

#### 4. JOHN PEARS RECREATION GROUND CHARITABLE TRUST, ASHURST WOOD, WEST SUSSEX - PROPOSED LEASE DISPOSAL

##### 1.0 INTRODUCTION

- 1.1 The Council being a trust corporation, by virtue of the Local Government Acts, is the Trustee of any land gifted to the Council upon charitable trust and is appointed the Trustee pursuant to Section 210 of the Local Government Act 1972 by virtue of being the statutory successor to the Cuckfield Urban District Council, the Cuckfield Rural District Council, the Burgess Hill Urban District Council and the East Grinstead Urban District Council.
- 1.2 The Council as Trustee comprises all the Members of the Council, who by virtue of their office as Members of the Council are the managing trustees of the Charities vested in the Council. Members of the Council receive specific training on their roles and responsibilities as Charity Trustees as part of their Member training.
- 1.3 The names of members of the Council who currently serve as a charity trustee are set out in the table below:

Councillor Peter Reed (Chairman)  
Councillor Bruce Forbes (Vice-Chairman)

##### Councillors

John Allen	David Dorking	Peter Martin
Jonathan Ash-Edwards	Sandy Ellis	Edward Matthews
Andrew Barrett-Miles	Steven Hansford	Norman Mockford
Edward Belsey	Ginny Heard	Pru Moore
John Belsey	Chris Hersey	Howard Muddin
Margaret Belsey	Margaret Hersey	Kirsty Page
Liz Bennett	Colin Holden	Geoff Rawlinson
Anne Boutrup	Anne Jones MBE	Robert Salisbury
Pete Bradbury	Chris King	Linda Stockwell
Heidi Brunsdon	Jim Knight	Dick Sweatman
Kevin Burke	Jacqui Landriani	Mandy Thomas-Atkin
Cherry Catharine	Andrew Lea	Colin Trumble
Richard Cherry	Anthea Lea	Neville Walker
Rod Clarke	Andrew MacNaughton	Garry Wall
Phillip Coote	Bob Mainstone	Anthony Watts Williams
Ruth de Mierre	Gordon Marples	Norman Webster
Tony Dorey	Gary Marsh	John Wilkinson
		Peter Wyan

- 1.4 The Charity was constituted by Transfer dated 29<sup>th</sup> March 1974 when the Park was gifted to the Council's predecessor, the Urban District Council of East Grinstead, by Molly Kathleen Pears to be administered by the Council upon charitable trust as a public park in memory of her late husband John Pears
- 1.5 The object of the Charity is the provision of a Public Park and Recreation Ground for the benefit of the inhabitants East Grinstead, the neighbourhood and the public generally. The Council's powers of management are restricted to using the property for charitable purposes within the meaning of the Section 4(1) of the Physical Training and Recreation Act 1937, which is now repealed and replaced by Section 19 of the Local Government (Miscellaneous Provisions) Act 1976, and as a result of the land being gifted to the Council the land constitutes a recreational charity within the meaning of the Recreational Charities Act 1958 now the Charities Act 2011.

- 1.6 The grounds to this popular and well used venue are regularly maintained by the District Council's grounds maintenance contractor.
- 1.7 The purpose of this report is to:
- (a) consider a request from Ashurst Wood Parish Council ("the Parish Council") to erect and maintain a street snooker sports activity wall of the type and design detailed in section 2 of this report ("the street snooker facility") on a parcel of land within the Park measuring 8 metres by 10 metres to the south of the tennis courts and shown edged in red on the plan annexed to this report at Appendix 1 ("the facility site");
  - (b) consider the objections and representations received in response to the statutory advertisements placed in the East Grinstead Courier on 19<sup>th</sup> and 26<sup>th</sup> August 2015 by the Charity Trustees pursuant to that statutory requirements of Section 123 of the Local Government Act 1972 and Section 121 of the Charities Act 2011; and
  - (c) seek the Charity Trustees authority, in the light of those objections and representations for the Charity's solicitor to grant a lease of the parcel of land referred in (a) above to the Parish Council on the terms set out in this report and recommended in the Independent Surveyors' Report to enable them to erect and maintain the street snooker facility in the Park.

## **2.0 BACKGROUND**

- 2.1 At the meeting of the Charity Trustees held on 22<sup>nd</sup> July 2015, the Charity Trustees were informed about a request from the Parish Council to site a new sports/activity wall within the Park to complement the existing facilities at the site. The report explained that the proposal would be subject to a more detailed report before being progressed.
- 2.2 The proposal is for the Parish Council to erect on a parcel of land to the south of the tennis courts a street snooker facility supplied by Playinnovation of the type and design shown on the extract illustration drawing annexed to this report in Appendix 2.
- 2.3 Should the proposal referred to in paragraph 2.2 be deemed acceptable to the Charity Trustees it is proposed to grant to the Parish Council a full repairing and insuring lease of the facility site for a term of 28 years at an initial ground rent of £200 per year, such rent to be subject to upwards only review every 5 years of the term in line with the Retail Prices Index to enable the Parish Council to erect and maintain the street snooker facility in the Park, such lease to be excluded from the statutory protection of part II of the Landlord and Tenant Act 1954.
- 2.4 On the 19<sup>th</sup> and 26<sup>th</sup> August 2015 the proposed lease was advertised in the East Grinstead Courier pursuant to Section 121 of the Charities Act 2011 and Section 123 of the Local Government Act 1972 and copies of the objections and representations received by the date specified in the advertisements are annexed to this report at Appendix 3.

