Fen Ditton Recreation Ground Trust

Charity No. 288528
Sole Trustee: Fen Ditton Parish Council

Final Revision Paper and Constitution (November 2025)

Part 1 – Advisory Notes (for Trustees only)

1. Purpose and Background

This paper presents the final proposed revisions to the Constitution of the *Fen Ditton Recreation Ground Trust* (Charity No. 288528), for consideration and formal adoption by Fen Ditton Parish Council acting as the Sole Trustee.

The purpose of these amendments is to strengthen the governance framework, ensure compliance with the **Charities Act 2011**, and reflect the Council's role as both *Charity Trustee* and *Holding Trustee*.

These revisions follow earlier updates approved in principle by the Trustees and now incorporate:

- Revised management wording in **Section 5** to emphasise *project management* rather than routine maintenance;
- A **tightened Dissolution and Disposal clause** (Section 12) requiring community consultation and restricting any proceeds of disposal to recreation within the parish;
- Two new sections: **Section 13 (Dispute Resolution)** and **Section 14 (Whistleblowing and Serious Concern)**;
- Renumbered **Section 15 (Adoption)**;
- Confirmation that the Parish Council, as **Holding Trustee**, is responsible for structural maintenance, VAT recovery and insurance, holding the property without beneficial interest;
- Clarification that the Trust may apply for and receive external grants (Section 6B).

Once approved, **Part 2 – Draft Constitution** will replace the 1983 Declaration of Trust and will be submitted to the Charity Commission under *Section 280 of the Charities Act 2011* for formal registration.

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2. Legal and Governance Context

The Charity Commission encourages all parish-held recreation ground charities to modernise outdated trust deeds.
Under *Section 280 of the Charities Act 2011*, trustees may amend an administrative provision (such as management, meeting procedure, or dissolution) with Commission approval.

The Parish Council remains the **corporate sole trustee**, holding the land as *Holding Trustee* for the benefit of the residents of Fen Ditton.

These revisions therefore:

- Confirm the Council's holding role (allowing VAT recovery and clear maintenance responsibility);
- Clarify accountability (separate minutes, accounts, and resolutions when acting as Trustee); and
- Ensure compliance with Charity Commission guidance on land disposal, dispute management, and serious-incident reporting.

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3. Explanation of Key Revisions

Section 5 – Administration and Management
Replaces *"assist with day-to-day maintenance"* with *"assist with project management"* to better reflect the Parish Council's oversight role and to avoid confusion between charitable management and statutory maintenance.

Section 12 – Dissolution and Disposal (tightened)
Requires:

- Written consent from the Charity Commission before any disposal;
- A minimum three-month public consultation with residents and user groups;
- Restriction that proceeds must be reinvested in *recreational land or facilities within Fen Ditton* held on similar charitable terms.
  Once approved, this clause can only be altered again with Charity Commission consent, ensuring long-term protection of the land for community benefit.

Section 13 – Dispute Resolution Procedure (new)
Creates a transparent process for handling disagreements, including informal resolution, written representations, and, if necessary, reference to the Charity Commission.

Section 14 – Whistleblowing and Serious Concern Procedure (new)
Aligns the Trust with modern Charity Commission expectations, providing a safe route for concerns to be raised in confidence and reported as "serious incidents" where appropriate.

Section 15 – Adoption (renumbered)
Records the formal adoption of this Constitution by resolution of the Parish Council acting as Sole Trustee.

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4. Adoption and Submission Process

1. The Parish Council, sitting as Sole Trustee, reviews this paper at a public meeting.
2. If approved, the resolution below is passed and recorded in both Council and Trust minutes.

3. The signed Constitution (Part 2 only) is submitted to the Charity Commission with a covering letter referencing *Charities Act 2011 s. 280*.
4. Once accepted, the new Constitution replaces the 1983 Declaration of Trust and governs all future operations.

