

1. Introduction

- 1.1. SPC has spent time over the last 18 months seeking information from all parties involved to assist in proving title to the Tennis Court land – this report is the outcome of this work.
- 1.2. Any local council which owns land can register its title in the Land Registry. This has advantages; dealings in the land are simplified and going forward there is no doubt of the council's title even if the documents are subsequently lost or mislaid. The Land Registration Act 2002 provides full guidance on land registration.
- 1.3. The Parish Council undertook a voluntary first registration of its land in January 2020.
- 1.4. The following matters came to light:
 - 1.4.1. Land at Westhall – had already been registered.
 - 1.4.2. Cemetery – full title could be demonstrated and the area registered.
 - 1.4.3. Wilby Road site – the majority of the land could be registered without issue, however full title of the area of land which comprises the tennis court area could not be evidenced.

2. Registering Land at Wilby Road

- 2.1. The registration of the majority of the site has commenced; this includes the Health Centre and grounds, the Bowling Green, car parks, playing field and Lease for the Leisure Centre.
- 2.2. Difficulty arose in proving title of the land on which the tennis courts are now situated up to the boundary (area coloured blue on the extract in point 3.3.3 below). This is land conveyed to Stradbroke Parish Council (SPC) by the Fire Authority as part of a swap in 1972. However, the piece of land given by SPC as part of the swap was owned at the time by the Village Hall Trust and not SPC.
- 2.3. Full details of the history of ownership are given in Section 3 below.

3. History of Wilby Road Site

3.1. 1953

Land purchased from Mr Copping. Described in the conveyance document as: *“ALL THAT piece or parcel of land abutting upon the road leading to Wilby in the Parish of Stradbroke aforesaid having an area of Two acres and thirty seven perches or thereabouts and comprising part of enclosure Number 199 on the Ordnance Survey Map for the said Parish”*



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3.2. 1965

Land sold to Village Hall Trust. Described in conveyance document as: *"ALL THAT parcel of land situate at the north-eastern corner of the within described property have an area of approximately .280 of an acre in fee simple"*

(**Note:** the area marked as Tennis Courts – is where the old tennis courts were situated in 1965)



3.3. 1972

Land swap between Parish Council and Suffolk & Ipswich Fire Authority.

3.3.1. The piece of land offered by the Parish Council is described as: *"ALL THAT piece or parcel of freehold land situate in the Parish of Stradbroke aforesaid and abutting towards the east upon Wilby Road there as the same comprises part of Ordnance Survey Number 199 on the Ordnance Survey Map for the said Parish contains an area of 0.148 or thereabouts and is for the purpose of identification only more particularly delineated on the plan annexed hereto and thereon coloured yellow"*.

3.3.2. The piece of land offered by the Suffolk & Ipswich Fire Authority is described as: *"ALL THAT piece or parcel of freehold land situate in the Parish of Stadbroke aforesaid comprising part of Ordnance Survey Number 199 on the Ordnance Survey Map for the said Parish and containing an area of 0.43 acres or thereabouts As the same is for the purpose of identification only more particularly delineated on the plan annexed hereto and thereon coloured blue"*.

3.3.3. Extract from map referred to in 3.3.1. & 3.3.2. above:



3.4. Documents are available for the following land transfers that show clear title to land which SPC is registering:

3.4.1. 1977 – SPC obtain land which is now the playing field from Mr Cooper

3.4.2. 1990 – SPC obtain land for an extension to the playing field from Mr Cooper

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- 3.4.3. 1990 – Leisure Centre is leased to Mid Suffolk District Council
- 3.4.4. 1994 – SPC transfer the land on which the Sports & Social Club stands to the Community Centre.