## **3.0 LEGAL ADVICE TO THE CHARITY TRUSTEES**

- 3.1 The Charity Trustees need to be aware that, in view of their dual roles as Charity Trustees and Members of the Council there is the potential for a conflict of interest. The Charity Commission is fully aware of this potential and has issued guidance to local authority Charity Trustees reminding them of their fiduciary duty as Charity Trustees. The guidance says that local authority Charity Trustees have an overriding duty to act in the best interests of the Charity when dealing with property vested in local authorities as Trustee. If there is a conflict between the interests of the Charity and the interest of the Council they must

disregard the interests of the Council and make their decisions as Charity Trustees in the best interests of the Charity even if that will be inconvenient to detrimental to the interests of the Council. These rules also apply to any Charity Trustee who is also a member of another local authority such as a Town or Parish Council.

- 3.2 Charity Trustees have general powers under the Trusts in Land and Appointment of Trustees Act 1996 to sell or grant leases of land owned by or held in trust for a charity. However, those powers cannot be exercised in breach of trust. The terms of the trust instrument under which the Charity was constituted expressly contemplates that the Council, as Charity Trustee, may transfer the Park or otherwise dispose of the Park, subject to securing a covenant from the disponent to manage the Park in accordance with the trusts implied by the transfer. Further, the Charity Trustees' powers of disposal are permissive and therefore, must be exercised strictly in accordance with any limitations or restrictions imposed by statute or contract.
- 3.3 The fact that the land is charity land does not prevent all or part of the land from being leased out by the Charity. Subject to the Charity Trustees complying with the provisions of Section 119 of the Charities Act 2011 they can upon the recommendation of an independent surveyor, engaged exclusively by the Charity Trustees to advise them, decide to lease part of the Charity's land. In doing so the Charity Trustees would have to conclude the land was surplus to the requirements of the Charity and that it is in the best interests of the Charity to lease out the land.
- 3.4 Section 121 of the Charities Act 2011 provides that where land is held by or in trust for a charity, and the trusts on which it is so held stipulate that it is to be used for the purposes, or any particular purpose of the charity the land must not be sold, leased or otherwise disposed of unless the charity trustees have first given public notice of the proposed disposition, inviting representations to be made to them within a time specified in the notice, which must be not less than one month from the date of the notice, and must then take into consideration any representations made to them about the proposed disposition.
- 3.5 Land set out as a public park or recreation ground constitutes open space. Owing to the dual roles of the Council as a local authority and as a trust corporation, it is also necessary for the Council, as custodian Charity Trustee to comply with the statutory requirements relating to the disposal of open space contained in Section 123 of the Local Government Act 1972, which provides that a local authority may not either sell any land or grant a lease of any land consisting of or forming part of an open space without first advertising the proposed sale or lease for two consecutive weeks in a local newspaper circulating in the area in which the land is situated and then consider any objections received in response to those advertisements. If there are objections to the proposed sale or lease the Council must consider those objections carefully and should only authorise the proposed sale or lease if those objections are insubstantial and it is in the public interest to disregard them.
- 3.6 The transfer of the Park to the Council's predecessor, the Urban District Council of East Grinstead, under which the Charity was established provided that Molly Kathleen Pears gifted the Park to the Urban District Council of East Grinstead who accepted the gift under section 4(1) of the Physical Training and Recreation Act 1937 and declared that the same shall henceforth be known as "The John Pears Recreation Ground" and they covenanted with Mrs Pears:
  - (a) For itself and its successors to lay out and maintain the land in accordance with and (save as hereinafter mentioned) for the purposes of section 4(1) of the said Act and for no other purpose PROVIDED THAT notwithstanding the provisions of the said Section the land shall not be used for or as a holiday camp or camping site;

- (b) That any transfer of the land shall contain covenants on the part of the Transferee equivalent to those contained in sub-paragraphs (a) and (b) hereof on the part of the Council.

Section 4(1) provided as follows:

A local authority may acquire, lay out, provide with suitable buildings and otherwise equip, and maintain lands, whether situated within or without their area, for the purposes of gymnasiums, playing fields, holiday camps and camping sites, or for the purposes of centres for the use of clubs, societies or organisations having athletic, social or educational objects, and may manage those lands and buildings themselves, without with or without charge for the use thereof or admission thereto, or may let them, or any portion of thereof, at a nominal or other rent to any person, club, society or organisation for use of any of the purposes aforesaid.