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5. Resolution for Trustee Approval

Resolution:
"That the amendments set out in the *Fen Ditton Recreation Ground Trust – Final Revision Paper and Draft Constitution (November 2025)* be approved and incorporated into the Constitution of the Trust, and that the revised Constitution be submitted to the Charity Commission for approval under Section 280 of the Charities Act 2011."

Proposed by _____
Seconded by _____
Carried: [Unanimous /]

Signed by:

Date, Cllr. Name	Signature
3/2/26 V FARRAR	
03/02/26 G BLOOMFIELD	
03/02/26 K. BUTLER	
03/02/26 L. LAKOMY	
3/2/26 C. WILLS-EVE	
3/2/26 C FARRAR	

Part 2 – Constitution

Fen Ditton Recreation Ground Trust
Charity No. 288528 | Sole Trustee: Fen Ditton Parish Council

1. Name

The name of the charity shall be **"Fen Ditton Recreation Ground Trust"** ("the Trust").

2. Trustee

The sole trustee of the Trust shall be **Fen Ditton Parish Council**, acting as a corporate body in accordance with the Local Government Act 1972 and subsequent legislation.
When acting as trustee, the Council shall be known as *"Fen Ditton Parish Council acting as Trustee of the Fen Ditton Recreation Ground Trust."*
Individual councillors do not act as trustees in their personal capacity.

3. Charitable Purpose

The object of the Trust is the provision and maintenance of a recreation ground and associated facilities for the use of the inhabitants of the Parish of Fen Ditton, in the County of Cambridgeshire, without distinction of political, religious or other opinions, for recreation and leisure-time occupation in the interests of social welfare, with the object of improving the conditions of life for the said inhabitants.
This includes the recreation ground, pavilion, play equipment, and any other land, buildings, or chattels acquired for the same purpose.

4. Trust Property

The property of the Trust ("the Trust Property") shall include:
• The land known as Fen Ditton Recreation Ground, vested in the Parish Council by the Declaration of Trust dated 19 December 1983;
• The pavilion and any other buildings or structures erected upon the land;
• Any funds, investments, or chattels held or acquired for the benefit of the Trust.
All Trust Property shall be held by the Parish Council in its capacity as sole trustee.

4A. Holding Trustee

The legal estate in the land and buildings comprising the Trust Property shall be held by Fen Ditton Parish Council in its corporate capacity as **Holding Trustee** for the Trust.

The Parish Council shall not have any beneficial interest in the Trust Property but shall hold it solely for the purposes of the Trust, acting under the direction of the Council when it meets as Charity Trustee.

As Holding Trustee and registered proprietor, the Parish Council shall be responsible for **structural maintenance, repair, insurance, and renovation** of the land and buildings, and may undertake works necessary to preserve the Trust Property.
The Holding Trustee may reclaim recoverable VAT and shall ensure all such works and costs are properly recorded in the Trust's accounts.

The Holding Trustee shall execute all conveyances, leases, licences, or other legal documents as may be necessary to give effect to lawful resolutions of the Charity Trustee.

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5. Administration and Management

1. The Trust shall be administered by the Parish Council sitting as trustee at duly convened meetings of the Council, distinct from its meetings as a local authority.
2. Minutes of Trust business shall be recorded separately.
3. The Parish Clerk shall act as Secretary to the Trust, and the Responsible Financial Officer shall ensure separate accounting records are maintained.
4. The Parish Council may establish a Management Committee or user group to assist with **project management**, event coordination, or fundraising, operating under approved terms of reference.

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6. Powers

The Trustee shall have all powers necessary to further the charitable purpose, including maintaining, improving, and insuring the recreation ground and pavilion; permitting community use; raising funds; employing staff or contractors; investing funds; and, **subject to the conditions set out in Section 12 below**, disposing of or acquiring land only with Charity Commission consent where required.

