



THE FRIENDS OF CHARNWOOD FOREST



President: Mrs Janie Martin

251 Bradgate Road,
Anstey,
LE7 7FX
chairman@focf.org.uk

11 Sep 2019

Dear Trustee,

BRADGATE PARK: Governance of Charity Trust

The Friends of Charnwood Forest is a society dedicated to preserving Charnwood Forest. Formed in 1986, we have about 150 members, and are run by an elected Committee. We meet our objectives by an educational programme of well-attended talks and outdoor meetings, and by fund-raising to provide enhancements to the Forest; these include:-

- Planting oaks on Anstey Green
- Providing trees for Martin's Wood off Dean's Lane
- Providing explanatory boards at two nature reserves in the Forest, and a Notice Board in Woodhouse Eaves
- Providing finance for the "Stag's Head" outside Newtown Linford

We regard Bradgate Park as the "Jewel in Charnwood Forest's crown" and we are concerned about recent reports in the media about the Governance of the Bradgate Park and Swithland Wood Charity, and the relationship between the Chairman of the Trustees and the (ex) Director, Peter Tyldesley.

In particular we refer to three reports in the media:

- An initial report from the Leicester Mercury published on 7 August¹.
- A subsequent story in the Mercury on 11 August, where Peter Tyldesley claims that "the Councils' Takeover" is unlawful (and that he has raised the issue with the Charity Commission)²

¹ See <https://www.leicestermercury.co.uk/news/local-news/changes-coming-bradgate-park-councils-3179573>

² See <https://www.leicestermercury.co.uk/news/local-news/row-over-council-takeover-bradgate-3194906>



- An interview with Peter Tyldesley on Radio Leicester conducted by Ben Jackson³.

The implications of these reports are that the Chairman and Vice Chairman of the Trustees have made the (ex) Director's position untenable, ultimately resulting in his resignation, and that the decision to make his position untenable was done without the agreement of the other Trustees; furthermore, given that the Trustees have not formally met since Peter Tyldesley's resignation, that the Chairman is making policy (to "take back control") without the agreement of the other Trustees.

Friends of Charnwood Forest takes these allegations seriously.

The Legal Responsibility

Our understanding of the law is that:

- while the Trustees are appointed by nominating bodies, (Leicestershire County Council, Leicestershire City Council, the National Trust), once appointed they owe their allegiance to the Charity. They are obliged to act in the best interest of the Charity, and NOT those of the nominating body.
- The Trustees should act collectively as a body

If what has been published in the media is taken at face value, we believe that the Trustees have not been following the above rules.

The Way Forward

We are therefore writing to each trustee individually. As the issues concern Governance of the Charity, we expect individual responses from each Trustee, and not a corporate response from the Chairman. Furthermore, we expect any response from Councillor Rushton to come from him personally, and not from County Hall.

We have the following questions:-

- 1) In your opinion, are the media reports generally correct?
- 2) Do you agree with Councillor Rushton that the Trust was "Not delivering for the people of Leicester and Leicestershire"? When was this view agreed by the Trustees?
- 3) Councillor Rushton stated "... myself and Peter Soulsby realised Bradgate Park was not delivering for the people of Leicester and Leicestershire, so we are now in control". Do you agree that the correct response to any shortcomings is for the Councils to take control? If so, what should be the role of the Trustees? Do you agree that your role as a Trustee is as an independent person, and that as a Trustee you are NOT obliged to follow the instructions of the nominating body (or any representative thereof)?
- 4) Are you happy with the Governance of the Trust?

³ See <https://www.bbc.co.uk/sounds/play/p07hstm9>. The interview is about 11½ minutes in to the programme, and lasts about 12 minutes.



The Charity Commission guidelines⁴ require us to take our concerns to you before we can raise a formal complaint with them. We therefore seek an urgent response, which can be emailed to me at chairman@focf.org.uk. If we are not satisfied by the responses that we receive that the Trustees are acting lawfully, and in the best interests of the people of Leicester and Leicestershire (rather than in the interests of the Nominating Bodies), then we will be making a formal complaint to the Charity Commission; our current intention is to make this decision on September 27.

Yours Sincerely

Paul Day
Chairman,
Friends of Charnwood Forest.

PTM 11 Sep 2019

⁴ See <https://www.gov.uk/government/organisations/charity-commission/about/complaints-procedure>