The gift of the land is for the purposes of providing a public recreation ground to be called "The John Pears Recreation Ground" pursuant to the Council's powers under Section 4(1) of the Physical Training and Recreation Act 1937 and this being the case, it is clear that the land was gifted for the purposes of providing a playing field and indeed for any of the other purposes set out in section 4(1) other than as a "holiday camp or camping site". The provision of the street snooker facility within the Park is consistent with the uses envisaged by Mrs Pears.

Section 4(1) is now repealed and replaced by section 19(1) of the Local Government (Miscellaneous Provisions) Act 1976, which extends the nature and extent of facilities that may be provided on the site. Generally anything that is consistent with the provision of recreational facilities within a public park are permitted, except for a holiday camp or camping site and this being the case, the provision of the proposed street snooker activity wall is within uses permitted under the terms of the transfer dated 29<sup>th</sup> March 1974.

- 3.7 It is worth mentioning the Council's powers, and by implication the Charity Trustees' powers, under section 76 of the Public Health Acts Amendment Act 1907, which provides that a local authority shall, in addition to any powers under any general Act, have the power in respect of any public park or pleasure ground provided by them or under their management and control to set apart such part of a park or ground for the purposes of cricket, football, or any other game or recreation provided that doing so does not contravene any covenant or condition subject to which a gift of a public park has been made without the consent of the donor or any other person or persons entitled in law to the benefit of such covenant or condition. The provision of the Street Snooker Facility does not contravene any covenants or condition of the Trust and therefore, the Charity Trustees are able to authorise the provision of such facilities in the Park.

The exercise of section 76 powers is subject to the provisions of section 52(3) of the Public Health Act 1961, which provides that the local authority must not set aside more than one-third of the area of any park or ground and must not set apart more than one-quarter of the total area of all parks and grounds provided by them or under their management and control, and the local authority must be satisfied that, in exercising their powers, they have not unfairly restricted the space available to the public for informal games and recreations.

The Park comprises 27,560 square metres in size. The tennis courts take up 1,090 square metres and the proposed street snooker will occupy an area of 80 square metres and this being the case, the proposed new street snooker facility will occupy only 0.29% of the Park. In aggregate only 4.2% of the Park will have been set aside for formal sports and recreations. The children's playground comprises 710 square metres, so that leaves an area of 25,680 square metres for informal game and recreations.

- 3.8 In order to comply with the requirements of Section 119 of the Charities Act 2011, the Charity Trustees must obtain valuation advice from a suitably qualified surveyor, who must prepare a report for the Charity Trustees in accordance with the requirements of the Charities (Qualified Surveyors Reports) Regulations 1992. The requirements of those regulations are set out in brief in Appendix 4 to this report. The Charity Trustees are entitled to rely on the opinion of the Charity's Surveyor and may, in the light of his advice, conclude that it is in the best interests of the Charity to grant the Lease on the terms proposed in this report.

#### **4.0 SECTION 121 AND 123 ADVERTISEMENTS AND OBJECTIONS**

- 4.1 The proposed street snooker facility was advertised in accordance with Section 121 of the Charities Act 2011 and Section 123 of the Local Government Act 1972 and members of the public had until 19<sup>th</sup> September 2015 to lodge their objections and representations. Three objections had been received and these are annexed to this report at Appendix 3.
- 4.2 The Charity Trustees having read the objections received will need to be satisfied that they are acting within the spirit and letter of the Charity's Objects. The objectors' concerns seem to centre on damage to the park, loss of tranquillity and a general ramping up for formal sport, in particular football. Although the street snooker activity is football based, it is not a football game and is unlikely to involve more than a few young persons at any one time. There is a general suggestion that the provision of this facility would be inconsistent with the nature and characteristics of the Park and the wishes of Molly Pears. However, having reviewed the provisions of the Trust, this is the case. The site is intended to be a public park for the enjoyment of all and the only uses of the site that are prohibited are as a camping site and as holiday camp. There are other proposals for formal football at this Park, but they are not the subject matter of this report and the provisions of the Street Snooker Facility must be considered on its merits alone.

#### **5.0 INDEPENDENT SURVEYORS REPORT**

- 5.1 An independent surveyors report has been commissioned and completed by the Gould & Co, Chartered Surveyors, at the expense of the Council, but solely for the benefit of the Charity Trustees. The relevant sections of the report are set out below. Copies of the full report will be provided to the Charity Trustees under separate cover.
- 5.2 The Charity's Surveyor's report sets out the recommended market rent for the property and the terms recommended in his report are mirrored in this report.
- 5.3 In paragraph 8.01 of the Charity's Surveyor's report the Charity's Surveyor confirms that, in his professional opinion, the terms of the Lease recommended in this report are the best terms that are reasonably obtainable.

