

## **EVRT Q & A response to 1ES allegations on social media.**

### **1. Is EVRT ignoring the history of the Scout HQ at King George V playing fields?**

No, EVRT acknowledges the contribution made by 1ES in providing a valued activity for children. Once a fair licence is achieved, we hope to work in partnership with 1ES to support the activities the scouts provide.

### **2. Has EVRT ignored the costs 1ES have spent on the building over the last 30 years in terms of the build, management, maintenance and improvements?**

- The building was constructed in 1996, funded largely by a grant from GBC at a total cost of £81,000. EPC as the Trustee paid for the building using this grant and a significant donation from the Scouts. This is a matter of public record.
- Under the planning conditions agreed as part of the permission for the new building, 1ES were to operate in the building as principal (but not exclusive) users under license from the KGV charity. It is appropriate that they contributed to the running costs of the building since they were the principal users. The charity commission would not support an agreement that disadvantaged the home charity by giving disproportionately generous terms to any user group.

### **3. Why is there a clause in seven years that allows you to evict 1ES if it's "no longer in the best interests of EVRT"?**

There isn't a clause within the current proposed license that allows EVRT to unilaterally evict 1ES on this basis. Previous versions included a clause that protected EVRT against misuse of the building. Charity Legislation requires that all agreements with 3<sup>rd</sup> party users must support the objects of the charity. Whilst 1ES operates as a scout group, using the hut for scouting activities only, it is acknowledged by EVRT within the proposed license that the aims of the organisation are consistent with the objects of the EVRT charity.

### **4. Why are you ignoring the agreement in 1978 between your predecessor and the management committee of the Scouts to have "de facto unrestricted use of the building"?**

There was no agreement in 1978 to allow the scouts to have 'defacto unrestricted use of this building'. This building was completed in 1996. Prior to this, 1ES had shared use of a dilapidated wooden hut in the 1970s and 1980s. In 1978, 1ES was asked to pay the electricity bill for the facility. At the time they were the only group using the wooden hut which is why they were asked to pay the bill in full. Being the only user and being granted 'defacto unrestricted' use in perpetuity are entirely different things. As a charitable Trust governing recreation fields and village amenities, an exclusive agreement with any one group or individual would be illegal. At no point has the trustee offered any such representation to 1ES.

**5. Why do you deny the significant major contribution by the scouts to build the building in 1994?**

EVRT does not deny that 1ES made a significant donation towards the cost of the building. The primary contributor was Guildford Borough Council who contributed 2/3 of the cost of £69,000 (ex. VAT). EVRT and other donations totalled £9,000 and 1ES donated the remainder. 1ES has benefitted from free use of the facility in recognition of its contribution.

**6. Why in your latest offer, are you not allowing the Scouts the time they need in the building – why do you think they only operate in the time they are running a section?**

The Scouts asked for an additional hour at each of their evening sessions. They currently operate for 6 hours per week, 30 weeks of the year. EVRT offered 15 hours mid-week and an additional full day at weekends during the 30 weeks. We also offered free use of our community meeting rooms for scout team and parent meetings. 1ES have not indicated any other requirement beyond those originally requested by 1ES in the course of discussions.

**7. Why are you and the Scouts having to each spend tens of thousands of pounds to challenge an arrangement that has been collaborative and peaceful for 50 years?**

We are unaware of 1ES expenditure on legal costs. 1ES initiated the legal proceedings and have threatened court action on numerous occasions, with two different law firms including one global property specialist. The EVRT Trustee has an obligation to seek legal advice to protect trust interests and has done so in response to 1ES threats of imminent legal action. We have instructed a local law firm in Bookham to act on our behalf. As EVRT has made clear to 1ES on several occasions, our preference is to reach a solution through mediation. We offered this on March 28<sup>th</sup> and have yet to receive a response from 1ES. The suggestion that the arrangement has been collaborative and peaceful is disingenuous. EVRT and 1ES have been locked in negotiations for years.

**8. Are funds from resident's council tax collected via the Effingham precept by Surrey County Council being used for EVRT legal fees?**

No. EPC finances are entirely separate from EVRT. In the event of a legal action at court, EVRT will seek to reclaim costs on its own legal insurance. The Parish Council as Local Authority provides funding to EVRT to pay for the cost of providing the KGV facilities which are free for public use, the rest of the funding is paid by the various user groups including sports clubs, the pre-school, and other community clubs and activities.

**9. Why did you write to the 1ES 18 months ago and tell them that vehicular access to the Scout HQ would be fully restricted until a licence was signed by 1ES?**

There is no vehicle access to the scout HQ. There is an emergency vehicle access track. All user groups seeking to use the emergency vehicle access gates at the Milestone Hut were asked to sign up to protocols governing use of the gates. 1ES has the option to sign the protocols and secure access for scout usage independent of a license agreement. The terms are not onerous and were enacted for the safety of visitors to the fields and security against incursion by unauthorised vehicles such as Traveller caravans. We only require that the gate is supervised during use. It is not dependent upon the licence but would form part of any licence agreement for any group seeking access via that gate. 1ES continues to have vehicular access to the main car park on Browns Lane used by all other groups at the KGV. The 'pull in' at the entrance to the Milestone Gate can also be used by 1ES and there is pedestrian access alongside that gate. If 1ES sign the gate protocol they will be given vehicular access.

Note that the EVRT Trustee wrote to 1ES some 18 months ago to explain the policy on gate security. There seems to be a misunderstanding that the letter was written by Effingham Parish Council (EPC). This is not the case. The relationship between EPC and EVRT is explained in Q11.

**10. Why are you undermining the invaluable community work Barnes Wallis accomplished in Effingham to support local families and children? As the president of 1E Scouts, he held this cause in the highest regard, considering it a vital part of his legacy.**

EVRT refutes this suggestion. Sir Barnes Wallis was a founding father of the KGV and an enthusiastic supporter of its mission. He was one of the Purchasing Trustees who acquired the land for the KGV in 1938, and subsequently he was the Chair of the Parish Council when the charity was first created in 1951 with the object of providing recreational facilities for all Effingham residents. Far from undermining his legacy, EVRT aims to increase free participation and enjoyment of trust facilities by residents across the site, as Barnes Wallis intended. In denying access to the Milestone Hut for other community groups, 1ES would be guilty of exclusion as they seek exclusive rights to a community building and wish to profit commercially by hiring out the Hut to non-scout users.

**11. What is the relationship between Effingham Parish Council (EPC) and Effingham Village Recreation Trust (EVRT)?**

The KGV is owned and managed by Effingham Village Recreation Trust (EVRT), a registered charity (number 305018). Effingham Parish Council is the Sole Trustee of the charity, holding the freehold of the land, and bearing responsibility under charity law for ensuring the facilities are managed in accordance with the objects of the charity. The Trustee appoints volunteers to an Executive Board which guides the day-to-day operations of the KGV and initiates and implements projects to enhance and maintain the facilities.

The Parish Council's role as Trustee is entirely separate from the Council's role as a tier of local government. When acting as Sole Trustee the Council operates in

compliance with the Charities Act 2011, whereas when acting as a tier of local government it operates in compliance with the Local Government Act 1972. Persons elected to the Council (i.e. Councillors) automatically become members of the Trustee but are not individually trustees. In order to share the workload, the Chairman of EPC is usually the Vice-Chairman of the EVRT Trustee, and the Vice-Chairman of EPC is usually the Chairman of the EVRT Trustee.

It is important to note that EPC as a tier of local government does not make decisions about EVRT, or take actions concerning EVRT, and EVRT matters are not discussed or decided at the meetings of EPC.