

CHARITIES COMMITTEE

**Meeting held in the Committee Room, Council Offices, Urban Road,
Kirkby-in-Ashfield,**

on Thursday, 7th February, 2013 at 6.30 p.m.

Present: Councillor K. Barsby, in the Chair;
Councillors A. Davidson, L.M. Gibbons and K.A. Morrison.

Apology for Absence Councillor M. Coppin.

Officers Present: Mrs. R. Dennis, C. Hazard and P. Talbot.

CC.1 Declarations of Disclosable Pecuniary and Non Disclosable Pecuniary/Other Interests

There were no declarations of interest made.

CC.2 Minutes

RESOLVED

that the minutes of the meeting of the Charities Committee held on 15th March, 2012, be received and approved as a correct record.

CC.3 Teversal Community Centre and Recreation Ground Trust ["Teversal Grange"] Charity Number 522310

The Strategic Projects and Trust Development Manager presented the report and reminded Members that a number of issues concerning the governance of this Charity had been ongoing since the last meeting. The report highlighted the main areas of progress in relation to the following:-

Teversal Grange Country Inn

Following the decision taken at the last meeting of the Committee the efforts of officers had been concentrated on the re-letting of the Inn. The Lease had been surrendered on the payment of all outstanding rent and the Council had authorised the Service Director, Economy, in consultation with the Chairman of the Charities Committee to proceed to let the Inn on the best possible terms for the Trust. Seven enquiries about the possibility of taking over the Inn, including one from the Teversal Football Club, had been received and discussions had been held with two firms of surveyors to ascertain if there were any active pub chains looking to expand into the area who would be interested in leasing the Inn.

The business cases of two interested parties were evaluated by officers and a decision taken by the Service Director, Economy, in consultation with the Chairman of the Charities Committee, on 8th August 2012. The new lessees have subsequently been in occupation of the premises since that time.

Teversal Football Club

Work was continuing with the Club on a number of developments and improvements including the provision of technical support for physical improvements.

The Club had applied for further grant funding and a letter of support from the Council was included in the report for Members information.

Teversal Cricket Club

The Council continued to work with the Club on the provision of a tea room and associated facilities. Planning permission had recently been granted and some preparatory ground works had been undertaken with the assistance of the Community Payback Scheme. The Club had also prepared an application for grant funding which was currently being reviewed and amended by the Trust. A letter of support from the Council had also been provided.

Teversal Grange Bowls Club

The bowls club continued to make improvements, including an extension to the rink irrigation system.

Charity Commission

The Trust accounts for the financial year 2011/12 had been prepared and audited and had been submitted to the Charity Commission as required.

Grant Funding

The Strategic Projects and Trust Development Manager informed Members that most grant funders wished to see the applicant have some significant security of tenure, usually in the form of a lease. The granting of a lease guaranteeing security of tenure, especially for exclusive use of the land by the applicant, could be contrary to the individual charitable aims of the charity as the Trust purpose required use of the facilities by the “inhabitants of Teversal, Stanton Hill, Skegby and the neighbourhood thereof” and thus envisaged an element of general public use. One of the ways in which security of tenure could be demonstrated was for the Trust (the Council as Trustee) to apply jointly in partnership with the club and for the Trust to be the lead partner. This would require officers to sign grant applications on behalf of the Trustee

and, if successful, to receive and control grant monies awarded. Accordingly, the Strategic Projects and Trust Development Manager suggested that the Terms of Reference be amended to accommodate this requirement.

RESOLVED that

- (a) the actions taken in regard to the Teversal Grange Country Inn be noted;
- (b) the minutes of the meetings of the Teversal Grange Advisory Committee held on 18th April, 11th July, 8th August, 10th October and 20th November, 2012, be noted;
- (c) no action be taken on the suggestion of a wider review of the powers and membership of the Advisory Committee for the following reasons:
 - (i) the Committee is content with the description of the Advisory Committees's role as set out in the Trust's Constitution;
 - (ii) the Committee is keen to ensure it is responsible for overseeing the running of the Trust in light of the recent difficulties, both to ensure compliance with charity law and financial robustness;
 - (iii) the Advisory Committee's opinions and requests are adequately brought to the attention of the Charities Committee via officers, consideration of its minutes and also via the three elected members who are appointed to the Advisory Committee;
- (d) the progress made by the Trust in respect of the work with the football club, the cricket club and the bowls club be noted;
- (e) the submission of the Trust accounts for the financial year 2011/12 to the Charity Commission, be noted;
- (f) officers be instructed to investigate alternative options for the long term aims and vision of the Council in relation to the Trust for future consideration;
- (g) a site visit to Teversal Grange be arranged for Members of this Committee, to take place in April/early May, 2013;

Reasons:

1. To ensure relevant charity law is complied with.
2. To ensure the Charity is efficiently and effectively managed in furtherance of the Charity's purposes.

CC.4 Charities Committee – Revised Terms of Reference and Delegations

The Assistant Chief Executive (Governance) and Monitoring Officer reminded Members of the Committee's remit which was "To deal with all matters concerning the

day to day management and administration of the Charities for which the Council is the sole Trustee”.

The Committee’s role was to assist the Council as Trustee in:-

- (i) ensuring compliance with Charity Law and reduce the risk of breaches of what is wide-ranging and complicated legislation;
- (ii) maintaining control over the Trusts;
- (iii) acting within the purposes of the Trusts;
- (iv) ensuring that management of the Trusts focuses on their best financial interests;
- (v) allowing day to day decisions to be taken without the need to report to Council.

The Committee had become concerned that elements of the existing terms of reference did not enable swift action to be taken in certain situations because of the need to refer matters for approval to the Council. Accordingly, it had recommended to Council, subsequently approved on 15th March, that:

“the Monitoring Officer be instructed to review the terms of reference of Council, Charities Committee and delegations to Officers in respect of charity matters and report back to the next meeting of the Charities Committee.”

Members were now asked to consider revised terms of reference and scheme of delegation for the Charities Committee and recommend their approval by Council.

RESOLVED

the revised terms of reference and scheme of delegation as set out in appendix B of the report be agreed and referred to the next meeting of the Council for approval with additional wording as follows:-

- Fundraising, save as set out below in terms of grant funding applications, but including acceptance of successful grant funding bids.

The meeting closed at 7.29 p.m.

Chairman.