

70. ANTHONY HARRIS

The Chairman referred to Appendix 2, being recent advice from the Town Council Solicitor.

As previously mentioned, the Charity Commission seem to be thinking the War Memorial Recreation Ground are wanting to put all of the Recreation Ground land into a new Charity, but such *permanently endowed land* as it is known must not be placed at risk. It is however important to note we are only proposing to transfer a small proportion of the area held.

As noted, the Charity Commission are reluctant to allow any land to be transferred to a corporate charity. It might however be permissible for the existing charities to lease the relevant area to a new incorporated charity, ie. a company. The new charity could then “trade” and employ people without personal risk to the trustees.

Anthony Harris accepts Simon Nightingale’s point about the land upon which a new charity builds being held by two separate freeholders, and believes that the two freeholders could execute a Declaration to the effect that (in their capacity as Landlords) they will act jointly on behalf of the residents of New Milton.

71. LACEYS SOLICITORS

The Chairman referred to Appendix 3, being recent advice received from Lacey’s Solicitors.

Simon Nightingale pointed out it was only a suggestion by the Charity Commission that an amalgamation (of existing charities) might be considered, and he would be wanting to make clear to them in any event that the phraseology used in the third paragraph of their Charity Commission letter unfortunately might indicate that they thought the two existing charities wanted to transfer all their assets to the new charitable company, which we had already made clear to them was not the case. He would re-emphasise that point to them.

As mentioned in his email, Simon appreciated the Trustees of the Recreation Ground would not consider advancing the Charity Commission’s suggestion, which is why he suggested an alternative approach for the Town Council Trustees to consider - which is to invite the Charity Commission to agree instead to the transfer of the indoor bowling facility and old skate park area to the Memorial Hall charity, instead of to a new incorporated charity, and then to amend the constitution of the Memorial Hall charity in a way that was acceptable to both sets of Trustees, with the Town Council then to be represented on the Memorial Hall Charity in the same proportions as was originally envisaged for the new charitable company. The Hub could then be developed as part of the *permanent endowment*.

Simon noted the email from Anthony Harris, marked as Appendix 2, in which at para 3 he suggested that the land could be leased to the new charitable company. That is certainly worth pursuing if it appealed to the Trustees, however one would still need to be willing to transfer the freehold to one of the existing charities so that the company would be answerable to one landlord who would hold the freehold as permanent endowment. That would again take us back to my suggestion in the first paragraph above where we would need to consider a transfer from the Recreation Ground charity of those limited assets which we had previously envisaged might be transferred to the new company.

The Chairman then went out of session at 5.11pm to speak to Mr Nightingale of Lacey’s Solicitors to agree a way forward and went back into session at 5.43pm.

It was then

RECOMMENDED

That Simon Nightingale in conjunction with Anthony Harris produce a “road map” setting out a way forward for the next Executive Committee meeting to consider.

72. BUDGET

The likely effects of possible rent-free periods / loss of income for the first 3 months of 2020-2021 was noted by members, being in the order of £12k.

Office cover is planned to be phased back in gradually when officers finally return with no hot desking. The grounds staff are also planned to return to grass cutting and other basic operations with social distancing measures in place when appropriate to do so.

There being no further business to discuss, the Chairman thanked everyone for attending and closed the virtual meeting at 5.45pm.

CHAIRMAN _____ DATE _____

Distribution:

Members of the Executive Committee

Town Councillors – For Information

District Councillors C V Ward, J L Cleary

County Councillors M Kendal, F Carpenter and K Mans

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