4. Evidence gathered

- 4.1. Stradbroke Sports & Community Centre (Community Centre), as successors in title to the Village Hall Trust, checked their records to see if any legal documents could be found that show the land in question (area shown in yellow on extract of map in point 3.3.3) was conveyed back to SPC.
- 4.2. The Community Centre Trustees could find no documents showing an official transfer of the land back to SPC. The Chair of the Trustees stated that she had been informed that there was a verbal agreement allowing SPC to undertake the swap, but SPC has no record of this.
- 4.3. The Tennis Club officials also checked their records for any documents to show that the land was transferred back into the ownership of SPC; they had no documents on file.
- 4.4. Suffolk County Council officers checked their records to see if they had a copy of any documents showing that the land they gained as part of the 1972 swap was owned by SPC at the time of the swap.
- 4.5. Suffolk County Council confirmed that the documents used to prove title when registering the land were a conveyance on land sold between the County Council and SPC in 1972, and the 1953 conveyance between SPC and Mr Cooper, as follows:

"I have checked our title with Land Registry and can see that the yellow land has been duly transferred to the County via the Deed of Exchange dated 19 October 1972 (the 1972 Conveyance) on the basis that the PC is the owner of the yellow land which it holds as part of a larger parcel of land under a conveyance dated 7 October 1953 made between Fredrick Copping and the PC (the 1953 Conveyance). This is the conveyance that you say has either been lost or destroyed or has never existed. If the conveyance did not exist it seems illogical that it is so clearly defined in the 1972 Transfer."

When the 1965 conveyance document was copied to Suffolk County Council, the following response was received:

"I think the position is clear for SCC in that we were not aware of the 1965 Conveyance."

I am not sure what further information the county can give you on the transaction however do contact me if have any more queries."

- 4.6. SPC wrote to the Charity Commission asking for any documentation it held on file concerning the land ownership of the Community Centre. The Commission advised it does not hold records on file concerning land ownership.
- 4.7. SPC reviewed documents which had been placed in the records office and noted the following:
 - 4.7.1. Minutes from Parish Council meeting of 14th April 1969 record the following:
"Land at Playing Field (Wilby Road)

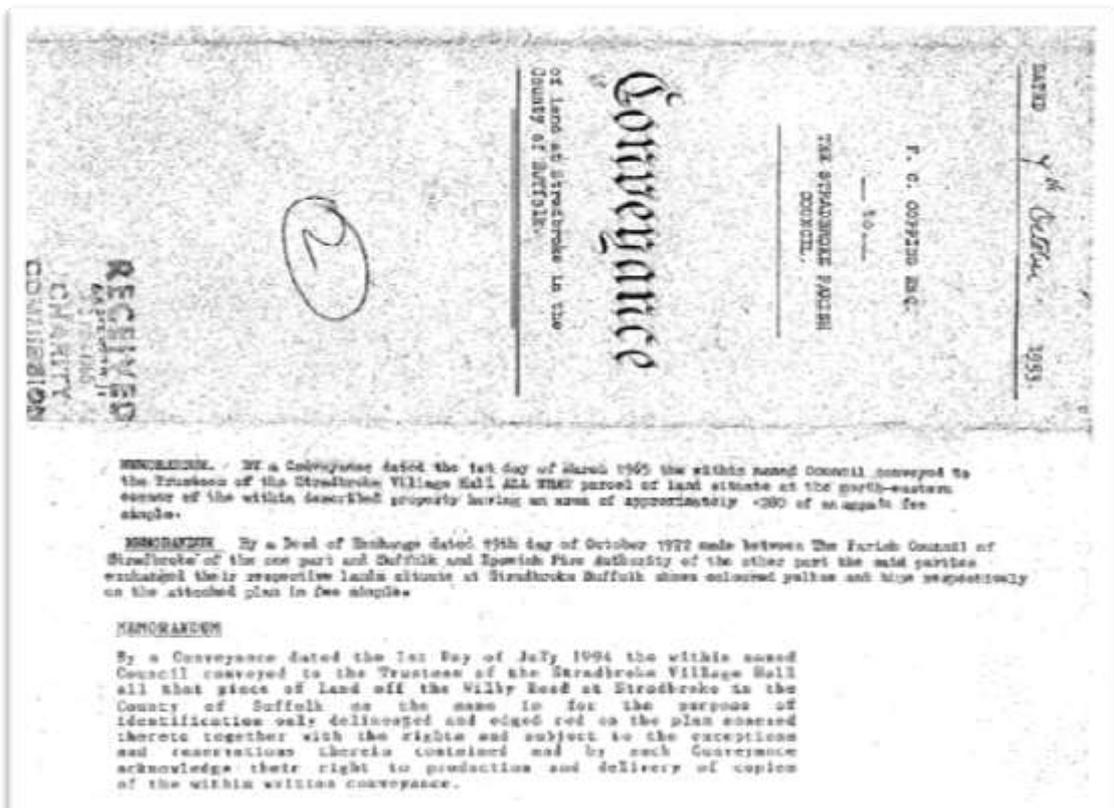
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A letter had been received from the East Suffolk County Council regarding the siting of a new Fire Station at Wilby Road on Mr F Coppings land. In order to get the desired width for development the County Council want a portion of the P.Field 0.15 acres on a straight swap basis with land they intend to purchase. A meeting took place at the site on March 10th where some members of the P.F.C. were present. It was regretted that due to the quick visitation of County Council officials all playing Field Members had not been informed, this the Chairman apologised for. The factor that emerged from these deliberations were that the land the County Council required had already been designated to the Village Hall Committee.”