#### **6.0 OTHER OPTIONS CONSIDERED**

- 6.1 There are no other uses for the land, the land is held upon trust as a public park and recreation ground for the benefit of the public at large; we cannot use the land for any other purpose.
- 6.2 The locations that a facility such as this can be located in Ashurst Wood are John Pears Recreation Ground or Ashurst Wood Recreation Ground. Whilst John Pears Recreation Ground is the preferred option by the Parish Council it is also the only practical location for this facility. There is insufficient space on the Ashurst Wood Recreation Ground to accommodate the wall and it is relatively closed from all sites. The Ashurst Wood Recreation Ground accommodates three football pitches that are regularly used and as

such there is no suitable location to place the ball wall. Similarly Ashurst Wood Recreation Ground is sheltered from view by residential properties and trees on all sides and there is no easy vehicular access or car park.

## **7.0 FINANCIAL IMPLICATIONS**

The provision of the facility will be entirely funded by the Parish Council through external agency grant assistance. The grant of the lease will generate a modest ground rent for the Charity and the Charity Trustees' solicitor's costs in connection with the grant of the lease and the costs of statutory compliance will be met by the Parish Council. The lease will be on a full insuring and repairing basis and the Parish Council will be required to reinstate the Park to its present condition at the end of the term of the proposed lease. The user of the property comprised within the lease will be solely for the provision of the Street Snooker Facility, which will be free to use by older children in the village and surrounding area. There should therefore, be no costs to the Charity in acceding to this request.

## **8.0 RISK MANAGEMENT IMPLICATIONS**

- 8.1 The orientation of the wall is considered to be appropriate to be against the tennis fence. Play will be towards the fence so it will act as a ball stop for balls falling behind the wall. Similarly balls that go off to the sides will either go out onto the field or into the copse of trees. This orientation will have the children's play area in the opposite direction of the wall that will avoid potential of a stray ball going into the play area. However, the local planning authority may consider another orientation so more appropriate as a condition of granting planning permission, but they will have to consider the safety issue of any alternative orientation.
- 8.2 The construction of the base for the wall may require some levelling, but it is not expected that this would significantly alter the profile of the surrounding land to create a hazard. The construction plan will need to demonstrate the amount of levelling to be required and the measures intended to reinstate the grounds.

## **9.0 EQUALITY AND CUSTOMER SERVICE IMPLICATIONS**

No Equalities Impact Assessment has been carried out specifically for this proposal as there is no intention to restrict access to the facility, which will be available for public use and because the facility will only occupy 0.29% of the area of the Park.

## **10.0 OTHER MATERIAL IMPLICATIONS**

- 10.1 Concerns have been raised about the adequacy of car parking in the recreation ground car park, which is small and has limited turning. There is limited scope to address these concerns, which are not currently overly significant as the majority of players walk to the Park. The facility is designed for use by children living in the locality so demand for car parking arising from this activity should be minimal if at all.
- 10.2 The Park is surrounded by residential properties, but the proposed location of the activity wall is located well within the Park so disturbance to neighbouring properties should be minimal.
- 10.3 The Parish Council has undertaken a public consultation on the proposed Street Snooker Facility by placing a petition in the Park for young people to sign, which attracted 35 signatures from kids wanting to see such a facility in the Park. There was also a feedback

form published in the Parish New Letter. The Parish Council received 17 responses with regard to the Street Snooker Facility with 15 in favour and 2 against. It should be noted that the petition does not comply with the legal requirements for a valid petition, but nevertheless should be given some weight, as is it representative of the views of some of the beneficiaries of the trust upon which the Park is held.

## **11.0 RECOMMENDATIONS**

*The Charity Trustees are recommended to:*

- 11.1** *Note and consider the responses to the statutory advertisements placed in the East Grinstead Courier on 19<sup>th</sup> and 26<sup>th</sup> August 2015 giving notice of the Charity Trustees intention to grant a lease to the Parish Council at Appendix 3;*
- 11.2** *If, in the light of the objections and representations considered under recommendation 11.1 above, the Charity Trustees are satisfied that the proposed location for the street snooker facility is an appropriate location for such facilities in East Grinstead and can further the objects of the Charity, note and consider the proposal set out in paragraph 2.3 of this report and the Independent Surveyor's report at Appendix 4; and*
- 11.3** *If, having considered this report and the Independent Surveyor's Report at Appendix 4 the Charity Trustees' consider that it is in the best interests of the Charity to procure the provision of the street snooker facility at the Park and it is in the best interest of the Charity to grant the proposed lease to the Parish Council, then subject to the Parish Council agreeing to pay the Charity's legal and other costs including the costs incurred in compliance with the Charity Trustees' statutory obligations, authorise the Charity Trustees' Solicitor to grant the lease on the terms set out in this report and the Independent Surveyor's Report and on such other terms as the Charity Trustees' solicitor recommends or considers appropriate.*

### **Background Papers**

Valuation report undertaken by Gould & Company Chartered Surveyors and Valuers  
The Council's legal file and Deeds relating to the Charity.

