

Working Paper Item 11i) Full Council Meeting 12th May 2015 - AfLP

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From	Peter Wetherman
To	Brian Swain; Cllr Chris Waterton ; Cllr Daniel Downes; Dennis Hackling; Paul Nicholls; Peter Williams; Rick Gould; Simon Kearey; Jill Armshaw; Laura Ripley
Sent	07 May 2015 16:39
Attachments	 20150331 - Decision ...  20150414 - 248607 - ...  12c Working ...  charitable allotment...

Dear All

This is a complex, obscure and a very confusing issue and new Councillors and anyone else who has not got their head fully around this may need some detailed briefing. Having said that all I am recommending by way of immediate action is for the Council to agree that that the AfLP working group should meet with the AfLP Trustees. In fact I think that there may be an opportunity for James and myself to meet informally with Trevor Dean as the Chair of Trustees before such a meeting where we may be able to smooth over and prepare the way for a more formal meeting.

By way of a reminder, summary and update:

1. Terms had been more or less concluded upon which we would transfer the legal title in the land concerned to the AfLP, who would then grant back leases to the Council at an agreed rent, we pay an agreed sum towards their legal costs and there is, in effect, a full and final settlement of all issues including the matter of Brimmers Hill.
2. In order that the AfLP be empowered to grant the leases a Scheme was needed to be made by the Charity Commission but the Scheme they produced was the subject of a number of objections and was referred to a formal decision review.
3. The Decision Review (copy attached) was concluded not long ago and in effect stated the Scheme should go ago but suggested that the Council could be offered the opportunity to nominate two additional trustees (making 6 in total) and also stated that procedurally a Scheme should be made under the provisions of the Commons ACT 1899.

4. We have received a copy of the new Scheme from the Charity Commission (copy attached) who wait to hear what the Council's view is of the nomination of two trustees (which may in turn have an impact on the negotiations with the AfLP) and also whether the Council will agree to make an application under Section 18 of the Commons Act. I replied that before the Council does so (which it would need to do by formal resolution) it would be prudent for HPC to ensure that the overall agreement is still in place with the AfLP (and hence the need for a meeting). Having asked the Charity Commission to explain the purpose and effect of the Commons Act they have supplied a copy of a guidance (copy attached).

5. All the while our solicitors BP Collins have been dealing with the transfer of the freehold interest and the grant of the leases. They have recently had a reply from the AfLP Solicitor (Carl Selby) with a copy of the travelling leases with further revisions and amendments. BP Collins are in the course of writing to me by way of a report and review of all the legal matters. I hope to have that reply before the meeting.

6. I should say that in my view none of the above, including the guidance supplied by the Charity Commission change anything much as far as the fundamental legal issues are concerned and which largely remain the same as at 1 above.

7. I would remind everyone that the previous Council resolved that all discussions about the AfLP should be public and not put into confidential.

8. I have attached a copy of the working paper and recommendations considered at an earlier meeting which detail the proposed agreement with the AfLP and which you might find helpful.

Kind regards

Peter

Peter Wetherman

Clerk of Hughenden Parish Council