- 4.7.2. Letter dated 12th February 1970 from the Parish Council’s solicitor which states: “.....According to the Deeds a piece of land at the north eastern corner was sold off to the Trustees of the Stradbroke Village Hall on 1st March, 1965.”
- 4.7.3. There is no mention in SPC records of a conveyance document showing that the land swapped in 1972 was conveyed back to SPC by the Community Centre at any time after the 1965 sale and before the 1972 swap.

5. Conclusion

- 5.1. No document can be found to show that SPC owned the land it swapped with Suffolk & Ipswich Fire Authority in 1972. In addition, there is no evidence that there was ever a document and it is likely that if any agreement was reached it was verbal and therefore no record exists.
- 5.2. The 1953 conveyance document clearly highlights that the land had previously been sold to the Community Centre, and this sale was noted by the Charity Commission in 1965, therefore it should have been noted by all parties during the negotiations in 1972.



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5.3. The Suffolk & Ipswich Fire Authority (now Suffolk County Council) owned the “blue” area and the Village Hall Trust (now Stradbroke Sports & Community Centre) owned the “yellow” area on the map in point 3.3.3. Therefore, as SPC did not legally own the land in 1972 the swap the conveyance was faulty and the Community Centre should have been the party involved with the Fire Authority not SPC.

5.4. Suffolk County Council has stated it obtained the land in good faith and has registered its title on the land.

An extract from the register shows the area obtained in the 1972 has been included in the registration.



5.5. In January 2021, SPC provided the Community Centre with an update explaining the findings of the investigation at that time and making following suggestions:

*There are **two options** available to resolve this issue:*

- 1.1. The land can be conveyed by the Parish Council to the Stradbroke Sports and Community Centre and the land registered accordingly (**this would rectify the erroneous land swap in 1972**); or*
- 1.2. the Parish Council can **apply for a Possessory Title** of the land.*

5.6. As a Charity, the Community Centre is obliged to obtain best value for a disposal of land. In 1972 Suffolk County Council obtained land that was owned by the Community Centre and the Centre has had a zero return on this. If the Tennis Court land had been conveyed to the Community Centre at the time, this would have in all likelihood been considered a best value transaction.

6. What happens next?

6.1. The current situation is that in 1972:

- 6.1.1. SPC conveyed land to Suffolk County Council which was in fact owned by the Community Centre – this land forms part of the current fire station.
- 6.1.2. Suffolk County Council conveyed land it owned to SPC – this land now forms the Tennis Court area at Wilby Road.

6.2. The Community Centre has written to confirm that following discussions at their July 2021 meeting, Trustees have voted that they would take ownership of the area of land that forms the Tennis Courts.

6.3. In summary, the investigation shows that the land conveyed to SPC from Suffolk County Council was owned by them at the time. However, the land conveyed to Suffolk County Council was not owned by SPC at the time of the land swap in 1972. The strip of land which now forms part of the Fire Station at Wilby Road was in fact owned by the Community Centre in 1972. Therefore, the conveyance in 1972 was faulty.

