

From: Sima Fenton Sima.Fenton@scouts.org.uk 
Subject: RE: Japanese knotweed on our HQ boundary
Date: 16 August 2017 at 17:22
To: julian.crofton@kalulu.com



Dear Julian

Thank you for your message and please accept our sincere apologies for the delay in responding. We have been short-staffed over the past few months due to staff leave which can have an impact as the department consists of only one solicitor, one Legal executive and an administrative assistant.

As you will be aware, due to the logistics (see further information below) we are only able to provide general advice to members/scout units and it may be that this matter requires more detailed advice from a locally appointed if the need ever arose. However, we hope the following nevertheless assists.

We note that title to the freehold land is held by the Scout Association Trust Corporation (SATC) as a Custodian Trustee on behalf of the group. As you will be aware, as a Custodian Trustee, the SATC does not have any responsibility for running the group, its land or its affairs as these matters remain a matter for the Charity Trustees i.e. the Executive Committee. From your email, it seems that the Executive are doing all they can in accordance with the guidance - to treat the said knotweed. The group could also check its land/buildings insurance with the relevant provider.

With regard to liability it is very difficult to advise on this aspect in any detail because the query is speculative and also 'causation' of the knotweed will be a big factor. As you say, there is evidence that the knotweed may have originated from council owned land - plus the group is doing all it can to treat it on their land (i.e. not just ignoring the issue). In any case, by way of general advice, if there was any liability fully proven and arising then such liability would need to be paid from either the group's insurance (if/where covered) or primarily thereafter through the charity funds. If the charity funds were insufficient then liability may pass onto the individual trustees but this is an extremely rare occurrence, especially where the trustees have acted properly and not negligently. If charity trustees are accused of acting in breach of trust (also a very rare occurrence), then there is also a Trustee Indemnity Insurance provided by the Association for all local trustees which may be applicable. However, this is not a matter handled by us here in the legal dept and is handled by

is not a matter handled by us here in the legal dept. and is handled by Scout Insurance services Limited (Unity Insurance). Therefore, the group would need to contact them directly for advice. However, by way of general observation, I am aware from past matters that such insurance is intended to cover trustees for actions where 'breaches of trust' (as opposed to general litigation etc) are cited. However, if required, you should check this with Unity Insurance directly as it is a technical area not within our expertise.

We hope the above helps for now and bby way of assistance, I also take this opportunity to provide some standard information regarding the role of the SATC and our Legal Services Department.

Role of the SATC

The SATC is a company created to hold title to land as a Custodian Trustee on behalf of scout units. Although initiated by The Scout Association, the SATC is not owned or controlled by the Association and has its own separate Board of Directors. The aim of the SATC is to take the burden from scout units having to find individual local 'Holding Trustees' to hold title to their land whilst also ensuring continuity and ease of administration. The SATC holds approximately 5,000 properties in this way.

It must be stressed that as Custodian Trustee the SATC cannot and does not have any responsibility for the management of the Group or its premises/land (including making any decisions regarding the land): this remains the responsibility of the Executive Committee of the said scout unit - also referred to as the 'Managing' or 'Charity' Trustees. However, the SATC is a signatory to any substantive transaction relating to the scout unit's land and can only undertake this where matters/documentation comply with charity and other laws. Please note, the SATC requires that certain standard clauses confirming its role are inserted wherever necessary.

Role of our Legal Services Department

As well as acting as solicitor for HQ and the Scout Association Trust Corporation "SATC" (which holds title to approx. 5,000 properties), we also deal with all other general legal queries from members/scout units to HQ. Therefore, due to the logistics involved, we are only able to provide general legal advice to members/scout units and will of course assist as far as possible in this regard. Fortunately, most issues do get resolved this way. However, where more detailed assessment is required or there are any doubts about the legalities involved, we advise members to consider

instructing a local solicitor. Overall, obtaining detailed legal advice in most property matters is always advisable and, in many cases accruing such legal costs will be unavoidable for scout units from the onset e.g. in sales or purchases of land or perhaps where any court proceedings are already underway. In other matters, we encourage that if possible all attempts are made to resolve matters quickly and amicably with a view to avoiding any undue legal costs arising.

Thank you for your assistance.

Regards
Sima

Mrs S Fenton
Head of Legal Services, The Scout Association
Secretary, The Scout Association Trust Corporation (SATC)
Web: www.scouts.org.uk **Email:** Sima.Fenton@scouts.org.uk
Join the adventure at www.scouts.org.uk/join



From: Julian Crofton [<mailto:julian.crofton@kalulu.com>]
Sent: 08 August 2017 11:44
To: Trust Corporation <Trust.Corporation@scouts.org.uk>
Cc: Doug Home <doughome@icloud.com>; Petra Hardie <petrahardie@yahoo.co.uk>
Subject: Fwd: Japanese knotweed on our HQ boundary

Good Morning,

This was sent a month ago. Would someone be able to give us some advice?

Thank you.

Best Regards,

Julian Crofton
Group Chairman

1st Sunningdale Scout Group
01344 621179 & 07802 207020

Begin forwarded message:

Begin forwarded message.

