

PRESS RELEASE

15 December 2014 for immediate use

In 2006 the Charity Commission made an order setting up the Hitchin Cow Commoners Trust (HCCT). From that day forward the Trustees were then legally bound to follow the new aims of the Trust and act *'for the benefit of the community through the provision of facilities for the charitable use for cricket, football or other sports or for other general charitable purposes for the benefit of the inhabitants of the town of Hitchin'*.

The HCCT have received several offers from companies over the years to purchase the land known as Top Field. The recent offer received from New Road (Clifton) Ltd is one which has caused much debate within Hitchin. The HCCT have been offered a fully equipped multi-purpose community sports facility on a new site, part of which could be used by Hitchin Town Football Club, in exchange for the land known as Top Field. The offer was in the form of an option agreement with a fixed time limit and would depend upon New Road (Clifton) Ltd gaining planning permission and building the new sports facility and having it ready before Top Field is vacated and gaining planning permission for the development of Top Field.

The aims of the HCCT do not necessarily comply with the individual preferences of the Trustees. Similarly, the Charities Commission website gives instances where the aims of Trusts may not match the aims or environmental wishes of local residents. Charity law is clear though, and the aims of the Charity must be followed by the Trustees.

Charity law sets out very fully the actions to be taken by the Trustees before any transfer of land takes place, including full valuation of the land by an independent surveyor acting in the interests of the HCCT. In this instance the Trustees gained full valuation of the land, and the proposals including the costing of building the community sports facility. The Trustees also obtained the services of solicitors who have provided them with professional advice for the correct action of the Trustees. The Trustees have followed this advice correctly as required by the Charity Commissioners. They have also made sure that there is no conflict of interest for any of the Trustees. None of the Trustees receive any payment or reward for the work that they do.

The Trustees considered this proposal for a long time and with all the information and professional advice given, were of the opinion that to refuse this offer would put the Trustees in the position of being in breach of the aims of the Trust, as the proposal was a clear improvement in the provision of facilities for charitable sport. The HCCT therefore entered into the option agreement, as to do otherwise would have put them in a position of breaching their terms of Trust.

After a long period of discussion, ending in court mediation, the HCCT granted a new 25 year lease to HTFC (Top Field) Ltd (formally Celeriter Ltd) on the condition of a break clause that would be actioned if a new community sports project came to fruition. At no time has there been any suggestion that the Trustees would not try to provide accommodation for Hitchin Town Football Club.

It is not for the HCCT to make the final decision about whether the project goes ahead, but instead it is open to the due democratic method of the statutory planning process.

Where does this leave us at the moment?

As we write, no planning applications have been submitted by New Road (Clifton) Ltd. for development of either Top Field or the Stevenage Road site.

For people that disagree with the proposals, it is important that their views are made known to those who will be involved in the planning process.

Likewise, if anyone believes that it is really good that Hitchin will have a new community sports facility with access for all the inhabitants of Hitchin, and a new home for Hitchin Town Football Club, then they should make their views known to the planning authority just as strongly.

However, as the individual Trustees of Hitchin Cow Commoners Trust have not made public their own personal views about the project, it is not only unfair, but also inaccurate to make personal statements about them. It is the Trust which has made decisions and taken action, and the decisions of the Trust are guided by Charity Law and the aims of the Trust. The proposal put to the Trustees could not have been rejected by them, or anyone else in the position of a Trustee, without a very real risk of the Trustees being accused of acting incorrectly.

Please do continue the debate about the future of Top Field, about the project put forward by New Road (Clifton) Ltd and about the future of Hitchin Town Football Club but please do it with full reflection of the facts.

Ends

Notes for editor

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