

**From:** Ian Geering  
**Sent:** 29 November 2021 09:04  
**To:** [trevor.beattie@southdowns.gov.uk](mailto:trevor.beattie@southdowns.gov.uk)  
**Subject:** From Ian Geering QC - the Steep Allotments

Dear Sir,

This is the first of two emails containing the result of an investigation into the conduct of the Steep Parish Council in relation to the Steep Allotments: you will see that this is based almost entirely on documentary material. Please acknowledge receipt of the two emails

The attachments were submitted in July 2021 to, and read by, the First Tier Tribunal. All the materials sent by me to the Tribunal were sent also to the Charity Commission. On the 17 November 2021, the Tribunal handed down its decision which ruled: "I conclude that, as a matter of fact, Mr Geering's appeal was against the Charity Commission's letter dated 15 June 2021 (communicated by email). That email is not a decision under section 69 of the Charities Act 2011 and is not otherwise a decision listed in Schedule 6 to the Charities Act 2011. I conclude, therefore, that there is no right of appeal to this Tribunal against that letter. Therefore, and pursuant to rule 8(2)(a) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 I strike out the appeal". This meant that the underlying matters of complaint against the Commission and Steep Parish Council were not the subject of a hearing.

You will see, from the material attached to the two emails, the profound difficulty which I, a beneficiary of the trust which Steep Parish Council held as trustee and a resident of Steep, had in obtaining documents and information from Steep Parish Council. This reluctance on the part of the Steep Parish Council must be read in conjunction with its refusal to comply with the obligations set out by the Information Commissioner (to be found at [ICO lo What should be published? Minutes and agendas](#)) which includes the following:

"As a general rule, a public authority should publish the following on a routine basis:

- minutes and agendas of public meetings;
- documents it is required to make public by other legislation, such as the Local Government Act 1972;
- minutes of senior-level policy and strategy meetings, eg board meetings; and
- any background documents which are referred to in the agenda or minutes, or were circulated in preparation for the meeting. These are considered part of the agenda".

This intentional omission to comply with these obligations has been raised by residents but the Council has refused to remedy the matter. The important information concerning the Steep Allotments contained, in particular, in the background documents has wrongly been kept from the people of Steep: in my case, my request for this and other material under the jurisdiction of *O'Rourke v Darbishire* (1920) AC 581 as explained by Lord Walker in *Schmidt v Rosewood Trust Ltd* [2003] UKPC 26 was consistently refused.

The South Downs National Park now has the documents which have been submitted to the Tribunal and the National Park knows now what happened to the Church Road allotments from 1998 onwards. As is set out in paragraph 18 of the Legal Submissions: "but for the fraud, the land would still have remained the property of the plaintiff". The principle on which the court proceeded ... was that "equity will not permit any person ... to hold a benefit [derived by fraud] *as against the person who, but for the fraud, would be entitled*"; and in paragraph 22 of the same document: 'But for the unconscionable conduct (described in the Statement of Case and here) on the part of Steep Parish Council, the land at Church Road would have remained designated for the purpose of providing allotments and would still have remained within the beneficial ownership of the residents

of Steep and the residents of Steep would still have the right to have a lease of a vacant plot at Church Road upon requesting'.

I ask you to take no action, make no decision and give no approval which in practice might further the fraud of which complaint is made in the Statement of Casse and the Legal Submissions.

I have sent all this material to Steep Parish Council saying "If you find that there are some inaccuracies, I would be pleased to receive documentary material showing such inaccuracies".

I look forward to receiving a reply from you.

Yours faithfully,

Ian Geering QC