

#### NOTES ON THE HOWARD WATSON SYMINGTON MEMORIAL CHARITY

1. The property known as "Brooklands" Northampton Road, Market Harborough was originally the family home of the Symington family.
2. During the Second World War it was requisitioned by the Market Harborough Urban District Council for use as local authority offices.
3. On 12th November 1942 the owner, Howard Watson Symington, transferred the property into the name of W. Symington and Company Limited.
4. Mr Symington died on 26th December 1943.
5. At the end of the War the Urban District Council wished to continue its use of the building and grounds and the Company decided to make a gift of it "in commemoration and to perpetuate the memory of" Mr Symington on condition that it would be used "for the use and benefit of the inhabitants of Market Harborough".
6. On 4th June 1946 the Council resolved to accept the gift and the conveyance of the property was duly completed on 2nd July 1946. The deed contained a declaration on the part of the Council that it would hold the property "on trust for the perpetual use and benefit of the inhabitants of Market Harborough".
7. As a result of Local Government Reorganisation in 1974 which saw the demise of Urban and Rural District Councils the assets of the Market Harborough Urban District Council were transferred to the newly-created Harborough District Council. The staff of the new authority were housed partly in "Brooklands" and partly in the former offices of Market Harborough Rural District Council at 42 High Street. Even these two substantial buildings were insufficient to accommodate everyone, however, and the Council was soon obliged to set up portakabins at the back of both offices.
8. The shortcomings of the split site and the temporary nature of the "huts" being used by the Housing, Treasurer's and Technical Services Departments soon led to a search for new offices. The closure of the Symington factory in Adam and Eve Street by Courtaulds presented a major opportunity - the Council purchased it in November 1980 and after extensive refurbishment works (and some demolition) moved all departments into the new location in November 1981.

9. The purchase and conversion of the Adam and Eve Street buildings had been an expensive operation, of course, and it was originally envisaged that "Brooklands", now standing empty, could be sold to help fund the move.
10. An examination of the Title Deeds put paid to that proposal, however. It was realised that the declaration in the 1946 Conveyance had created a charitable trust. This had been of little or no significance when the successive local authorities had been in occupation, using the property itself for the benefit of the inhabitants of Market Harborough, but it made a huge difference when disposal of the asset was being contemplated.
11. The Council referred the matter to the Charity Commission and on 29th September 1981 the Commissioners ordered the establishment of a "Scheme" to govern the future operation of the Charity. The Council had in mind the sale or letting of the building to the Leicestershire County Council so the Scheme incorporated the necessary authority for such a disposal.
12. The principal terms of the Scheme were as follows:
- (1) Name of Charity: Howard Watson Symington Memorial Charity
  - (2) Trustees: Harborough District Council
  - (3) Charitable purposes:
    - a) relieving the aged, impotent and poor;
    - b) relieving distress and sickness;
    - c) providing and supporting with the object of improving the conditions of life for the said inhabitants in the interests of social welfare facilities for recreation and other leisure time occupation;
    - d) providing and supporting educational facilities
  - (4) Application of income: by direct payment to beneficiaries or donations to organisations using the money for the same purposes
  - (5) Brooklands building: (a) if sold, proceeds to be invested and the income from the investment applied for charitable purposes.

- (b) if let, lease to be for not more than 22 years and to be at best rent obtainable - net rent to be applied for charitable purposes.

13. The Brooklands building was leased to the County Council on 10th May 1982 for an initial 20 years; the County Council subsequently agreed to renew the lease for a further 10 years. The rent from the building has constituted the sole income of the Charity to date.
14. Two and a half acres of land at the rear of the Brooklands building had also formed part of the 1946 gift and in 1987/8 the Council resolved to erect sheltered accommodation and a day centre on the site.
15. If the Council as housing authority had wanted to acquire the land from a third party it would have had to pay market value for the freehold or pay a commercial rent for a lease of the premises.
16. The Council (as charity) already owned the land, however, and it approached the Charity Commission to establish whether there was a mechanism whereby the development of the land could take place without money changing hands.
17. The Commission accepted that the provision of sheltered housing and a day centre fulfilled one of the specified charitable purposes. It therefore approved the proposal on the basis that the housing authority would erect the buildings at its own expense and thereafter would administer, maintain and repair them. The housing authority would be entitled to all rents and other income arising from the occupation and use of the new buildings.
18. The downside was that the housing authority would acquire no legal interest in the land or buildings - everything that was put up on the site became the property of the Charity.
19. In 1988, when the housing authority built "Brooklands Gardens" this was of little significance - it was taken for granted that there would be no conflict of interest, for instance, between the Council (as housing authority) and the Council (as charity).
20. The prospect of a transfer of housing stock in the next year or two might produce a very different scenario:

the Charity could enter into a management agreement with Seven Locks Housing and things could carry on much as before.

