



PRESS RELEASE: 6 August 2018

**COMPLAINT SUBMITTED TO CHARITY COMMISSION AS WOKING
BOROUGH COUNCIL FAILS TO RESPOND TO STAKEHOLDER LETTERS
REGARDING WEST BYFLEET RECREATION GROUND**

1. On 2nd August we submitted a complaint to the Charity Commission on behalf of the stakeholders of West Byfleet Recreation Ground about the failure of Woking Borough Council to properly fulfil its legal duties as sole trustee of the Recreation Ground Charity.
2. On 16 and 18 July 2018 a group of stakeholders wrote to WBC about our concerns regarding their conduct and their management.
3. The Recreation Ground Charity was established in 1913 after a piece of land (now known as West Byfleet Recreation Ground) was gifted to the charity to be used "as and for a Recreation Ground for the inhabitants of the Parish of Byfleet".
4. The Recreation Ground Charity (charity number 304985) still exists today. The trustee, following several local government reorganisations over the last century, is now Woking Borough Council.
5. For a body to be a charity, it must be independent. It must exist and operate solely for charitable purposes and not as a means of carrying out the policies or directions of a local authority.
6. The *Councillors' Guide; to a council's role as charity trustee* produced by the Charity Commission and Local Government Association sets out how a local authority can manage charitable trusts safely including keeping management of the charity separate from the business of the local authority, keeping the finances of the charity separate from those of the council and producing annual statements of accounts under charity law.
7. On 28 June 2018 at a meeting of WBC Executive the Leader of the Council announced that WBC Executive had agreed on 2 February 2017 to sell part of the Recreation Ground to Marstons' plc once Marston's plc have obtained planning permission for a pub restaurant. We believe this to be unlawful.
8. We do not believe that the sale of any part of West Byfleet Recreation Ground can be in the best interests of the Recreation Ground Charity as the use to which the land would be put by the proposed buyer is not consistent with the purpose of the charity.
9. Woking Borough Council and its Executive have failed to address the conflict of interest in it being the trustee of the Recreation Ground Charity and the planning authority which will ultimately decide the planning decision about allowing a pub on the Recreation Ground.
10. Woking Borough Council has not submitted any annual returns for the Recreation Ground Charity in the last five years and states in its accounts that the charity has no income or expenditure.