6B. Grants and External Funding, and Application of Funds

The Trustee may apply for and receive grants, donations, or financial assistance from public bodies, charitable foundations, or other organisations, and apply such funds for the purposes of maintaining, improving, or developing the Trust Property or its facilities.

Where improvement or renovation works are to be carried out by **Fen Ditton Parish Council in its capacity as Holding Trustee and registered proprietor of the Trust Property**, the Trustee may **transfer or make available to the Parish Council such funds as are necessary** to meet the cost of those works.

Any such transfer shall be applied **solely for the benefit of the Trust**, and the Holding Trustee shall ensure that all expenditure, contracts, and VAT recovery are properly accounted for in accordance with the Trust's records and purposes.

7. Fair Use of Facilities

Organised paid activities such as football or cricket may be permitted provided that such use does not unreasonably restrict public access or cause excessive wear to the recreation ground.
The Trustee may set limits on the number or frequency of paid or organised events in any month to ensure fair community access and sustainable maintenance.

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12. Dissolution and Disposal

The Trust Property shall not be sold, leased, or otherwise disposed of except with the prior written consent of the Charity Commission for England and Wales, given under the Charities Act 2011, and only where the Trustee has demonstrated that continued use of the land for recreation is no longer reasonably practicable.

Before any such proposal is made, the Trustee shall consult local residents and user groups, giving at least **three months' public notice** of the proposed disposal and inviting written representations.

Any proceeds of sale or other disposal shall be applied **solely towards the acquisition, improvement, or provision of alternative recreational land or facilities within Fen Ditton**, to be held on similar charitable trust terms for the benefit of the inhabitants.

A full report of the consultation, decision process, and intended application of funds shall be submitted to the Charity Commission for approval before any transaction is completed.

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13. Dispute Resolution Procedure

In the event of any dispute arising in connection with the management or use of the Trust Property or the interpretation of this Constitution:

1. The matter shall first be considered informally by the Parish Council acting as Trustee, with the aim of resolving the issue through discussion with the parties concerned.
2. If the matter cannot be resolved informally, the Trustee shall invite written representations from the parties and determine the matter at a properly convened meeting, giving reasons for its decision.
3. If any party remains dissatisfied, the Trustee may seek advice or mediation assistance from the Charity Commission or another independent body with relevant expertise.

The Trustee's decision shall be final, subject to any direction by the Charity Commission or the courts.

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14. Whistleblowing and Serious Concern Procedure

Any person involved in or affected by the activities of the Trust who has a reasonable belief that there has been misconduct, mismanagement, or a serious risk to the Trust's property or beneficiaries

may raise their concern in confidence with the Parish Clerk or Chairman of the Council acting as Trustee.

All such concerns shall be considered promptly and, where appropriate, investigated under the Council's existing Whistleblowing or Public Interest Disclosure Policy.

Where a concern relates to a potential breach of charity law or misuse of charitable property, the Trustee shall report the matter to the Charity Commission for England and Wales in accordance with its guidance *"Reporting Serious Incidents for Charities."*

No person shall suffer detriment for raising a concern in good faith.

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15. Adoption

This Constitution shall take effect when adopted by resolution of Fen Ditton Parish Council acting as Sole Trustee of the Fen Ditton Recreation Ground Trust, at its meeting held on _____ (date), replacing the Declaration of Trust dated 19 December 1983.

Formal Adoption Resolution

"That this Constitution of the *Fen Ditton Recreation Ground Trust* be adopted by Fen Ditton Parish Council acting as Sole Trustee, replacing the 1983 Declaration of Trust, and submitted to the Charity Commission for approval under Section 280 of the Charities Act 2011."

Signed on behalf of the Trustee _____

Date 3/2/2026

End of Document

(Prepared 18 November 2025)

Signed by:

Date, Cllr. Name	Signature
3/2/2026 V. FARRAR	
03/02/2026 K BUTLER	
03/02/2026 G BLOOMFIELD	
03/02/2026 L. LAKOMY	
3/2/2026 C FARRAR	