

10 September 2018

FOR THE ATTENTION OF:

**William Rucker** in his capacity as Chairman of Marston's PLC

Dear Mr. Rucker

**Re: Marston's PLC purported agreement with Woking Borough Council to develop part of West Byfleet Recreation Ground**

This letter is drafted on behalf of all stakeholders who have an interest in the maintenance of the West Byfleet Recreation Ground ('WBRG') in its present state.

On previous occasions Wade Pollard, chairman of West Byfleet Neighbourhood Forum, has written to your predecessor to express deep misgivings about the purported agreement between Marston's PLC and Woking Borough Council ('WBC').

There has been a total failure to respond. That is very unfortunate.

Rather than repeat in detail the foundation of our misgivings we attach the letter sent to WBC at the end of July. The letter requested a full response within ten days. The letter was acknowledged by WBC but none of the points raised in it were addressed within the response time.

Following the expiration of the deadline we lodged a formal complaint with the Charity Commission regarding WBC's conduct as sole trustee of the Recreation Ground Charity ('RGC').

In short the Marston's PLC board and internal legal function should be aware of the following:

1. WBRG is owned by RGC not WBC;
2. Any agreement between Marston's PLC and WBC regarding a purchase and/or lease of part of RGC is null and void;
3. WBC's conduct in purporting to agree to sell and/or lease part of RGC to Marston's PLC is unlawful (any agreement could only be with WBC as trustee of RGC and as such would have to be as in conformity with RGC's charitable purpose); and
4. If the Charity Commission finds that Marston's PLC was aware of 1 & 3 above it could name it in any enforcement notice issued.

We would urge Marston's PLC to think very carefully about pursuing this development on WBRG. A belated response to our original letter was finally received from WBC on 17<sup>th</sup> August. It failed to respond substantively to the points raised but did acknowledge that '*...As you rightly state the land is held by the Council as Trustee of the Recreation Ground Charity...*' and gave an assurance '*...that no legal relationship currently exists with Marstons in respect of West Byfleet Recreation Ground.*'

We imagine that considerable sums have already been spent on Architects, Town & Country planners and other professionals. We are sure that this money has been entirely wasted. We suspect that both institutional and individual shareholders would be extremely concerned if further expenditure was undertaken on a project that will fail and we will not hesitate to inform them of what has occurred.

Marston's PLC should also be aware we will pursue all legal avenues to prevent this development, including a planning enquiry and Judicial Review proceedings.

Marston's PLC internal legal function would be well advised to contact the legal department of WBC as a matter of some urgency.

Marston's PLC should also note that following a recent public consultation by WBC, West Byfleet residents voted by a margin of 1101 to 24 in favour of refurbishing and expanding the playground on WBRG and keeping it in its present location.

Please send your response to this letter to:

Mr Stewart Dick  
Chair of the Byfleet, West Byfleet and Pyrford Residents' Association  
2 Oak Park  
Old Avenue  
West Byfleet  
KT14 6AG

Yours sincerely

Stewart Dick, Chair  
Byfleet, West Byfleet and Pyrford Residents' Association

Wade Pollard, Chair  
West Byfleet Neighbourhood Forum