

Overview of Charities

Frodsham Recreation Grounds Charity – 504519

1. The Charity Commission's register contains the following key information for the Frodsham Recreation Grounds Charity:

Its governing documents are Charity Schemes 1 May 1914 and 10 July 1917.

The Area of Benefit for the scheme are the Inhabitants of Frodsham and Frodsham Lordship.

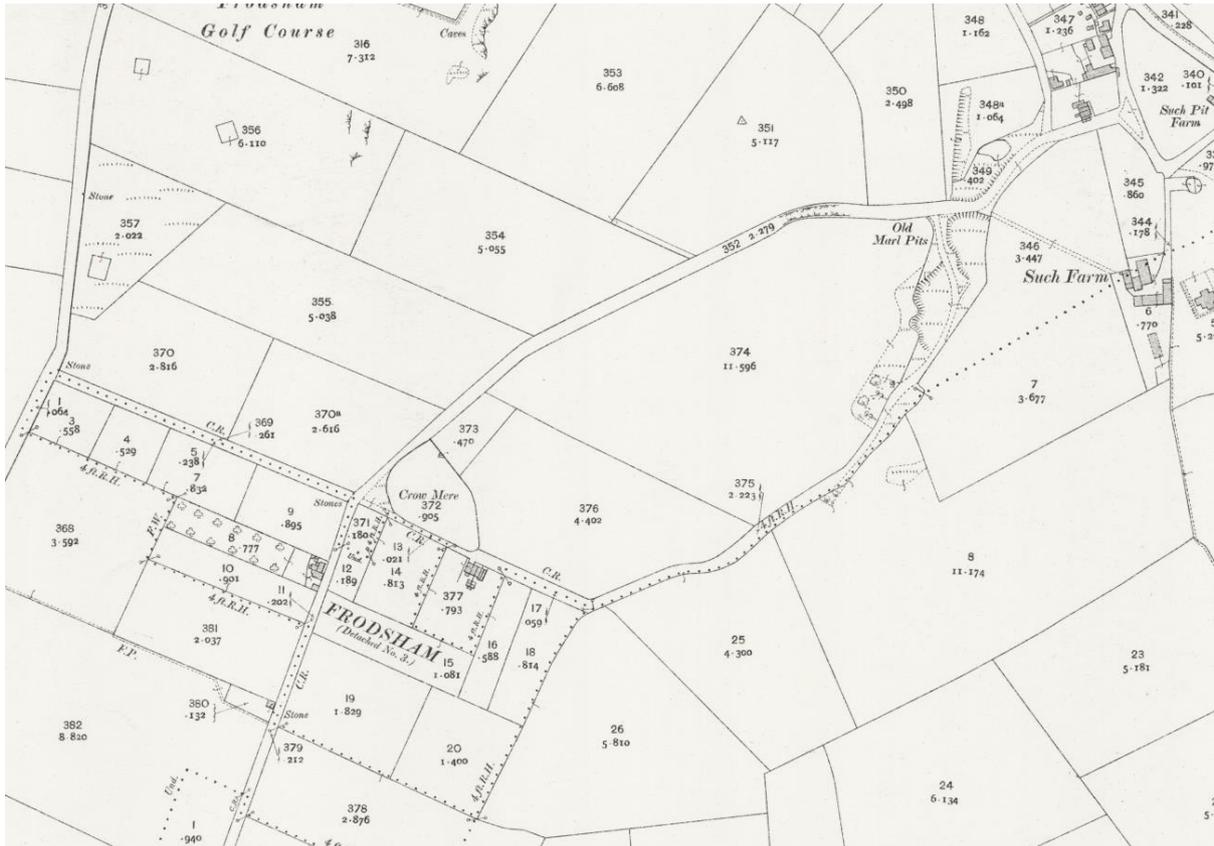
The charitable objects are: Amateur Sport, Environment, Conservation, Heritage

2. The area now covered by Frodsham Town Council was until 1936 in two separate parishes – Frodsham and Frodsham Lordship. Frodsham parish then comprised, as the then village centre. The Lordship parish wrapped around Frodsham (somewhat banana shaped) largely to the south. The boundary between the Lordship and Frodsham parishes ran along Townfield Lane (perhaps accounting for its name), on the boundary of St Laurence's churchyard (the church and churchyard being in Frodsham Lordship and through what is now Castle Park – with most of the land in Castle Park being within the Lordship. The Lordship also included an area of the marshes – hence Lordship Lane in the old Frodsham parish leading to the Lordship part of the marshes.
3. The Recreation Grounds Charity was formalised by an order of the Charity Commission made on 1 May 1914. It established a scheme to administer four plots of land or 'Allotments' that had been made in an Inclosure Award of 4 July 1797 for the getting of stone and other materials for the local residents. The application was made to the Charity Commission for a scheme by the then Parish Council for the Frodsham Lordship as whilst they administered the charity neither the parish nor anyone else was its trustee.
4. The simple one-page scheme states as follows:
 - (1) *Administration of Charity* – The above mentioned Charity and the endowments thereof consisting of the pieces of land specified in the Schedule hereto, and all other endowments (if any) of the said Charity shall be administered and managed by the Parish Council of the Frodsham Lordship as the Trustees of the Charity, subject to and in conformity with the provisions of this Scheme, under the title of Frodsham Recreation Grounds.
 - (2) *Vesting of Real Estate* – The said pieces of land are hereby vested in "The Official Trustee of Charity Lands" for all the estate and interest therein belonging to or held in trust for the Charity.
 - (3) *Recreation Grounds* – The said pieces of land shall be used as Recreation Grounds for the benefit of the inhabitants of the Ancient Townships of Frodsham and Frodsham Lordship.
 - (4) *Allotments Extension Act 1882* – Subject to the trust for Recreation Grounds the Trustees may set apart and let in allotments in the manner prescribed by and subject to the provisions of the Allotments Extension Act 1882 any portions of the said pieces of land other than buildings and the appurtenances of buildings.

