



Trustees' Annual Report for Pitstone Parish Charity for the period:

From 1-4-2021 (Period start date) To 31-3-2022 (Period end date)

Reference and Administration Details

Charity name: Pitstone Parish Charity (from 18/3/2004)

Previous names: Allotments for the Labouring Poor

Charity registration number: 261752

Principal address: Pitstone Pavilion, Marsworth Road, Pitstone, Beds, LU7 9AP

Sole Trustee: Pitstone Parish Council, as a corporate body

Name and address of Advisers:

Type of adviser	Name	Address
Land agent to the Parish Charity	Andrew Wright Managing Partner Head of Land Planning & Development	Kirkby & Diamond 57 North Twelfth Street, Milton Keynes, MK9 3BS
Land agent to the joint landowners	Derek Bromley Partner, Residential Development	Bidwells 2nd Floor, 45 Grosvenor Road, St.Albans, Hertfordshire, AL1 3AW
Solicitor	Terence Ritchie Partner, Real Estate	SA Law LLP Gladstone Place, 36-38 Upper Marlborough Road, St Albans, Hertfordshire, AL1 3UU
Solicitor	Stephen Cole Senior Associate, Education and Charities Team	HCR Hewitsons Elgin House, Billing Road, Northampton, NN1 5AU
Independent Examiner	Kevin Rose Director	IAC Audit & Consultancy Ltd 23 Westbury Road, Yarnbrook, Wiltshire, BA14 6AG
Financial Advisor	Jason Ogelman Director	EJS Financial Planners Ltd, 2nd Floor, 18 Crendon Street, High Wycombe, Bucks, HP13 6LS
Investment Manager	George Bromfield Senior Investment Direct, London Team Head	Brooks Macdonald 21 Lombard Street, London, EC3V 9AH

Structure, Governance and Management

Description of charity's trusts	Charity Commission Sealed Scheme of 28/12/1923, and Sealed Scheme of 18/3/2004.
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Type of governing document	Para 1.25	Trust deed
How is the charity constituted? (e.g unincorporated association, CIO)	Para 1.25	Unincorporated Trust
Trustee selection methods including details of any constitutional provisions e.g. election to post or name of any person or body entitled to appoint one or more trustees	Para 1.25	<p>As the Parish Council (a Corporate Body) is Sole Trustee of the Charity, the trustee's identity does not change even though individual members of the Council are selected via local government election every four years (or co-opted if a casual vacancy should occur mid-term) and will therefore change from time to time.</p> <p>On a day-to-day basis the affairs of the Charity are handled by the Parish Council's Parish Charity Committee, whose members are drawn from elected parish councillors on the basis of competence/skills base and lack of conflict of interest with other council duties. The individual members of that committee will therefore also change over time.</p>

Additional information (optional)

You may choose to include further statements where relevant about:

Policies and procedures adopted for the induction and training of trustees	Para 1.51	<p>All councillors joining the parish council (corporate body is sole trustee) are provided within information about the charity and Charity Commission guidelines such as The Essential Trustee.</p> <p>The clerk has undertaken the SAVO trustee e:learning course, and council is willing to fund training for any further members willing to undertake this commitment.</p> <p>The council has appointed a committee of members who specialise in the affairs of this charity, and whom seek to disseminate information to remaining members. However, strategic decisions for this charity are made by the charitable body as a whole, rather than by committee.</p>
The charity's organisational structure and any wider network with which the charity works	Para 1.51	<p>Pitstone Parish Council, as Corporate Body, is the Sole Trustee. Pursuant to S101(1) of the 1972 Act Pitstone Parish Council resolved that the affairs of the Pitstone Parish Charity will be managed by a committee to ensure it is easier for members to fulfil their obligations to only consider what is in the best interests of the charity and not the local authority, and limiting conflicts of interest.</p> <p>The charity committee provide regular reports to the full parish council in its role as sole trustee. All strategic issues or financial expenditure must be approved at a meeting of the full charitable body, rather than just by the committee members.</p> <p>Meeting of the charity are always separate from meetings of the council and are separately documented.</p>

		The charity has its own legal and professional advisors.
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Objectives and Activities