**Ashurst Wood Parish Council – Street Snooker™ installation**

**SITE ADDRESS:** John Pears Field, Wall Hill Road, Ashurst Wood RH19 3TQ

**Client:** Caroline Leet: 01342 823770



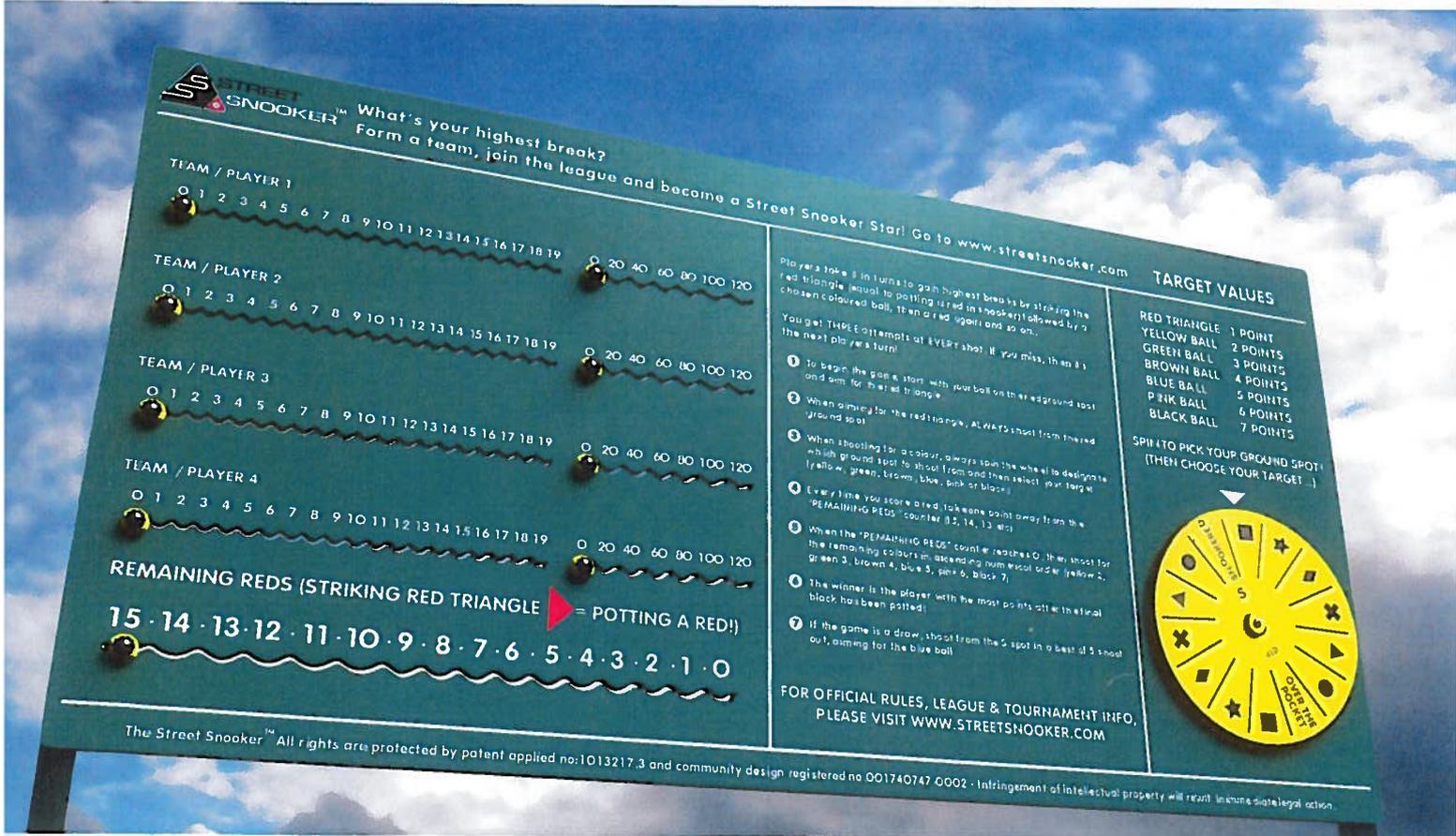
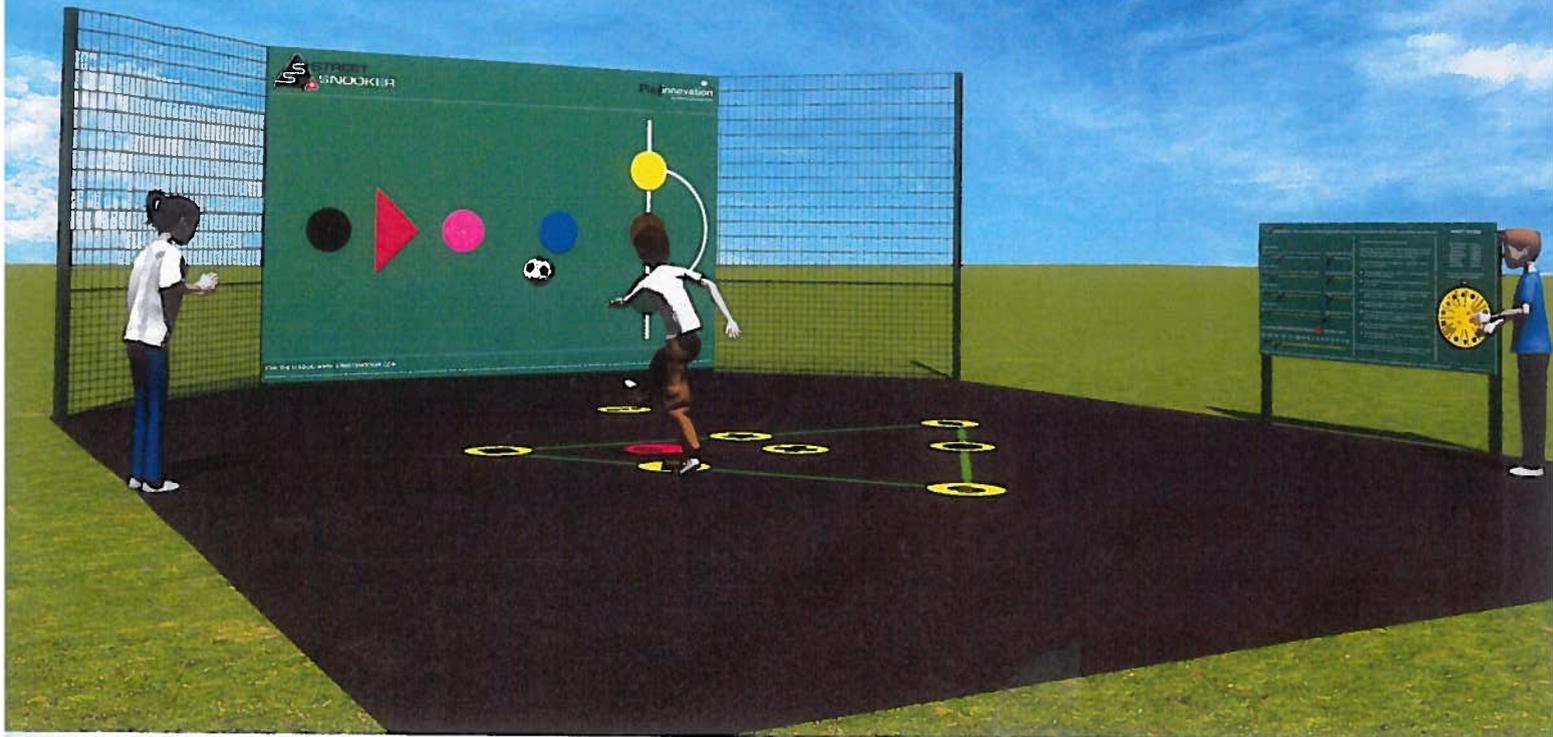
Installation Manager for this contract: Simon Milward : Tel: 07825 409411