From: Julian Crofton <julian.crofton@kalulu.com>
Subject: Japanese knotweed on our HQ boundary
Date: 10 July 2017 at 10:30:26 BST
To: Trust Corporation <trust.corporation@scouts.org.uk>

Good Morning,

In the last few weeks we have found and started to treat a Japanese knotweed plant that has been identified on the boundary between our HQ and our immediate neighbours in No7 High Street, Sunningdale. The committee are concerned about our responsibilities and liabilities in light of advice from the Environment Agency, [how to control and dispose of Japanese knotweed](#), and our neighbour is particularly concerned about the effect of knotweed on property prices. Please would you advise?

We are in close contact with our neighbour who have a son in Scouts and whose mother has joined the Group Committee as our waiting list coordinator. We will be giving them a key to the HQ so that they can see &/or treat the knotweed on our side whenever they see fit.

The plant on our boundary has had a few shoots on both sides of the fence between our two properties and these have been cut back on both sides and treated with two different weedkillers suitable for knotweed. For the moment these treatments seem to be effective but we expect to wait some time before we know that the plant has been eradicated. I have attached a photograph of the current state of the plant on our side.

It seems likely that the plant on our boundary has come from a plant on the verge of the High Street roughly on the boundary of the two properties although there are no other knotweed plants between the verge and the plant on our boundary. The borough council are aware of the roadside plant and have assured us and our neighbours, in a meeting, that it is due to be treated. I have attached the council's response to the 'Fix It' form submitted to the council. From discussions with the parish council it appears that the roadside plant has been known for somewhere around ten years.

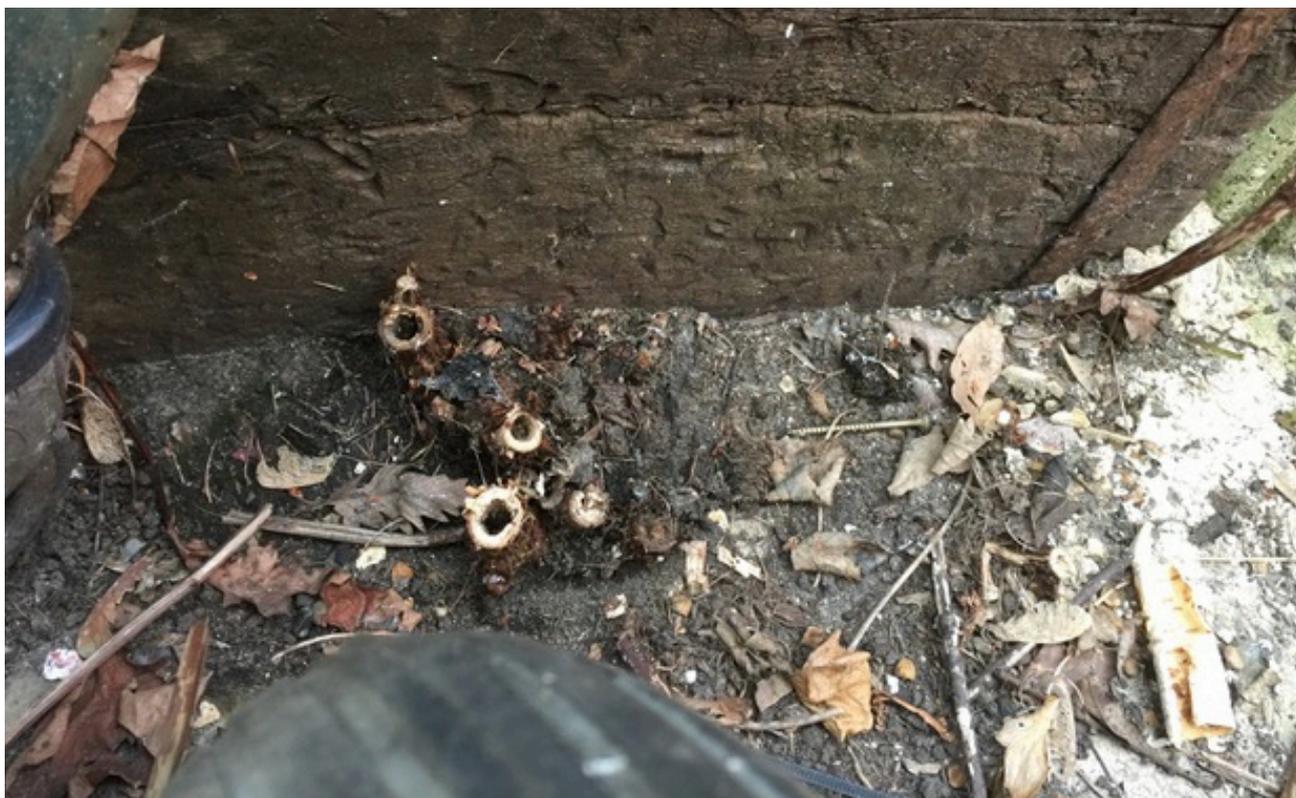
Please could you advise us on the group and our personal responsibilities and liabilities and advise if there is anything more we should be doing to control and eliminate this threat.

Best Regards,

Julian Crofton
Group Chairman

1st Sunningdale Scout Group
01344 621179 & 07802 207020





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