

Frettenham Parish Council

Briefing Paper – Registration of Frettenham Village Hall Land

1. Purpose

The purpose of this briefing paper is to explain why the Parish Council should consider registering the land associated with Frettenham Village Hall with HM Land Registry and to clarify the implications for the Parish Council in its role as Custodian Trustee.

2. Background

The Village Hall and associated land were conveyed to Frettenham Parish Council under the 1973 Conveyance and Trust Deed. The property is held by the Parish Council on charitable trusts for the benefit of the local community.

The governing arrangements were subsequently amended by a Charity Commission Order in 2002, together with amendments to the Village Hall Constitution.

The documents indicate that the Parish Council's role is that of **Custodian Trustee**, while the Village Hall Management Committee has responsibility for the management and operation of the charity.

It appears that the Village Hall land may not currently be registered with HM Land Registry. This should first be formally confirmed by an appropriate Land Registry search.

3. What does being Custodian Trustee mean?

The Parish Council holds the legal title to the property but does so on behalf of the Village Hall charity.

The Council's role is therefore different from that of an owner of ordinary Parish Council land.

The Council is responsible for safeguarding the legal title and protecting the charity's property, while the Management Committee is responsible for the day-to-day running and management of the Village Hall.

Registration would not change this arrangement. It would simply provide a formal Land Registry record of the legal ownership.

4. Why is registration important?

Clear evidence of ownership

If the land is unregistered, ownership is established primarily through historic deeds and conveyances.

First registration would create an official HM Land Registry title identifying the legal proprietor and the extent of the land.

Given that the principal conveyance dates from 1973, this would provide greater certainty for future Councillors and trustees.

Protection of the charity's assets

The land is a charitable asset and should not be treated as an ordinary Parish Council asset.

Registration would provide a permanent record of the property and any restrictions or interests affecting it.

It would also reduce the risk of important historic documents being lost or their significance being misunderstood in the future.

Clarification of the Parish Council's role

Registration would help establish that the Parish Council holds the legal title in its capacity as Custodian Trustee.

It would not give the Council beneficial ownership of the Village Hall or allow the Council to use the property for general Council purposes.

Certainty over the extent of the land

A registered title and title plan would establish precisely which land forms part of the property.

This is particularly important where there may be historic boundaries, access arrangements, playing fields, car parking or adjoining land.

Easier future dealings

If the charity subsequently needs to deal with the property—for example, through a lease, boundary change, acquisition or other legal transaction—a registered title should make the legal position clearer and simplify the process.

5. What registration would not do

Registration would **not**:

- transfer ownership to the Village Hall Management Committee;
- make the Village Hall an ordinary Parish Council asset;
- give the Parish Council unrestricted powers to sell or otherwise dispose of the property;
- transfer responsibility for day-to-day management from the Management Committee to the Parish Council; or

- alter the charitable purposes of the Village Hall.

The existing trust arrangements would continue to apply.

6. Proposed next steps

Before making any application, the Parish Council should:

1. Confirm through HM Land Registry that the land is currently unregistered.
2. Establish the precise extent of the land covered by the 1973 Conveyance and Trust Deed.
3. Gather the original 1973 deed, associated plans and any subsequent deeds or documents affecting the property.
4. Keep the 2002 Charity Commission Order and constitutional amendments with the title documentation.
5. Obtain advice from a solicitor or conveyancer experienced in charity property and first registration.
6. Establish how the charitable trust should be reflected or protected on the registered title.
7. Obtain an appropriate quotation for undertaking the first registration.
8. Return the matter to the Parish Council for approval before any application is submitted.

7. Recommended position

It is recommended that the Parish Council **does not proceed directly with an application for registration until the historic deeds and plans have been reviewed by an appropriately qualified professional.**

However, given the apparent absence of a registered title, the age of the conveyance and the Council's position as Custodian Trustee, it would be prudent for the Council to investigate first registration.

This would provide greater certainty and protection for the Village Hall charity and future Councillors and trustees.

8. Suggested resolution

That Frettenham Parish Council:

1. notes the Parish Council's role as Custodian Trustee of the Frettenham Village Hall charity;
2. notes that the Village Hall land appears to be unregistered at HM Land Registry, subject to confirmation;
3. agrees that the Council should investigate first registration of the property;

4. authorises the Clerk to obtain confirmation of the Land Registry position and obtain professional advice and a quotation for first registration; and
5. requires the matter to be brought back to the Parish Council for approval before any application for first registration is submitted.

Important note

This briefing paper is intended to assist Councillors in understanding the issue and is not a legal opinion. The original documents are historic and some of the available copies are difficult to read. Professional advice should therefore be obtained before any application is made or any action is taken that could affect the charity's property.