Carpet installer: Colin Lloyd: 07939 078317

Playinnovation™ contract admin: Sam Deptford – 07415 970156

AS SEEN ON BBC BREAKFAST!

Numerous installation options available including new build and Retro-Fit options to upgrade existing ball courts.



Heavy duty, non flammable HDPE scoreboard with Anti Vandal do-caps as sliders.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 21 August 2015 13:50  
**To:** [REDACTED]  
**Subject:** Fw: PROPOSED STREET SOCCER FACILITY AT JOHN PEARS MEMORIAL FIELD

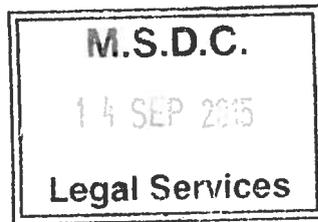
**From:** [REDACTED]  
**Sent:** 21 August 2015 13:32  
**To:** [REDACTED]  
**Subject:** PROPOSED STREET SOCCER FACILITY AT JOHN PEARS MEMORIAL FIELD

Dear Mr. Clark,

I write with reference to the above, to express my concerns and to object to the proposal of such a facility in the field which adjoins my property.  
I feel , that not only is this not the appropriate place for such an unsightly construction....this is, after all a rural location , but there is also the safety aspect, in that access to the field has to be obtained by walking round the somewhat dangerous bend outside my property, where there is no footpath and the danger is only increased by the dangerous barrier my neighbour has erected outside no 1 Quarry Cottages.  
Surely a more suitable site would be the village "Rec" , where there would not be the danger aspect, but also the "Wall" could be watched over, thus avoiding the possibility of vandalism.  
The Parish Council assure me there will be no noise created, which I find hard to believe . Apart from the thumping of balls , there will be the vocal noise created by the participants .  
I trust you will take these issues into consideration when making your decision , and rule that the Wall is not erected in the John Pears Memorial Field .  
As an aforethought I feel that Molly Pears would not have been happy to see such a construction on the land that represents her memorial to her husband.  
Yours sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

