

**E-mail message from Robin Legg, Solicitor to the Council to the Charity Commission sent 29<sup>th</sup> August 2007**

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**SEAVINGTON PLAYING FIELD ASSOCIATION - CHARITY NUMBER 268986**

Dear Sir,

I write on behalf of South Somerset District Council, the local planning authority for the parish of Seavington St Mary in which the playing field the subject of the above charitable trust is located. The Seavington Village Hall is also located on the trust land.

On 25/7/07 the Council's Area North Committee considered an application from the Seavington Community Shop and Services Association to erect a single storey village shop and cafe on land forming part of the trust property adjacent to the site of the village hall. I understand that the Community Shop Association is to be registered as an industrial and provident society and that the project is supported by the charity trustees. I have seen the Scheme regulating the charity which is dated 13/12/1995. Under paragraph 26 of the Scheme the trustees have power to let land not for the time being required for the purposes of the charity subject to there being no undue interference with such purposes. It would appear therefore that a lease of the shop site for a term of 30 years might be approved under an Order of the Commissioners?

Members of the Area North Committee were minded to approve the application in July subject to there being an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that the site of the shop was used only for community purposes thereafter. Since the site of the shop forms part of the permanent endowment of the charity would an authorisation be required from the Charity Commission before either the proposed tenant or the charity trustees enter into such an agreement with the planning authority? I am aware that such an agreement may appear unnecessary since the object of the charity is clearly directed towards meeting community needs but I note that under paragraph 27 of the Scheme the trustees have a power of sale subject to meeting stringent requirements. The Council would be concerned if at some future date the trustees sought to use this power of sale to sell a site with the benefit of a retail permission in a location which in policy terms would not otherwise be approved.

I should be grateful to receive your advice on the above.

Yours faithfully,

Robin Legg

for the Solicitor to the Council