

## **Position statement for Thomas Ouff and Poors Land Charity**

1. The Thomas Ouffe and Poors Land Charity was established by an order of the Charity Commission dated 27 July 1937 which regulates the Trust.
2. The objects of the charity are to provide relief for the poor of Disley Parish and the order provided for trustees to be appointed by Disley Parish Council (DPC). DPC understands that English law forbids local authorities (including parish councils) from being a trustee of a charity whose objects are to provide poor relief and current English law allows existing trustees of a charitable trust to appoint new trustees themselves, however, the wording of the deed clearly contemplates some involvement by DPC.
3. The charity owned approximately 4 acres of land at Mudhurst Lane Disley which the current trustees assume was historically let for grazing to raise funds.
4. The charity's records indicate that by 1994 the fences at the Property were inadequate to keep sheep in and the then trustees decided to enter into a Countryside Stewardship Agreement with the Countryside Commission. The agreement was expressed to commence on 1 October 1994 and expired 30 September 2004.
5. In 1997 Cheshire Wildlife Trust included the land in the register of sites of special biological interest.
6. DPC made one-off grants to the then trustees of £100 in 1997, 1998 and 1999 to assist with maintenance but did not enter into a maintenance agreement for the land.
7. In August 2003 DEFRA wrote to DPC to advise that the agreement would end on the 30 September 2004 and that renewal would not be invited.
8. The expiry of the stewardship scheme left the trustees without any income from the land and potential liabilities associated with land ownership.
9. In 2021 and 2022 the trustees were reduced to a single person (Jackie Pattison) who was also a DPC Councillor. The trustee explored with the Charity Commission and DPC various methods by which DPC might take over responsibility for the land but the conclusion was that the only lawful means of achieving this would be for DPC to purchase the land at market value. DPC concluded it was not appropriate to do that.
10. Following DPC's decision not to purchase the land it was offered for sale by the Brown Rural Partnership and in December 2022 the land was sold for a price of £51,500. The sale of the land was quite complicated from a legal point of view and the trustee instructed property specialists Land Law LLP to act in the sale.
11. After the deduction of selling agents fees and legal fees the charity was left with a sum of £42,192.62 which is held in a trust account with Nat West Bank.
12. In order to complete the sale formalities a second DPC councillor (Jean Windsor) was appointed as a trustee.
13. The trustees are now exploring with DPC the establishment of a procedure to appoint further trustees and a mechanism by which residents can make application to the charity for assistance.
14. The ground work which the new owner is undertaking has been referred to Cheshire East Council to ascertain whether any statutory approvals and/or consents are required and whether any unlawful activity has been undertaken.