

Wiltshire Council

Cabinet

24 April 2018

Subject: Melksham King George V Field

Cabinet member: Councillor Toby Sturgis - Spatial Planning,
Development Management and Property

Key Decision: No

Executive Summary

Wiltshire Council is the sole trustee of the field which is held on trust as a King George V Field (the Trust).

Although the Trust is not registered with the Charity Commission it is a charity and falls under the jurisdiction of the Charity Commission under the name King George's Fields Melksham and has been given the unregistered organisation number 3947897.

This report sets out the steps and decisions required to enable Melksham Town Council to take responsibility for this property.

It also recommends that those decisions be made by Cabinet on behalf of Wiltshire Council as sole trustee of the Trust and that authority be given to the Corporate Director for Growth Investment & Place to enter into any legal documentation that may be necessary to give effect to those decisions.

Proposal(s)

That members resolve:

- a) that Wiltshire Council, in its capacity as sole trustee of the King George's Field (the Trust), make any changes to the Trust documents that may be necessary to appoint Melksham Town Council as a trustee of the Trust and to resign as a trustee following that appointment,
- b) that officers should, if appropriate, liaise with the Charity Commission and Fields in Trust to seek, if required, the approval of either of those bodies for the appointment of Melksham Town Council as trustee of the Trust,
- c) following the securing of any such approval and the appointment of Melksham Town Council as trustee of the Trust to transfer the Legal Title to the King George's Field to Melksham Town Council and then resign as trustee of the Trust, and
- d) to authorise the Corporate Director for Growth Investment & Place to enter into any legal documentation which is required to enable the above to be implemented.

Reason for Proposal

To enable the Legal Title of the King George's Field, Melksham that is the subject of the Trust to pass to Melksham Town Council in the most cost effective and efficient way.

Alistair Cunningham
Corporate Director

Wiltshire Council

Cabinet

24 April 2018

Subject: Melksham King George V Field

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Development Management and Property

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Purpose of Report

1. This report seeks approval to taking all steps necessary to ensure the transfer of the Legal Title to the King George V Field, Melksham to Melksham Town Council.

Relevance to the Council's Business Plan

2. The proposal will contribute towards the devolution of services and associated assets to towns and parishes as it will enable the King George V Field, Melksham to be transferred to Melksham Town Council. Under the *Strong Communities* priority Wiltshire Council's Business Plan states that *more services and assets will be devolved to parish councils and community groups*.

Main Considerations for the Council

3. Melksham Town Council has requested that the King George V Field in Melksham be transferred to it. In normal circumstances the approved Service Devolution and Community Asset Transfer policy adopted by Cabinet on 7th November 2017 would prevent the transfer being completed until Melksham was due to be considered in accordance with the programme to be prepared. However, as Wiltshire Council holds the property as sole trustee of King George's Field (the Trust) it will need to be dealt with separately. An early transfer of the property would enable it to be managed at the appropriate level without waiting.

Background

4. The land shown edged red on the plan at Appendix 1 was bought in 1937 using funds raised by public subscription. In 1938 it became a King George V Field. Although the Trust is not registered with the Charity Commission it is a charity and falls under the jurisdiction of the Charity Commission under the name King George's Fields Melksham and has been given the unregistered organisation 3947897. Wiltshire Council became the sole trustee of the Trust upon it becoming a unitary council in 2009. Melksham Town Council wish to take over responsibility for the

property. The steps set out in this report are those which are necessary to satisfy the requirements of the Charity Commission and Fields in Trust to ensure the smooth transfer of Legal Title of the property to Melksham Town Council.

5. Melksham Town Council has formally resolved to apply to become the trustee of the Trust and has applied to Wiltshire Council to do so.
6. Wiltshire Council hold the King George's Field as sole trustee. Cabinet is the decision making body for the Trust. Decisions relating to the Trust must be made as trustee of the King George's Field. These decisions are set out below.
7. The decisions to be made as trustee are:
 - to make any changes to the Trust documents that may be necessary to permit the appointment of Melksham Town Council as trustee,
 - to appoint Melksham Town Council as trustee,
 - to transfer the Legal Title to King George's Field to Melksham Town Council and
 - to resign as a trustee upon the registration at the Land Registry of the transfer of the Legal Title to Melksham Town Council.
8. The resolution to authorise the Corporate Director for Growth Investment & Place to enter into all necessary legal documentation to enable the above to be implemented.

Safeguarding Implications

9. None

Public Health Implications

10. None

Corporate Procurement Implications

11. None

Equalities Impact of the Proposal

12. None

Environmental and Climate Change Considerations

13. None

Overview and Scrutiny Engagement

14. Overview and Scrutiny undertook a rapid scrutiny exercise to contribute to the development of the council's revised Asset and Service Devolution

and Community Asset Transfer Policy, which was adopted by Cabinet on 7th November.

Risks that may arise if the proposed decision and related work is not taken

15. The principal risk that may arise if the proposed decision is not taken is financial. That responsibility for the maintenance of the property will remain with Wiltshire Council.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

16. There may be a legal risk if the proposed actions are not taken in the correct order. However, the council's solicitor will be heavily involved in the process and will ensure that the process is followed correctly.

Financial Implications

17. The Trust receives a small amount of rental income from properties within the field. This income, together with any costs associated with managing the field, will be passed to Melksham Town Council. Other financial implications are limited to the cost of dealing with the legal process required to complete the transactions and documents required.

Legal Implications

18. This is a legal process which if carried out correctly will result in the appointment of Melksham Town Council sole trustee of the Trust and the transfer of the Legal Title to the asset held on behalf of the Trust passing to Melksham Town Council.

Options Considered

19. There are two options available in this case. These are:
 - Remain the sole Trustee of the Trust and retain the Legal Title to the land (do nothing)
 - Transfer the trusteeship and Legal Title to the land
20. If Wiltshire Council remains the sole Trustee of the land it must retain Legal Title to the land and will retain the responsibility for maintenance and management.
21. Transferring both the trusteeship and the Legal Title to the land will ensure that the Legal Title and control of the field rest with Melksham Town Council. There will be some legal work required to make this happen but this is the best outcome for the long term management of the area.

Conclusions

22. As indicated above, taking the steps required to enable Melksham Town Council to be appointed a trustee of the Trust and, following that

appointment, the transferring the Legal Title to the town council will result in the best outcome for the future management of this land as it can be managed at the most appropriate level of authority.

Alistair Cunningham
Corporate Director

Report Author: John Price, Estate Surveyor

Background Papers

The following documents have been relied on in the preparation of this report:

None

Appendices

Appendix 1: Plan