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- 6.4. The options that available to regularise the matter are:
 - 6.4.1. SPC applies for possessory title of the Tennis Courts
 - 6.4.2. SPC conveys the Tennis Court land to the Community Centre
 - 6.4.3. The faulty conveyance is set aside allowing Suffolk County Council and the Community Centre to work together to regularise the ownership issues.

- 6.5. With regards to the options above:
 - 6.5.1. As the Community Centre Trustees feel the land should be in the ownership of the Centre, it would not be possible for SPC to claim possessory title as this would be challenged.
 - 6.5.2. It was originally suggested that a conveyance of the land to the Community Centre would be possible, however in the intervening period it has become clear that this may be more complicated than originally thought given the regulations concerning Parish Councils and disposal of assets.
 - 6.5.3. Legal advice is currently being sought on the procedure available to SPC for seeking to set aside the faulty 1972 conveyance. This would allow a speedy conclusion with Suffolk County Council and the Community Centre working together to resolve the matter.

The full correspondence from the Community Centre and Suffolk County Council is attached for reference.

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Email from Stradbroke Sports & Community Centre

23.7.21

Letter to Stradbroke P.C. from Stradbroke Sports & Community Centre re: Registration of Land/Tennis Courts

Dear Odile

At the last SSCC Committee meeting on 13.7.21 the transfer of the registration of this piece of land was discussed as item 6 on the agenda and was minuted as copied below:

6. Land Registration

A discussion took place concerning the advantages and disadvantages of the SSCC or the PC owning the tennis courts. The annual cost would be approximately £200 for maintenance plus there would be initial legal fees for a transfer and land registration.

*JM proposed that the land on which the tennis courts are based reverts to the SSCC; NS seconded this
Vote: 8 (carried)*

As this was carried no second proposal that the PC retains the land was required.

A face-to-face meeting is needed to inform the PC of the decision and agree next steps.

Action: GRD

As a result of this decision, representatives of the SSCC have requested to meet with representatives of the PC to discuss the procedure for transfer and have agreed to attend a meeting with them on August 9th.

We look forward to a satisfactory outcome for all following this meeting.

Yours sincerely

Gillian Rennie-Dunkerley
Secretary Stradbroke Sports & Community Centre

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Email correspondence with Suffolk Legal.

Deed of Exchange RE: Land at Stradbroke Suffolk
Stradbroke Parish Council <stradbrokepc@outlook.com>
Wed 20/01/2021 15:19
To: Corinne McGrath – Suffolk Legal

1 attachments (2 MB) hammh3_10-02-2020_11-55-04.pdf;

As discussed this is the conveyance document received from SCC as per email below.

Regards
Odile Wladon
Clerk
Stradbroke Parish Council

Attachment:

Deed of Exchange RE: Land at Stradbroke Suffolk
Hannah Hammond
Mon 10/02/2020 12:07
To: Parish - Stradbroke <StradbrokePC@outlook.com>
Cc: Mark Constance ; Simon Cartmell

1 attachments (2 MB) hammh3_10-02-2020_11-55-04.pdf;

Dear Odile

Please find attached a scanned copy of the 'Deed of Exchange RE: Land at Stradbroke Suffolk'.

I found this within the documents returned from our records.

This document shows the exchange of the two pieces of land that took place in 1972 in respect of the Fire Station at Stradbroke.

If you require to see the original document we can arrange for you to come and view this.

Hopefully this will assist you with the registration of the land.

Kind Regards

Hannah Hammond
Apprentice Estates & Commercial Property Surveyor
Corporate Property – Assets and Investment
Corporate Services
Suffolk County Council

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RE: Deed of Exchange RE: Land at Stradbroke Suffolk

Corinne McGrath

Wed 20/01/2021 19:33

To: Parish - Stradbroke <StradbrokePC@outlook.com>

Dear Odile,

Thank you for your email attaching the transfer effecting the land swap between SCC and Stradbroke PC.

