, requires confirmation by three-quarters of inhabitants present and voting at such a meeting, and the consent of the Charity Commissioners.

I would also note that if what is being contemplated is an arrangement under which the Charity's managing trustees would lease from the Parish Council property which the Charity may hold beneficially, that would represent a fundamental disposition of the Charity's beneficial interest in its own assets. Such a step would require not only the process set out in Clause 18, but Charity Commission authorisation as a matter of charity law. It could not lawfully be concluded by agreement between the Parish Council and the managing trustees alone, and presenting it publicly after the fact would not remedy any procedural deficiency in how it was reached.

I hope the minutes, when published, will confirm that this is not what is being contemplated, and that the requirements of the governing document and of charity law are being properly observed.

A full history of my FOI request and all correspondence is available at: <https://www.whatdotheyknow.com/request/v...>

Yours faithfully,

Jordan Hunter