	SORP reference	
Summary of the purposes of the charity as set out in its governing document	Para 1.17	The aim of the Pitstone Parish Charity (as defined in 2004) is for the relief of persons resident in the area of benefit who are in need, hardship or distress by: <ul style="list-style-type: none"> • Making grants of money to them, or • Providing or paying for goods, services or facilities for them or • Making grants of money to other persons or bodies who provide goods, services or facilities to those in need.
Summary of the main activities in relation to those purposes for the public benefit, in particular, the activities, projects or services identified in the accounts.	Para 1.17 and 1.19	The sale of the two parcels of land generated the funds with which the Charity can fulfil its charitable objectives. See Achievements & Performance Section.
Statement confirming whether the trustees have had regard to the guidance issued by the Charity Commission on public benefit	Para 1.18	Pursuant to Section 17(5) of the Charities Act and the Charities (Accounts and Reports) Regulations 2008 the Charity Trustee has taken due regard of the guidance on public benefit issued by the Charity Commission when exercising its duties.

Additional information (optional)

You may choose to include further statements where relevant about:

	SORP reference	
Policy on grant making	Para 1.38	To be determined once in a position to provide grants.
Policy on social investment including program related investment	Para 1.38	To be determined once in full receipt of associated legal advice.
Contribution made by volunteers	Para 1.38	All members of both the charity committee and the full Parish Council are volunteers. None claim an allowance.

Achievements and Performance

	SORP reference	
Summary of the main achievements of the charity, identifying the difference the charity's work has made to the circumstances of its beneficiaries and any wider benefits to society as a whole.	Para 1.20	<p>The Parish Charity is seeking professional advice relating to investment, management and operation of the charity within the defined trust deed. Once this has been clarified, the charity will define the policies, practices and any changes required to the trusteeship of the Parish Charity to enable fulfilment of the Charitable Objectives.</p> <p>The charity appointed HCR Hewitsons to provide the charity with clear legal advice on how the income could be expended and invested, and what the charity could/could not do within the confines of the existing trust deed.</p> <p>Meetings were held with Community Impact Bucks charity advisors and the local Towns Land Charity whilst considering the most appropriate structure and defining of objectives. Quotations have been obtained from a number of other charity strategic advisers, with an aim to ensuring that the charity is set up in the more efficient manner.</p> <p>Meetings were also held with Financial Advisors and on 31/3/22 it was resolved to appoint EJS Financial Advisors and Brooks MacDonald investment partners, to invest £1.2m of the charity funds, with the objective of generating a quarterly revenue which could be utilised to fulfil the objectives of the charity.</p> <p>The Charity also moved all banking across to Unity Trust Bank.</p>

Financial Review

Review of the charity's financial position at the end of the period	Para 1.21	<p>The charity has its own bank account.</p> <p>Opening balance £1,240,386.59. Closing balance for the year £1,238,467.79.</p> <p>Zero receipts during the year.</p> <p>£1,918.80 in payments made during the year. £72 related to bank charges, £180 to the audit fee and the remaining £1,666.80 was the fee to HCR Hewitsons for legal advice.</p> <p>As the charity had zero income for the financial year neither an independent examination or full audit was required. Income and expenditure will still be reported both online and to the charity commission.</p> <p>The parish council insurance specifies the trustees of this charity and their work as part of its policy (therefore no cost to the charity).</p>
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		The charity has no debtors or creditors and no outstanding loans.
Statement explaining the policy for holding reserves stating why they are held	Para 1.22	Financial policies, including reserves, currently being refined in line with the legal advice being provided.
Amount of reserves held	Para 1.22	Initial sale proceeds held. £1.2m being invested with Brooks MacDonald to generate a quarterly income to enable fulfilment of objectives.
Reasons for holding zero reserves	Para 1.22	n/a
Details of fund materially in deficit	Para 1.24	n/a
Explanation of any uncertainties about the charity continuing as a going concern	Para 1.23	Ongoing management of conflict of interests between the Parish Council as sole trustee and the Parish Council as local authority.