However, if Seven Locks wanted (or were compelled) to acquire a legal interest in the complex then it seems likely that the Housing Association would have to pay full market value for the freehold or a commercial rent for a lease of the premises (the Charity would have to act entirely independently of the housing authority, whatever package the housing authority had negotiated in relation to its other dwellings - the Charity would be legally obliged to extract the best financial deal possible for the beneficiaries of the trust, the inhabitants of the town of Market Harborough).

- 21 The Charity Commission would have the final say on any transaction relating to Brooklands Gardens but at the moment it is hard to envisage any weight being given to the inconvenience that might arise for the housing authority and/or the Housing Association if the Charity had to be paid full market value for its asset.

An arms-length disposal would presumably generate a significant increase in the monies available to the Charity for funding good causes in the town

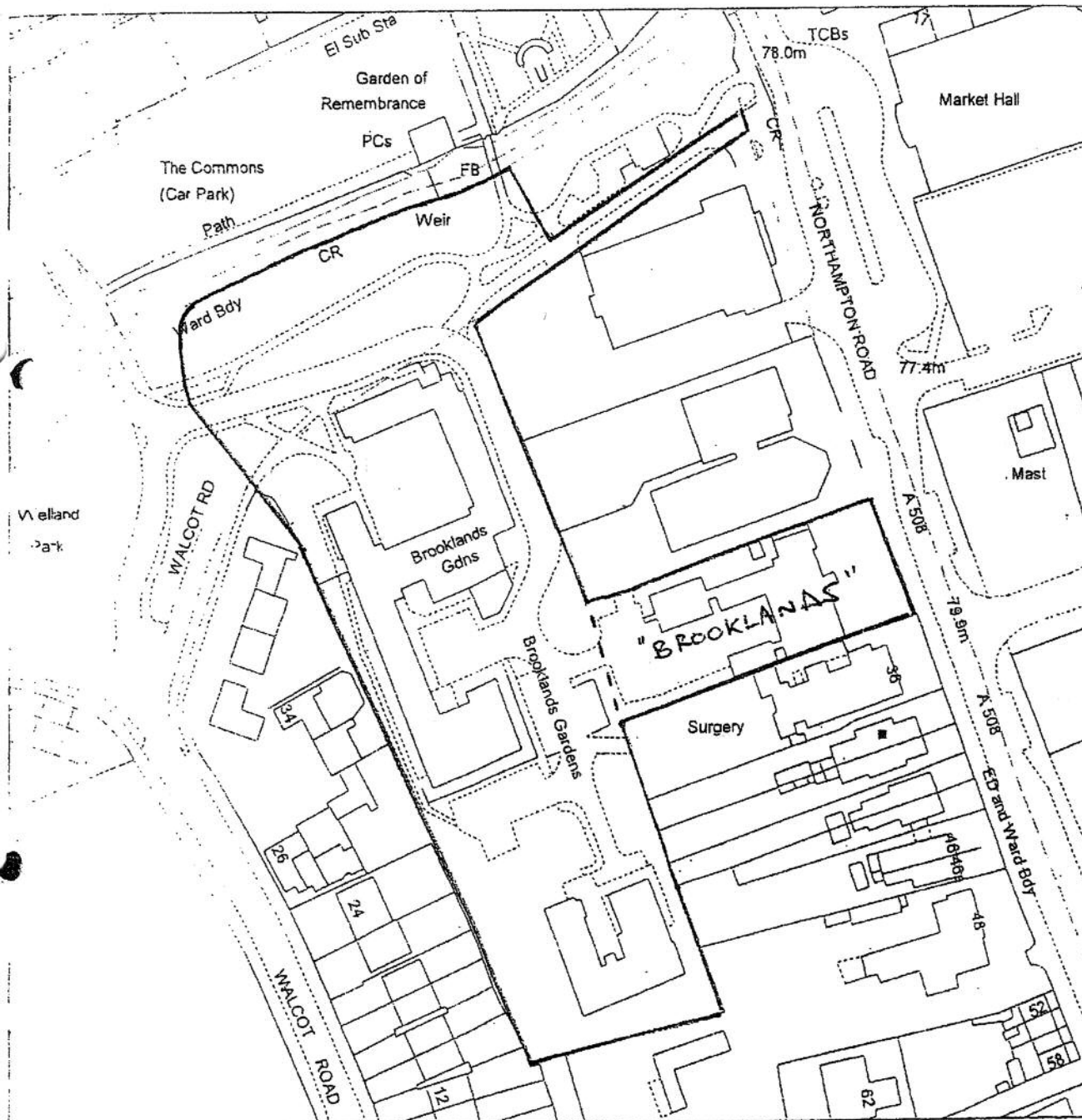
Hugh Lander  
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4th October 2006

Not Set

Not Set

# 1946 GIFT - BOUNDARIES OF LAND AND BUILDINGS



Scale : 1:1250

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Harborough District Council 2006



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