

Community Buildings Advice Service



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Supporting Village Hall and Community Buildings Trustees to run important community assets in a safe and responsible way

This slide is about CBAS in general so people know who we are and understand the wider advice service project.

Community Buildings Advice Service



Helping to ensure that important Community Assets are safeguarded for future use by the community

We do this by helping members;

- Understand their Charities objectives –Trust Deed/Constitution (Policy Organisation Rules – Scout Association)
- Understand their legal structures –Are your registered with the CC, do you own/lease a building?
- Plan for the future – are any changes required? Do you need a formal lease or to renew a lease?
- Meet legal obligations – whether registered or not you must abide by Charity Law as set out by the Charity Commission

- Focus on their Charities objectives –Trust Deed/Constitution/POR

Most queries are solved by trustees having access to and understanding their legal set up.

The Trust Deed/Constitution/POR) says you can/cannot do as an organisation.

The Trust Deeds outline the activities and limitations of the charity and trustees (management committee) are legally bound to work within it's framework.

- Understanding your legal structure – are you registered with the Charity Commission?

You may or may not be registered with the charity commission (depending on income levels)

If not you will have a Terms of Reference or Group structure provided for you by the Scouts Association POR?.

You need to be clear if you are a Trustee of your Charity and what this means (your responsibility) – if you are on the executive committee of a Scout Group or District, you are a trustee

Do you use land or a building? What is your entitlement to this?

(leasehold/freehold/tenancy – what are the restrictions to use and income generation of this land?

- Plan for the future – are any changes required? – e.g. Do you need a formal

lease or to renew a lease?

- Meet legal obligations – whether registered or not you must abide by Charity Law as set out by the Charity Commission, understanding your role as a trustee will enable you to do this.

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Some common issues

- Trusts considerations – what is your group or charity set up (bound) to do via it's constitution?
- Types of tenure – Freehold, Leasehold, Tennant?
- Title Deeds for land or buildings – who holds these for you?
- Sub-letting – when are we subletting? is it legal for us to sub-let?
- Hiring – can we do this? What are our responsibilities?
- Hiring – Are we insured? What are our responsibilities if hiring out our premises?
- Land Registry – do we own the land? Are we registered with Land Registry? How do we register with Land Registry?

- Trusts considerations – what is your group or charity set up (bound) to do via it's constitution? – The Executive Committee (Trustees) should be able to read the Trust Deed. Is this available for and potential & current trustees to read?
- Types of tenure – Freehold, Leasehold, Tennant? – does everyone in your group understand the type of Tenure you have on the land/building?
- Title Deeds for land or buildings – Who holds the Title Deed for you? What are their limitations and powers? SATC (Scout Association Trust Corporation) ££ or Official Custodian FREE? – Individual Holding Trustees (not advised)
- Sub-letting – are you a tenant? when are we subletting? is it legal for us to sub-let? What does your tenancy agreement say?
- Hiring If you have a long term lease and it is not prohibited by the lessor or your governing documents then you could 'hire' out your facility (with due diligence) and within the scope of your POR
- Hiring – we hire out our premises. Are we insured? What are our responsibilities if hiring out our premises? Public Liability?

- Land Registry – do we own the land? Are we registered with Land Registry?
How do we register with Land Registry?

The Land Registry maintains and develops the register of title to freehold and leasehold land in England and Wales. Registration of unregistered land which is not being transferred or vested in the Official Custodian, is voluntary and is worthwhile as a registered title is proof of ownership without recourse to myriad documents some of which may be difficult to read or understand. Registration will also give the village hall (or Scout hut) a better chance of preventing a third party from claiming a right over the property.

Registration is compulsory where:

(a) land is being acquired, by lease (of more than 7 years) or by purchase or gift

(b) existing village hall (or Scout hut) land is:

transferred to new holding trustees

transferred to a new corporate group

vested in the Official Custodian

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How can we help the Scouting community?

- Understand your legal constitution
- Understand what it means to be a trustee
- Know when to seek legal advice
- General support and information on running a Community Building

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Need legal advice? There are many firms offering services to charities:

Bates Wells (experience in dealing with Charities that own/lease buildings)
<https://bateswells.co.uk/services/charity/>

Third Sector Law (based in Reading)
<http://www.thirdsectorlaw.co.uk/>

Law and Legal
<https://www.lawandlegal.co.uk/solicitors/charity-solicitors-london>

Please note that these are not recommendations or guarantee of service.
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Essential trustee flyer

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To join or for more information;

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