(5) *Questions under Scheme* – Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

SCHEDULE

- (1) A piece of land containing 4,265 square yards or thereabouts situate in the Ancient Township of Frodsham Lordship and bounded on the north-west side by a road called the Forest Road and in part on the south-west end by the road called Higher Marling Road'
 - (2) A piece of land containing 2,215 square yards or thereabouts situate in the Ancient Township and bounded on the south side by the said road called the Forest Road and on the east side by the road called the Lower Marling Road.
 - (3) A piece of land known as Cromers (otherwise Crowmere) Lake Allotment containing 4,038 square yards or thereabouts situate in the said Ancient Township and bounded on the south side by the road called Cromers Lake Road and on the north-west side by the road called the Forest Road.
 - (4) A piece of land containing 955 square yards or thereabouts, situate in the said Ancient Township and bounded on the south-east side by the road called the Frodsham Road.
5. A handwritten note on the order indicates that the second allotment was sold off.
6. On 10 July 1917 the Charity Commissioners, on application by the then Parish Council for the Frodsham Lordship added a further Allotment to the now established Recreation Grounds Charity. The additional plot of land was described as:
- A piece of land containing 1643 square yards or thereabouts situated in the Ancient Township of Frodsham Lordship and bounded on the north side by the road called Redishes Road and on the south-east and west side by the allotment numbered 176 on the plan annexed to the above mentioned Award.
7. With the exception of Crowmere Lake the other allotments described are not immediately obvious especially as the roads referred to such as Lower Marling Road, Higher Marling Road, Forest Road etc either no longer exist or have been renamed.
 8. The following map shows Crowmere Lake and Marl Pits. From the 1914 description we can see that the track to the south of Crowmere Lake was then called "Cromers Lake Road" and the road now called Dobers Lane was then called Forest Road.



9. The Recreation Grounds Charity is now believed to comprise four plots of land:
 - a. Manley Road Copse
 - b. Crowmere Lake
 - c. Marl Pits and
 - d. Top Road.

Friends of Hob Hey Wood Charity - 1099786

10. The Charity Commission's register notes the following information about this charity:
 Its purpose is *"To preserve and conserve for the quiet and peaceful benefit of the public the natural woodland areas of Hob Hey Wood, Frodsham"* 8 November 2002 declaration of trust
11. However there are at least three documents that need to be understood when considering this charity they are:
 - a. Declaration of Trust 8 November 2002 ('2002 Trust Deed')
 - b. Declaration of Trust 19 July 2003; and ('2003 Trust Deed')
 - c. Purported Lease dated 20 July 2003. ('purported Lease')
12. The premise of the 2002 Trust Deed was that FTC was to take a lease of four parcels of land and would hold those lands upon the trusts declared in the deed.
13. Collectively the 2002 Trust Deed asserted that the Trustees would be called the Friends of Hob Hey Wood. The 2002 Trust Deed declared that FTC was the First Trustee and that other individuals could be appointed trustees.
14. The Deed asserted that there should be at least 3 trustees or a Trust Corporation (ie a specialist entity) appointed to run the affairs of the trust. Councillors could be

appointed trustees – however none could assume the role without signing the minute book of Trustees and a declaration that they were willing to act as trustee.

15. The Deed requires that there must be at least 2 ordinary meetings of the trust each year.
16. On 19 July 2003 the 2003 Trust Deed was made. Somewhat bizarrely it states that FTC as First Trustee holds 4 parcels of land under the terms of a lease made 20 July 2003. How could it hold land under the terms of a lease that had not yet been made?
17. This 2003 Trust Deed makes no mention of the 2002 Trust Deed but it looks like it was intended to supplement it or supersede it. This Deed is more extensive in terms of the powers of the charity – however it had the same provisions in terms of appointing trustees. None can assume the role without signing the minute book of Trustees and a declaration that they were willing to act as trustee.
18. The Deed requires that there must be at least 2 ordinary meetings of the trust each year.
19. Without considering matters in any detail it appears that FTC is in breach of its charitable obligations under these deeds of trust as they have not appointed at least two other trustees, nor held the requisite 2 ordinary meetings each year.
20. The purported Lease probably has little force or effect. It's basic premise was that FTC as Landlord granted a Lease of the land to the Friends of Hob Hey Wood. However the Friends of Hob Hey Wood was FTC as trustee. The Friends had no legal identity separate or distinct from FTC. This was a lease being granted from the "right hand to the left hand."
21. This issue was identified many years ago and confirmed as being an issue by the solicitors who had drawn up the legal documentation.