

20 May 2019

Frances Webster  
Leicestershire and Rutland Association of Local Councils

Our Reference: Leic 19/429  
Your Reference: 1171163

By email only – admin@leicestershireandrutlandalc.gov.uk

Dear Frances,

**Re: Client:           Exton Parish Council**  
**Subject Matter:     Village hall**

I have been allocated this request to advise upon and I have seen your emails dated 16 and 17 May 2019 incorporating the contents of an email exchange with the parish clerk together with a document headed Exton Village Hall containing research on the history of the property; a copy of the 1931 conveyance of the land and building and a copy of the minutes of a Village Hall Trustees meeting on 9 September 2008.

The issue in this request is how the parish council should record the village hall as charity property.

The 1931 conveyance creates the parish council, together with the then Countess of Gainsborough (and her successors), as custodian trustees of the village hall. For more information about the role of a custodian trustee please see NALC Legal Topic Note 28 Basic Charity Law. Additional helpful information can be found in government charity advice for local councils at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352409/Local\\_authorities\\_as\\_charity\\_trustees.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/352409/Local_authorities_as_charity_trustees.pdf)

As custodian trustee the parish council is the legal owner of the village hall, jointly with the Countess's successor. As such the village hall should be shown on the parish council asset register as part of its property but it is important that it is clearly marked to show that the village hall is owned jointly with the Countess's successor, and that it is subject to the charity formed by the terms of the 1931 conveyance as amended in 2008.

If the village hall is to be registered with the Land Registry it will be a joint title with the Countess's successors and the trust will also be noted on the register. The Land Registry would need to be kept up to date by recording the death of each Earl/Countess and notifying of their successor. It is quite common for a parish council to be the custodian trustee of charity property such as a village hall precisely because the council never dies and the records do not have to be regularly amended. To some extent this benefit has been lost because the role is shared with a human who will die and be replaced.

If the village hall is ever to be sold or transferred to another body that would have to be done by the parish council and the Earl/Countess jointly. However, any dealings with the ownership of the village hall must only be done at the express request of the Village Hall Trustees.

I hope that this clarifies the position but if the council requires any further information or advice please contact NALC again.

Yours sincerely,

Gary Barker  
Solicitor  
NALC

Direct Line: 020 7290 0310