I have checked our title with Land Registry and can see that the yellow land has been duly transferred to the County via the Deed of Exchange dated 19 October 1972 (the 1972 Conveyance) on the basis that the PC is the owner of the yellow land which it holds as part of a larger parcel of land under a conveyance dated 7 October 1953 made between Fredrick Copping and the PC (the 1953 Conveyance). This is the conveyance that you say has either been lost or destroyed or has never existed. If the conveyance did not exist it seems illogical that it is so clearly defined in the 1972 Transfer.

I would be interested to see the correspondence you received from Land Registry when they refused to register the land transferred to the PC under the Second Schedule of the 1972 Conveyance (the blue land).

Kind regards,

Corinne McGrath

Legal Services Manager

Suffolk County Council

Legal Services

Re: Deed of Exchange RE: Land at Stradbroke Suffolk

Stradbroke Parish Council <stradbrokepc@outlook.com>

Wed 20/01/2021 19:43

To: Corinne McGrath

I am afraid that there is another conveyance from 1965 in which that parcel of land was conveyed to the Village Hall Trust in 1965 - this is why I stated that the land was not in the ownership of the parish council at the time.

I have both the 1953 and 1965 documents.

Regards

Odile Wladon

Clerk

Stradbroke Parish Council

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RE: Deed of Exchange RE: Land at Stradbroke Suffolk

Corinne McGrath

Wed 20/01/2021 19:51

To: Parish - Stradbroke <StradbrokePC@outlook.com>

Thank you Odile. Please send me the 1953 Conveyance and the 1965 Conveyance.

Regards,

Corinne McGrath

Legal Services Manager

Suffolk County Council

Legal Services

Re: Deed of Exchange RE: Land at Stradbroke Suffolk

Stradbroke Parish Council <stradbrokepc@outlook.com>

Thu 21/01/2021 09:17

To: Corinne McGrath

2 attachments (5 MB) SSCC 1965 conveyance.pdf; map for 1965 conveyance.pdf;

The 1953 conveyance document is with the solicitor undertaking the land registration work for the Parish Council but I will endeavour to obtain a copy.

The 1965 conveyance is attached.

As you will see the document also contains the constitution for the Village Hall Trust and I can only assume that this document may have been misfiled between 1965 and 1972 and therefore not taken into consideration when the land swap occurred as I can think of no other explanation as to why this document was not referenced at the time.

Regards

Odile Wladon

Clerk

Stradbroke Parish Council

RE: Deed of Exchange RE: Land at Stradbroke Suffolk

Corinne McGrath

Thu 21/01/2021 21:53

To: Parish - Stradbroke <StradbrokePC@outlook.com>

Hi Odile,

Thank you for your email.

I note that the 1953 conveyance is with your solicitor and thank you for your offer to obtain a copy. When you do so I will provide comments on both conveyances.

My initial comments on the 1965 Conveyance are that

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- (i) the Plan does not appear to be part of the deed or is that you have dismantled it for copying? and
- (ii) the Plan is not drawn to scale so it is arbitrary whether the slither of land transferred to SCC via the 1972 Conveyance actually forms part of the land conveyed in the 1965 Conveyance.

Kind regards,

Corinne McGrath
Legal Services Manager
Suffolk County Council
Legal Services

Stradbroke: 1953 conveyance

Stradbroke Parish Council <stradbrokepc@outlook.com>
Fri 22/01/2021 11:42
To: Corinne McGrath

1 attachments (270 KB)MX-5070V_20210122_101132.pdf;

Please find attached the 1953 conveyance document.

Regarding your previous query, the map was from the 1965 conveyance but copied separately.

Our legal representative did study both documents fully when advising us that the land sold in 1965 forms the top corner of the site shown in this conveyance.

Regards
Odile Wladon
Clerk
Stradbroke Parish Council

RE: Stradbroke: 1953 conveyance

Corinne McGrath
Fri 22/01/2021 12:13
To: Parish - Stradbroke <StradbrokePC@outlook.com>

Thanks Odile,

I think the position is clear for SCC in that we were not aware of the 1965 Conveyance.

I am not sure what further information the county can give you on the transaction however do contact me if have any more queries.

Kind regards,

Corinne McGrath

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