

**Hurst Green Parish Council
Supporting Paper**

Drewetts Cricket Field

Summary of the matter to be discussed:

Councillors have previously indicated a desire to review the ownership arrangements in relation to Drewetts Cricket Field.

Reviewing the various documents, the field was originally conveyed to the National Playing Fields Association (NPFA) in 1933 with funds given by Catharine Mary Drewett, to be held forever as a cricket field and recreation ground for the people of Hurst Green.

Local trustees were appointed to supervise its use. The NPFA retained ultimate control. In 1972, the NPFA transferred the land to Hurst Green Parish Council, which agreed to hold it on the same charitable trusts under the Charities Act 1960, with the Secretary of State's approval. In 1974, the Parish Council granted a lease to the Hurst Green Cricket Club to manage and use the field for matches and community recreation, which continues in practice.

14 January 1933 – Original Acquisition

Document: *Conveyance to National Playing Fields Association (NPFA)*

- Alfred Drewett Chaytor and others sold the land to the National Playing Fields Association (NPFA) for £300 (paid from a donation by Catharine Mary Drewett).
- Purpose: To hold the land *in trust* forever as a cricket field and recreation ground for the inhabitants of Hurst Green.
- Administrative Trustees were appointed locally (Sir Edward Boyle, Edward David Smith, Donald Albert Blinks) to supervise its use.
- The NPFA retained ultimate power, with conditions to:
 - Allow leases to the cricket club (Hurst Green Cricket Club) for maintaining and using the ground for cricket.
 - Ensure it remains free for local people to watch cricket matches and for children to play when not in use for matches.
 - Require annual reports and accounts to the NPFA.
 - Keep fencing and buildings maintained.
- There is an additional document dated 31 December 1934, which is a Tenancy Agreement between the Cricket Club and the Administrative Trustees.

5 May 1972 – Transfer to Hurst Green Parish Council

Document: *Conveyance from NPFA to the Parish Council*

- The NPFA transferred the land to Hurst Green Parish Council under the Charities Act 1960.
- The land remained subject to the *original charitable trusts* from 1933: it must continue to be used as a cricket field and recreation ground for the village.
- The transfer had Secretary of State approval.
- The Parish Council became the trustee in place of the NPFA, taking on obligations:
 - To maintain the charitable purpose.
 - To honour previous rights like the 1934 tenancy and a 1936 drainage licence.
- There is an additional document dated 8th May 1972, this appoints the Parish Council and retires the former trustees in favour of the Council.

21 January 1974 – Lease to the Cricket Club

Document: *Tenancy Agreement between Parish Council and Cricket Club*

- The Parish Council formally leased the ground to the Hurst Green Cricket Club trustees (Joseph Jenner, Michael Baldock, Nora Osborne) from 1 January 1973 onwards.
- The lease ran from year to year with a nominal rent of £1 per home match.
- Main terms:
 - The Club maintains the cricket square and buildings.
 - The Council retains the right to use the ground when not needed for cricket.
 - The field must remain open to the public to watch matches free of charge.
 - Any other games or changes need Parish Council consent.
 - The Council has inspection rights.
 - Either side can terminate with six months' notice.

Details of any considered or known options:

The land is not owned by the Parish Council outright - it is held in trust for the public benefit as a permanent charitable trust.

This trust cannot be removed or absorbed into general council ownership simply by resolution or deed.

The trust can only be changed or removed by order of the Charity Commission or the courts - and only if the purpose has become obsolete or impossible, which is not the case.

The Council is the sole trustee and must continue to ensure the land is used in line with its charitable purpose, as there is no other suitable charity to transfer the land to, and the cricket field remains actively used.

Implications

1. The charity must remain registered with the Charity Commission.
2. Annual returns must be filed, even if they show nil income or expenditure. Filing a simple nil return is likely sufficient to meet legal duties.
3. The Council must minute its role as sole trustee and keep any leases or user agreements up to date.

Provide a recommendation:

1. The Council should continue to hold the land as trustee for the benefit of the community, with no change to its legal status.
2. Continue to file an annual nil return to the Charity Commission each year, confirming the field remains in active use for the public.
3. Register the land with HM Land Registry to ensure clear title, showing the Parish Council holds the land as trustee. This protects the trust purpose and clarifies the Council's role in any future conveyancing or governance.
4. Ensure that the Clerk has filed a copy of the conveyances and lease with the Council's records and ensure that any future lease to the Cricket Club or other users is consistent with the trust purpose.
5. Consider publishing a short annual statement for the minutes noting that the field continues to be used as intended, to provide an audit trail if the Charity Commission ever reviews the trust.

In summary, the Drewetts Cricket Field belongs to the public under a permanent charitable trust and must continue to be used for recreation and cricket.

The Parish Council's role is to act as trustee - it cannot merge or absorb the land into its general assets. Keeping the charity live on the register, filing nil returns, and ensuring the land is registered and protected meets all current legal duties with minimal burden. It is therefore proposed that Councillors give consideration to the following six motions proposed by Cllr. Andrew Brown:

1) Trust Acknowledgement and Continuation

"That this Council, as sole trustee of the Drewetts Cricket Field and Recreation Ground Charity (No. 305263), formally confirms its commitment to continue holding the land on the existing charitable trust for the benefit of the residents of Hurst Green, in accordance with the original conveyances of 1933 and 1972, and that this position be reviewed every five years or as needed."

2) Charity Commission Compliance

"That this Council confirms it will continue to file an annual return for the Drewetts Cricket Field and Recreation Ground Charity with the Charity Commission each year, even where the return shows nil income and expenditure, to ensure compliance with its duties as trustee."

3) Land Registration

"That this Council authorises the Clerk to the Council, with the assistance of the Council's solicitor if required, to apply to HM Land Registry to register the title to the Drewetts Cricket Field in the name of the Council as sole trustee, to protect the public trust purpose."

4) Documentation and Lease Records

"That this Council will ensure that copies of the original conveyances, trust documents and any leases or agreements relating to the Drewetts Cricket Field are retained with the Council records, and that the current lease or user arrangements with Hurst Green Cricket Club are reviewed every five years or as needed."

5) Annual Public Statement

"That this Council will publish a short annual statement confirming that the Drewetts Cricket Field continues to be maintained and used for cricket and recreation for the benefit of the village, in line with the trust purpose."

6) Position

"That this Council notes that the charitable trust on the Drewetts Cricket Field cannot be dissolved or merged with general Parish Council assets while the land remains in use for its original purpose, and that no further action will be taken to alter this arrangement."

Cllr. Andrew Brown
July 2025