



# Miller v Charity Commission

Ryan Tang

## Overview

Ryan Tang, instructed by the Legal Services team at Ealing Council, successfully defended the London Borough of Ealing ("Ealing"), acting as a trustee, in an appeal brought by two local residents against the Charity Commission's cy-pres scheme authorising the redevelopment of Ealing Victoria Hall. This Appeal was the latest legal challenge brought against the proposed redevelopment. In an earlier Appeal heard in 2023, the First-Tier Tribunal held that a cy-pres occasion had arisen, but found that the terms of the Commission's original cy-pres scheme made in 2021 failed to contain adequate safeguards, and ordered the Commission to make a new scheme.

The Appellants appealed against the revised scheme on the grounds that its terms were insufficiently precise, and that the governance arrangements proposed by the Council were inadequate. The appeal was dismissed by the Tribunal in full. This permits the long-delayed redevelopment of the Ealing Town Hall complex to finally proceed, safeguarding this historical Grade II listed building for future generations whilst delivering significant economic benefits for the Borough.

## Practical Implications

In 2019, Ealing Council entered into an agreement for lease with a property developer to redevelop the historical Ealing Town Hall complex into a hotel. Under this redevelopment, the developer would assume responsibility for refurbishing and maintaining the Victorian Town Hall complex. Members of the local community would retain the right to use public spaces within the Town Hall, including the Victoria Hall – a multi-purpose community hall completed in 1888 and opened by the future King Edward VIII. The Victoria Hall has been held on a charitable trust by the Council as sole trustee since its opening.

To permit the redevelopment of the Town Hall to proceed, the Council (acting as trustee of the Victoria Hall Trust) applied to the Charity Commission for a cy-pres scheme. The Commission's original cy-pres scheme made in 2021 was successfully challenged by a group of local residents, and a revised scheme was duly drawn up by the Commission in 2024. This revised scheme took into account the findings of the First-Tier Tribunal and Upper Tribunal in the proceedings involving the original scheme in 2023.

As a result of this protracted litigation, the redevelopment of the Town Hall has stalled since 2019. In the interim, the Town Hall complex was closed to the public due to serious health and safety concerns in 2023. This also deprived the Victoria Hall Trust of its sole source of revenue from rental fees for the hire and use of the Victoria Hall. Without any revenue stream or financial reserves of its own, there was no prospect of the Trust funding the expensive repairs necessary to modernise the Hall in compliance with health and safety standards, such that it can be reopened for public use.

The dismissal of the present Appeal removes the final legal barrier to the redevelopment of Ealing Town Hall, allowing the long-stalled redevelopment to proceed. Ealing Council, as trustee of the Victoria Hall Trust, will now be able to secure the best possible terms for the local community when finalising the terms of the lease over the Victoria Hall that is to be granted to the developer. These terms will include a robust Community Use Protocol which ensures that members of the local community can continue to hire the Victoria Hall at subsidised rates in the future. The developer, and not local taxpayers, will be financially responsible for the costs of refurbishing the Victoria Hall. The redevelopment will thus safeguard a much-beloved community asset for future generations without straining Council resources, whilst simultaneously ensuring that local residents can continue to use the Victoria Hall for generations to come.

## The Decision

The Tribunal dismissed the Appeal in its entirety. Specifically, it held that:

1. In objecting to the 2024 Scheme, the Appellants had failed to take into account the financial position of the Victoria Hall Trust. No source of funding had been identified for the Appellants' proposals to restructure the Trust, and incurring further costs to do so would not be in the best interests of the Trust's beneficiaries as it would further delay the redevelopment of the Town Hall: [38].
2. As sole trustee of the Victoria Hall Trust, Ealing Council had rightly taken steps to implement the 2024 Scheme by establishing the independent Advisory Committee to progress matters whilst putting in place an independent governance framework for the Trust: [39].
3. Ealing Council was bound to implement the recommendations of the Advisory Committee, and there was no basis for a finding that the Committee lacked independence, or that the Council had failed to ensure its independence: [40]-[42].
4. The Community Use Protocol in the 2024 Scheme was sufficient to protect the interests of the Victoria Hall Trust, particularly as the Appellants had failed to specify why or how they wanted to amend its terms: [43].
5. Given that both the Charity Commission and Ealing Council had expressly confirmed that the original 2019 Agreement for Lease has not been consented to by the Commission, the Appeal was misconceived and stood to be dismissed: [44]-[47]. As a result of this Decision, the Victoria Hall Trust can now embark upon the process of renegotiating the Agreement for Lease such that its terms will comply with the Commission's requirements, allowing the redevelopment of the Town Hall to proceed.

## Case Details

- Court: First-Tier Tribunal
- Judge: District Judge Worth, Tribunal Members Freeman and Wolf
- Date of judgment: 25 November 2025



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Call: 2022 (Solicitor 2021)