I am forwarding a copy of the email I sent to the Parish Council



[REDACTED]  
[REDACTED]  
[REDACTED]  
Tel: [REDACTED]  
[REDACTED]  
email: [REDACTED]

Mr T Clark, solicitor to the Council  
Oaklands  
Oakland Road  
Haywards Heath  
West Sussex  
RH16 1SS

11<sup>th</sup> September, 2015

Your ref: TC/SW/ASH-STREET  
John Pears Field, ASHURST WOOD

Dear Mr Clark,

I am writing to protest about the plan to allow a 28-year-lease to Ashurst Wood Parish Council for part of John Pears Field, Ashurst Wood to be used for football.

I was part of the Ashurst Wood Community Association (which preceded the parish council) when Mrs Molly Pears, who was community association life president, decided to give the land to the village in memory of her husband. Mrs Pears, who was a village benefactor in many ways, was very adamant that she wanted the field to be used by everyone in the village but not for team games especially football. She did not want the field to be used by cricket or football as the other field in the village was already used for these sports. Unfortunately, most of the members of the community association who helped broker the deal of the gift of the field to Ashurst Wood, are no longer alive and so are not here to protest about Mid Sussex breaking a major part of Mrs Pears' original condition of the gift. Surely her wishes must have legal weight as they formed part of the original gift? Why should Mid Sussex be able to over rule her wishes when she made her very generous gift? To answer my own question, I suspect that as you have gone to the trouble of a public notice about this lease then Mrs Pears' wishes do carry weight. If no one or not many people protest then the council will feel it has the right to go ahead. I therefore hope my protest will make the council realise its obligations to a generous benefactor.

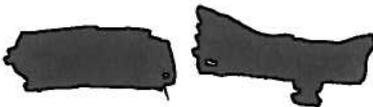
I have not seen any plans so do not know which part of the field you want to give over to football but I remember that Mrs Pears was worried that football would ruin the field. The land used for the playing pitch would be damaged by players and the amount of people involved in a game – players and spectators – would mean the field would lose the quiet enjoyment for everyone else. Surely some of these details must have been set out in the deed of gift. I cannot remember the actual wording after all these years. Can the council just ignore a donor's wishes? How very unfair and undemocratic. It must put people off giving anything to a local authority if wishes can just be changed when the council feels like it.

The field is meant for villagers and I do not expect that all the people who play football in Ashurst Wood actually live here.

Please do not spoil this beautiful field by allowing this lease for a sport specifically mentioned by the donor and one she did not want on her field. It will be of no benefit to the people of the village and so many of the footballers do not even live here. Also, has anyone thought of the parking problems such an enterprise would cause? There is a small car park at the field but nowhere spacious enough for large events and the road outside is totally unsuitable for parking. It is too narrow and on a bus route. At present parking for Saturday morning football is along Hammerwood Road. It would not be safe for people to park there and then walk to John Pears Field. The road is narrow and well used without a path.

Will you please keep me informed about the progress of this lease; will there be a discussion at a council meeting or can this lease be granted by officers? Also, please let me know how Mid Sussex is able to over ride conditions of a gift; I am interested to know the legal position of a gift and its conditions. I have worked as a journalist and a JP so the law is of great interest to me.

Yours sincerely,

A redacted signature consisting of two dark, irregular shapes.A redacted name consisting of a single dark, horizontal bar.

**M.S.D.C.**  
- 8 SEP 2015  
**Legal Services**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

7th September 2015.

Dear Sir,  
ref: TC/SW/ASH-STREET

With reference to the above proposed site of a new football pitch on John Pears field, I would like to explain my objection to this plan.

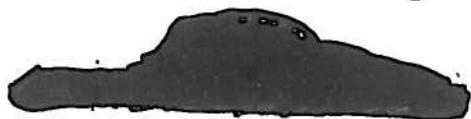
When Molly Pears gave the field to the village in memory of her husband John, she specifically said she did not want team games played on the field especially football and cricket with the exception of stoolball.

It was because the games would take over the field to the exclusion (or certainly the inconvenience) of members of the public who go to enjoy walking, playing, sitting and picnicing whenever and wherever they wanted to be there. The problem with organised sport is it can take over and we do have a perfectly good recreation ground already in Ashurst Wood, even though the council should have built a new pavilion by now as the old one is a disgrace.

Parking would have to overflow from the car park on John Peart's field onto the field itself and as this would be in the winter, the field would probably never have time to recover year by year.

