



Charity Commission
St. Alban's House 57-60 Haymarket London SW1Y 4QX

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Mrs R A Shaw
36 Birchfield Gardens
Mulbarton
Norwich
NR14 8BT

Our Ref: TAH-220338-A1-G

Date: 5 March 1987

Dear Madam

MULBARTON VILLAGE HALL NORFOLK

Thank you for your letter of 9 February. I am sorry that you have not received an earlier reply.

We would have no objection in principle to the proposed sale of the present Village Hall and the application of the proceeds towards the provision of a new hall. However under clause 18 of the Schedule to the conveyance of 20 October 1976 before the hall can be sold a meeting of the inhabitants must be called at which the proposal must be approved by at least three-quarters of the inhabitants present.

Moreover under the provisions of clauses 1 and 2 of the Schedule the Parish Council are only Custodian Trustees ie the legal estate is vested in them, but they have no power to act in the administration of the charity. The charity should be administered by the Committee of Management, whether charity property should be sold is an administrative question for the Committee of Management to determine. Could you please confirm that the Committee of Management are in agreement with these proposals. Indeed, if possible, we would prefer to correspond with a member of the Committee.

The proposed sale will be subject to an Order of the Commissioners under Section 29 of the Charities Act 1960 and before making such an Order the Commissioners will require certain information, in particular they will need to see a report from a surveyor acting exclusively in the interests of the charity.

If the proposed sale is approved at a public meeting held in accordance with the provisions of the conveyance and the Committee of Management wish to proceed with the sale, detailed instructions in this respect will be sent to them.

With regard to the proposed loan, if it is to be charged on property that constitutes permanent endowment or has been used and occupied for the purposes of the charity the Commissioners' consent will be required under Section 29 of the Charities Act 1960.

If charity trustees borrow money that is not secured on the charity property they obtain an equitable lien (or claim) on that property. But that lien does not extend to property that is permanent endowment (not expendable as income) or to land that is or has been occupied for the purposes of the charity unless the Commissioners have made an Order authorising the borrowing. It is therefore in the interests of the trustees to obtain an Order for unsecured borrowing as the charity has land used for charitable purposes.



I enclose a copy of our form 14 and would be obliged if you could arrange for its completion and return together with the additional information requested on the reverse. I also enclose copies of our accounts form AC(A) and our leaflet AC7 which may be of assistance to the trustees. As we have not received accounts for this charity for some years I would be obliged if you could supply accounts for the past three years in any event.

VHMC



Finally, could you please confirm that it is intended that the new hall will be held on the trusts contained in the conveyance of 20 October 1976.

Yours faithfully

T. A. Hammond

MISS T A HAMMOND

enc

NORWICH
ON MONDAY, 20TH FEBRUARY 1989
at 3.00 p.m.

Parish Council Minute regarding Charity Commission and VH charity correspondence

1987
Minutes of the Parish Council meeting held on Monday 6th April, 1987 at 7.30 pm. at the Village Hall.

Six members present. Apologies for absence from A. Harrod and Mrs. A. Hawker

The minutes of the previous meeting held on 2nd March were approved and signed.

Matters arising

play equipment and play areas Minute number
774

The new litter bins are still waiting to be fixed; Mr. Mickelburgh offered to do this in the near future. Three quotations had been invited for the maintenance of play areas, only two were received. After discussion, Mr. Moore's quotation was accepted. It was agreed to pay the Norfolk County Council account for maintaining the mown areas of the common for the coming year.

Proposed Community Centre 775

In a letter dated 5th March, the Charity Commission set out all the conditions of selling the existing village hall when it is no longer required. Approval of the sale must be obtained from the inhabitants of Mulbarton, this to be requested at the annual parish meeting. The Village Hall Management committee must also approve the sale. Permission must be obtained from the Charity Commission before borrowing goes ahead if it is to be charged on Charity property. A meeting of Village Hall Management committee and Parish Councillors to be held as a result of a letter asking for several points to be clarified. The architect asked for a cheque for the Building Regulations application fees. The clerk checked that there was no reduction for a Parish Council application, and it was agreed to pay the fee.

Plotments 77

Plot in Primrose Close agreed

Mrs. I.S.Eagle,
55 Lark Rise,
Mulbarton.
Norwich. NR14 8EG
Tel. Mulbarton 70866

Charity Commission,
St. Alban's House,
57/60 Haymarket.
London SW1Y 4QX

30.8.88

Your ref TAH-220338-A1-G
Attention of Mr Cooper.

Dear Sir,

Mulbarton Village Hall, Mulbarton Norwich, Norfolk.

In your letter of the 5th March 1987 you informed us that you would have no objection in principle to the proposed sale of our Village Hall and you will see from our reply of 12th November 1987 that we did in fact receive permission from the inhabitants of Mulbarton to sell the present hall as and when it became redundant. I can also confirm that the Committee of Management are in agreement with this proposal.

As the building of the new Community Centre should be finished by the end of the year we are now in the position to proceed with the sale of the present Village Hall. We enclose Form 14 duly completed showing that a loan of £80,000 is needed from Barclays Bank to complete payments. The Prudential Property Services have made a valuation of £100,000 on the present Village Hall as a figure that the property should fetch at public auction and a copy of this valuation etc., is enclosed. Whilst the Bank is satisfied in principle to the granting of the loan they need to see written consent from the Charity Commission to this sale and as this is a matter of urgency we would appreciate your early advice.

We also confirm that the new Mulbarton Community Centre will be held on the trusts contained in the conveyance. You will see that the form 14 has been signed by Mr.H. Walsh present Chairman of the Village Hall Management Committee in whose name the loan is being sort and as I explained on the telephone to your office whilst I am Clerk to the Mulbarton Parish Council I am also Treasurer for the Village Hall and therefore on the Management Committee. Also enclosed are copies of the last years accounts and I hope there is adequate information given to enable you to confirm your agreement to the sale of the Village Hall to be put in hand.

Yours faithfully.



Clerk to the Parish Council.

12th September 1988

A blurry image, where relevant text, signed from charity treasurer and also parish clerk, reads:

“You will see from previous correspondence that permission has been given to the sale of the hall by the inhabitants of Mulbarton and that the new Village Hall which is nearing completion will be administered by the management committee and held on the trusts as before.”

16.1.89

The Charity Commission,
St. Alban's House,
57/60 Haymarket,
London, SW1Y 4 QJ.

For the attention of Mr Cooper, Ref 280 278, Cat 4/1 3.

Dear Sir,

Mulbarton Village Hall, Norwich, Norfolk.

FURTHER VILLAGE HALL
THE COMMON
MULBARTON
NORFOLK

Further to our telecommencing the necessary deed for the solicitors to finalise the particulars for the sale of the above village hall. The Prudential Property Services are conducting the Public Auction in Norwich of the hall with outline planning permission for conversion to a residential dwelling, on Monday 20th February 1989. The reserve price will be £85,000 though we anticipate the property will fetch in excess of this. You will see from previous correspondence that permission has been given to the sale of the hall by the inhabitants of Mulbarton and that the new Village Hall which is nearing completion will be administered by the management committee and held on the trusts as before.

We have not as yet had to take up the overdraft so have not returned the proposed borrowing draft as hopefully if the sale is successful we shall be in a position to complete payments on the new Village Hall at the end of March.

We would appreciate if you could give this matter your urgent attention so that the solicitors can proceed with drawing up the necessary documents to proceed with the sale.

Thank you. Yours faithfully,

M. G. Cole
Treasurer, Village Hall Management
Committee and also Parish Clerk to Mulbarton.