Additional information (optional)

You may choose to include further statements where relevant about:

The charity's principal sources of funds (including any fundraising)	Para 1.47	The funds arose from the sale of the land holding. This is being invested and the interest utilised to run the charity.
Investment policy and objectives including any social investment policy adopted	Para 1.46	Financial policies and investment policy being defined in line with legal advice being received.
A description of the principal risks facing the charity	Para 1.46	Ongoing management of conflicts of interests
Funds held as custodian trustee on behalf of others		Not applicable

Other optional information

History

As part of the 1856 Enclosure Award, the land was awarded to the Churchwardens and Overseers of the Poor of Pightlesthorne as Allotments for the Labouring Poor. From as early as 1888, Pitstone Parish Council was administering this allotment site and on 28 December 1923 the Charity Commission approved and established a scheme for the charity to be officially administered by Pitstone Parish Council as trustees of the charity.

In 1970, when much of the large site was unused, the Charity Commission granted permission for half of the land "to be used as an addition to the Recreation Ground under revocable licence given by the council to themselves as trustees of the Recreation Ground Charity". This land has never since been needed as allotments and continued to be managed under licence by the Recreation Ground Charity, until disposal to the Parish Council (as Local Authority) in 2019. The Parish Charity charged no annual rent for this land but receive the benefit-in-kind of all costs associated with the maintenance and care of this land being met by another body. This section of land

houses the children's play equipment owned by Pitstone Parish Council.

In 2004, as the Castlemead estate was created on the old Castle Cement factory site, the allotment land was identified for potential development to help extend community facilities and join the old and new halves of the village together (along with two parcels of adjoining land in private ownership). The proposals were adopted by Aylesbury Vale District Council and are contained within the Pitstone Development Area Comprehensive Plan of 2005. These future plans generated three actions:

- Work commenced to find a suitable alternative site within the village for allotments. Mr Hawkins of Pitstone Green Farm bequeathed a section of land along Marsworth Road, in the heart of the village, to the National Trust on condition that they lease it to Pitstone Parish Council for the provision of allotments. In 2010, the Parish Council signed a 99-year lease with National Trust for this site and the new allotments were created, funded in part by the parish council and in part by various grants. The new site is thriving and is managed on a day-to-day basis by the Pitstone Allotment Association, whilst the Parish Council retain overall responsibility.
- On 18 March 2004 the Charity Commission accepted an application to update and broaden the scheme away from just "allotments for the labouring poor" and the charity was renamed the Pitstone Parish Charity with the objects redefined as "for the relief of persons resident in the area of benefit who are in need, hardship or distress." In this guise, the charity will be able to commence charitable work for the parish once the land is brought to market and the charity has available funds.
- In order to prepare the old allotment site for inclusion within any such development, the land first needed to be registered with Land Registry (completed on 10/8/10) and permission needed to be obtained from both the National Association of Allotment and Leisure Gardeners and then the Secretary of State to sell what had originally been appointed as Statutory Allotment Land (granted on 29/2/12 & 30/7/13).

Taylor Wimpey was granted permission to construct the remaining phases of residential development within the Castlemead estate without developing the parcels of land around the recreation ground or including any leisure provision. Aylesbury Vale District Council (AVDC) agreed that a commuted S106 sum could be paid by Taylor Wimpey instead. AVDC stipulated that the land for the leisure development should be provided within the remaining parcels identified within the Comprehensive Plan which are located around the recreation ground (including the land owned by Pitstone Parish Charity). AVDC now hold these funds on behalf of the parish of Pitstone, providing that the identified leisure requirements can be delivered within a set timeframe.

Pitstone Parish Charity therefore entered into a Joint Landowners Agreement with the private landowner to ensure a fair and equitable distribution of proceeds and costs, regardless of which parcel of land amenities are built upon. Employed the services of Bidwells land agents, to undertake the associated marketing required for the joint landowners to support the sale of land, secured the services of Horwood & James solicitors to advise the charity and ensure the necessary sale conditions are applied and opened a dedicated bank account was opened for the Parish Charity to receive the funds generated by the sale of the land (zero balance).