I do not know, after all these years, if Mrs Pray's wishes can still be honoured, but they do seem to have been forgotten or ignored by the newer people who live in the village now.

Yours faithfully,

A thick, black, irregular horizontal bar used to redact the signature.A thick, black, irregular horizontal bar used to redact the address.

**INFORMATION TO BE CONTAINED IN, AND MATTERS TO BE DEALT WITH BY, QUALIFIED SURVEYORS' REPORTS**

**1.**—(1) A description of the relevant land and its location, to include—

- (a) the measurements of the relevant land;
- (b) its current use;
- (c) the number of buildings (if any) included in the relevant land;
- (d) the measurements of any such buildings; and
- (e) the number of rooms in any such buildings and the measurements of those rooms.

(2) Where any information required by sub-paragraph (1) above may be clearly given by means of a plan, it may be so given and any such plan need not be drawn to scale.

**2.** Whether the relevant land, or any part of it, is leased by or from the charity trustees and, if it is, details of—

- (a) the length of the lease and the period of it which is outstanding;
- (b) the rent payable under the lease;
- (c) any service charge which is so payable;
- (d) the provisions in the lease for any review of the rent payable under it or any service charge so payable;
- (e) the liability under the lease for repairs and dilapidations; and
- (f) any other provision in the lease which, in the opinion of the surveyor, affects the value of the relevant land.

**3.** Whether the relevant land is subject to the burden of, or enjoys the benefit of, any easement or restrictive covenant or is subject to any annual or other periodic sum charged on or issuing out of the land except rent reserved by a lease or tenancy.

**4.** Whether any buildings included in the relevant land are in good repair and, if not, the surveyor's advice—

- (a) as to whether or not it would be in the best interests of the charity for repairs to be carried out prior to the proposed disposition;
- (b) as to what those repairs, if any, should be; and
- (c) as to the estimated cost of any repairs he advises.

**5.** Where, in the opinion of the surveyor, it would be in the best interests of the charity to alter any buildings included in the relevant land prior to disposition (because, for example, adaptations to the buildings for their current use are not such as to command the best market price on the proposed disposition), that opinion and an estimate of the outlay required for any alterations which he suggests.

**6.** Advice as to the manner of disposing of the relevant land so that the terms on which it is disposed of are the best that can reasonably be obtained for the charity, including—

- (a) where appropriate, a recommendation that the land should be divided for the purposes of the disposition;
- (b) unless the surveyor's advice is that it would not be in the best interests of the charity to advertise the proposed disposition, the period for which and the manner in which the proposed disposition should be advertised;
- (c) where the surveyor's advice is that it would not be in the best interests of the charity to advertise the proposed disposition, his reasons for that advice (for example, that the proposed disposition is the renewal of a lease to someone who enjoys statutory protection or that he believes someone with a special interest in acquiring the relevant land will pay considerably more than the market price for it); and
- (d) any view the surveyor may have on the desirability or otherwise of delaying the proposed disposition and, if he believes such delay is desirable, what the period of that delay should be.

**7.—**(1) Where the surveyor feels able to give such advice and where such advice is relevant, advice as to the chargeability or otherwise of value added tax on the proposed disposition and the effect of such advice on the valuations given under paragraph 8 below.

(2) Where either the surveyor does not feel able to give such advice or such advice is not in his opinion relevant, a statement to that effect.

**8.** The surveyor's opinion as to—

- (a) the current value of the relevant land having regard to its current state of repair and current circumstances (such as the presence of a tenant who enjoys statutory protection) or, where the proposed disposition is a lease, the rent which could be obtained under it having regard to such matters;
- (b) what the value of the relevant land or what the rent under the proposed disposition would be—
  - (i) where he has given advice under paragraph 4 above, if that advice is followed; or
  - (ii) where he has expressed an opinion under paragraph 5 above, if that opinion is acted upon; or
  - (iii) if both that advice is followed and that opinion is acted upon;
- (c) where he has made a recommendation under paragraph 6(a) above, the increase in the value of the relevant land or rent in respect of it if the recommendation were followed;
- (d) where his advice is that it would not be in the best interests of the charity to advertise the proposed disposition because he believes a higher price can be obtained by not doing so, the amount by which that price exceeds the price that could be obtained if the proposed disposition were advertised; and
- (e) where he has advised a delay in the proposed disposition under paragraph 6(d) above, the amount by which he believes the price which could be obtained consequent on such a delay exceeds the price that could be obtained without it.

**9.** Where the surveyor is of the opinion that the proposed disposition is not in the best interests of the charity because it is not a disposition that makes the best use of the relevant land, that opinion and the reasons for it, together with his advice as to the type of disposition which would constitute the best use of the land (including such advice as may be relevant as to the prospects of buying out any sitting tenant or of succeeding in an application for change of use of the land under the laws relating to town and country planning etc.).