

Nuthurst Parish Council 3rd February 2021

Report Item 222--20/21ii

Cricket Club - A request for a replacement of a trustee on the Lease and Licence

To; Councillors

From; Clerk

Recommendation - to approve the replacement of a trustee on the lease and licence.

The Clerk has contacted Ian Davison, the solicitor who prepared the original lease and licence, and he has confirmed that the Cricket Club have quite correctly advised the Parish Council that they are going to assign a new trustee. The Cricket Club can also make the necessary changes with the Land Registry to the leasehold.

Dear Sarah

I write on a matter concerning Kevin Barnes in his capacity as a trustee of the Cricket Club. As you may be aware, Kevin's tenure as Chair concluded at the January 2020 AGM. He was succeeded by me as Chair. I was re-elected for another year at our AGM on 10 December 2020.

Kevin has asked to retire from his role as a trustee. The sole purpose of the trustee(s) is to act as the Appointed Representative(s) in holding legal title for and on behalf of, and duly authorised by, the club (given our status as an unincorporated association of individuals).

From our analysis of the lease, Clause 3.9 prohibits a transfer of the lease but specifically does not prevent "vesting of the premises on replacement trustees" (Clause 3.9.1.1). As such, the lease envisages a replacement trustee. The Management Committee of the Cricket Club has approved me to be offered as the replacement.

I therefore write to request your consent to the replacement of Kevin John Barnes as trustee with me (Jonathan Osborne Willis). If you do consent, we request that you consent to an assignment of the lease into the names of the three continuing trustees and me, and to release Kevin Barnes as the retiring Trustee.

Should you agree to our requests for consent, there would then need to be a Land Registry Transfer of the lease to effect the change at the Land Registry.

I look forward to hearing from you in due course.

With my best wishes

Jonny, Chair, Nuthurst Cricket Club'