During 2013/14 the Parish Charity served notice to the Pitstone Recreation Ground Charity of their intention to revoke the licence to manage the section of land. The Recreation Ground Charity continued to meet all costs and liability connected with this section of land until its disposal to the Parish Council in 2019. The Parish Charity served notice to Pitstone Parish Council of their intention to dispose of the land currently housing their play equipment and requested confirmation from the Parish Council that they would be willing to accept ownership of the land if transferred as part of the Pitstone Development Area arrangements. The Parish Council confirmed this was acceptable. The Parish Charity, supported by Bidwells and Horwood & James, submitted an outline plan to The Charity Commission relating to their proposals however the Charity Commission advised that the entirety of the land owned by the Parish Charity should be disposed on the open market if possible to ensure maximum benefit to the charity. The Parish Charity employed the services of Kirkby & Diamond land agents to assist with resolving the issues and bringing the land to market. The Parish Charity resolved on 26/9/13 to withdraw all permissions granted to Pitstone Parish Council relating to the construction of play space or skate park facilities on the parcel of land managed under licence by the Pitstone Recreation Ground Charity.

During the 2014/15 and despite lengthy negotiations with the neighbouring landowner it was not possible to include the section of land previously managed under licence within the Joint Landowners Agreement for the

Pitstone Development Area. Therefore, the previous Joint Landowners Agreement (which had expired) was renegotiated based on the originally defined parcels of land. The Design Brief was brought up-to-date and finalised so that it might be used to supplement the marketing information supplied to developers. The Design Brief includes details of the latest community engagement events as part of the Pitstone Neighbourhood Development Plan, which confirms the desire of the residents to see the parcel of land owned by the Parish Charity developed and will therefore help to obtain a good sale price. Subsequently the joint parcels were advertised on the open market and preferred developer selected. Following receipt of the Section 119 Charities Act report recommending disposal, Heads of Terms have been agreed and contracts entered into. The joint landowners appointed legal representation.

2016/17 saw the developer obtain pre-application advice from the planning authority and hold a public consultation event with the subsequent planning applications being submitted in April 2017. Outline planning permission was successfully obtained by the developer during 2017/18 for two parcels of land for commercial developments of a public house and day nursery as required by the conditions contained in the Pitstone Neighbourhood Development plan. The developer marketed these opportunities upon completion of the sale. The disposal to Nicholas King Homes was due to complete on 31-3-2020, but issues arising for the developer from the Coronavirus outbreak, meant that the completion was been postponed until 30-6-2020.

Once the sale of the main parcel of land to Nicholas King Homes reached the 'unconditional' point, the legal advice received by the Charity from Kirkby Diamond permitted the separate disposal of the remaining parcel of land (previously managed under licence by the Recreation Ground Charity). AVDC had determined that planning would not be granted for any alternative use of this land, other than as open space/leisure use. The Section 119 Charity Act report therefore concluded that this parcel of land could be disposed of to the Parish Council, as Local Authority, at the value determined by The District Valuer (not to be gifted). The Parish Council, as Local Authority, were also required to meet all associated legal costs incurred by the Parish Charity, so that the charity were not disadvantaged. The charity received the proceeds of this sale in October 2019 (£33,398).

The charity has worked, over many years, with a neighbouring private landowner to bring the parcel of land within its ownership, and within the previously defined Pitstone Development Area, to market. The appointed developer, Nicholas King Homes (NKH), submitted planning to AVDC in April 2017. Outline planning permission was granted for a public house and day nursery, and the parcels of land placed on the open market by NKH. Grant of full planning relating to residential and community uses was granted in December 2018 and NKH are currently in the process of constructing this development. Section 119 Charities Act reports were obtained. The sale to NKH finally completed in June 2020. The charity received £1,260,359.46 from Nicholas King Homes arising from the sale of this parcel of land. In the 2020-21 financial year the charity also received £10,911.18 VAT refunded & made £64,011.78 in payments made during the year, all of which related to professional fee payments in relation to the sale of the land or the end of year audit. As the charity income exceeded £1m for that financial year, but this entirely related to the disposal of the parcel of land, the charity sought, and was granted, dispensation from full audit by the Charity Commission, who approved for the Parish Charity to commission an independent examination from IAC Ltd. The resulting report was considered by the full Parish Charity on 11/11/21 and accounts approved.

Declarations

The trustees declare that they have approved the trustees' report above.
Signed on behalf of the charity's trustees:

Signature	D Nicholls
Full name	David John Nicholls
Position (eg Chair)	Chair
Date	5/8/22