

Wimbledon and Putney Commons Conservators  
Manor Cottage  
Wimbledon Common  
London SW19 5NR  
Chief Executive: Simon Lee



## **MEDIA RELEASE**

### **Wimbledon and Putney Commons Conservators**

#### **September 2016 Update**

##### **Putney Lower Common – New Development**

The Board continues to be guided and advised by City Charity lawyers, Charles Russell Speechlys, who were appointed in accordance with the Charity Commission's October 2015 Formal Action Plan. This Plan is to establish whether the Charity suffered a loss when granting an Easement in August 2014 to the London Borough of Wandsworth for access rights over Putney Lower Common on what was the former Putney Hospital site.

It has not been confirmed whether a loss was incurred by the Charity. That is the issue which the Charity Commission's Formal Action Plan is intended to establish.

We draw your attention to the statements made by our Chairman at the Annual Open Meeting on 22<sup>nd</sup> June 2016, the relevant extracts from which are appended below this Media Release.

Although it has been determined through two Opinions from a leading QC that there is no requirement for WPCCC, as a creation of statute, to obtain a formal Qualified Surveyors Report as required by the Charities Acts, it has been confirmed by Charles Russell Speechlys that a formal valuation is required in order to establish that the Board, at the time of granting the Easement, was meeting its fiduciary duties. The Board is thus determined to confirm whether the best outcome that could reasonably have been obtained for the Charity in the circumstances at the time was achieved.

At a Special Board meeting convened on Tuesday 30<sup>th</sup> August 2016, the Board resolved by a majority to follow the advice of our lawyers and commence a process to appoint an independent valuer, procured from a list identified by Charles Russell Speechlys, to undertake a retrospective valuation as at the date on which the terms of the Easement were agreed (14<sup>th</sup> February 2012).

It is expected that the successful firm will be appointed by early October 2016.

##### **Commons Open Day**

The annual Commons Open Day is being held adjacent to the Ranger's Office, Wimbledon Common on Sunday 11<sup>th</sup> September.

The event opens at 10.30am and provides an opportunity for the public to meet the staff who manage the Commons and the Conservators who are entrusted with its stewardship. Visitors will be able to see the 'behind the scenes' work that Keepers undertake in managing the Commons' four horses, or take a tractor ride around the Commons with our Maintenance Team.

There will also be a selection of charity and craft stalls, fairground rides and some special visitors this year including Dunreith Alpacas and Little Landies. The Household Calvary will once again join us for the day. In the arena there will be a number of different displays including birds of prey, horses and working dogs, as well as our now infamous Wacky Dog Show.

## Windmill Restoration

The restoration of the Grade II\* Listed Windmill continues apace. On Thursday 11<sup>th</sup> August 2016 the Windmill Trustees, Conservators, volunteers, local residents and staff joined the Case Officer from the Heritage Lottery Fund to view the work undertaken to date and meet our millwrights, Owlsworth IJP.

Works to replace the perished membrane beneath the wooden cladding of the tower are nearing completion. This will prevent further water ingress and ensure the future integrity of the structure. Works to restore several components of the fantail will commence shortly. It is expected, subject to weather conditions, that within the next two to three weeks the scaffolding will be removed and the new sails installed.

## ENDS

NOTES for Editors - Wimbledon and Putney Commons is a charity managed by the Wimbledon and Putney Commons Conservators. It was established under the Wimbledon and Putney Commons Act of 1871. The Commons comprise some 1,140 acres of publicly accessible open space..

Extract from Statement on Putney Common development by Chairman to Annual Open meeting (22<sup>nd</sup> June).

"We asked the lawyers we appointed to advise us to provide a report on progress which we could use to update this evening's meeting. It reads as follows:

*"Since our last General Open Meeting on 2 December 2015, we have proceeded with the Formal Action Plan set out by the Charity Commission in its letter of 22 October 2015 and adopted by the Conservators at their meeting on 11 November 2015.*

*The first step was to appoint an independent law firm and after approaching three firms, we appointed Charles Russell Speechlys LLP ("CRS") on 7 January 2016. They were given a large amount of documentation and undertook a thorough review with all Conservators. On the 7 April 2016 they produced a report and recommendations, including that we should obtain specialist counsel's advice on the key technical question of whether the Conservators were required to comply with Sections 117-121 of the Charities Act 2011 ie obtain a qualified surveyor's report – a QSR - giving a valuation to be taken into account when granting the easement. Simon Taube QC advised in two written Opinions in April that Sections 117-121 did not apply to this Charity because it had been incorporated by an Act of Parliament which gave the Conservators power to dispose of land, and therefore exempted the Conservators from the Sections.*

*The effect of this opinion was to fix the relevant date of valuation at 14 February 2012, which could otherwise have been later. The Conservators still had a general fiduciary duty to ensure that the terms on which the easement was granted were the best that could reasonably have been obtained for the charity having regard to all circumstances, and they should therefore have obtained an independent expert valuation on which they could base their judgement. CRS therefore recommended that we proceed with the Charity Commission's Formal Action Plan and, following discussion at the June Board, we have resolved to do so. CRS are now instructed to produce a shortlist of surveyors they recommend and undertake a formal procurement process to enable us to choose one firm, instruct them and obtain a retrospective valuation at 14 February 2012. They advise that they expect to have this valuation in a few weeks' time and will then be in a position to ascertain whether the Charity has incurred any loss, and if it has, how and from whom the Charity should seek any redress. CRS are keeping the Charity Commission informed of progress."*

We all very much hope that the information that we need to bring this process to a close will indeed be available within the next few weeks."

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