

Charitable Trust Board

Date: Wednesday, 29th January, 2020

Time: 2.30 pm

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Councillor Paul Crossley (Chair), Councillor Rob Appleyard, Councillor Paul Myers, Councillor Mark Roper and Councillor Joanna Wright

Chief Executive and other appropriate officers
Press and Public



Marie Todd

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 394414

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the Guildhall - Bath.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings: -**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Charitable Trust Board - Wednesday, 29th January, 2020

at 2.30 pm in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out on the Agenda.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTION

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared under the Access to Information provisions.

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

7. MINUTES OF THE MEETING OF 11 JULY 2019 (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 11 July 2019.

8. ALICE PARK TRUST (Pages 9 - 14)

At the meeting of the Charitable Trust Board held on 11 July 2019, members considered a report detailing a proposal from a third party to transfer responsibility for the Alice Park Trust (as sole corporate trustee) to an independent community led initiative. The Board is asked to consider the attached report.

9. ALICE PARK TRUST SUB-COMMITTEE - ANNUAL REPORT (Pages 15 - 18)

The Board is asked to note the Annual Report of the Alice Park Trust Sub-Committee.

10. DRAFT ANNUAL REPORT TO COUNCIL FROM THE CHARITABLE TRUST BOARD (Pages 19 - 28)

The Charitable Trust Board is asked to consider and comment on the draft annual report. Once finalised the report will be submitted to the next appropriate Council meeting.

11. DATE OF NEXT MEETING

To consider the date of the next meeting. Possible dates identified are:

Tuesday 7 July 2020
Wednesday 8 July 2020
Wednesday 15 July 2020
Tuesday 21 July 2020
Tuesday 28 July 2020

The Committee Administrator for this meeting is Marie Todd who can be contacted on 01225 394414.

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF CHARITABLE TRUST BOARD MEETING

Thursday, 11th July, 2019

Present: Councillors Rob Appleyard, Paul Crossley, Paul Myers and Joanna Wright

Apologies for absence: Councillor Mark Roper

1 ELECTION OF CHAIR

RESOLVED: To elect Cllr Paul Crossley as Chair of the Charitable Trust Board.

2 ELECTION OF VICE-CHAIR (IF REQUIRED)

No Vice-Chair was required at this time.

3 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

4 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

5 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies for absence were received from Cllr Mark Roper.

6 DECLARATIONS OF INTEREST

There were no declarations of interest.

7 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair informed members that there was one item of urgent business regarding the Charity of Frances Georgina Cooke (charity no. 266101) re 4 The Circus, Bath. The reason for urgency was the need to nominate additional trustees to support the charity as soon as possible.

Stephen Bird, Head of Heritage Services, explained that the charity requires four trustees and that three trustees are required for a quorum. There is currently only one trustee. The Council is not a sole corporate trustee of this charity and trustees do not have to be councillors.

The Heritage Team have now moved out of the building at 4 The Circus and the Bath Spa University fashion and design courses will be moving out in September. There is currently no lease arrangement in place and Trustees are required to decide the future and possible disposal of the building. A number of options for the building

have already been considered and if there were an organisation willing to take it on then this could be discussed by Trustees.

RESOLVED: To request the Head of Heritage Services to advertise the vacancies and to appoint three Trustees to the Frances Georgina Cooke charity in consultation with the Chair of the Charitable Trust Board.

8 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

Mr Graham Page submitted some questions and made a statement regarding item no. 10 on the agenda, the proposal to review an alternative delivery of the objects of the Alice Park Trust. Mr Page raised concerns regarding the increasing separation of the Council and the Trust. In particular he had concerns relating to officer support for technical and administrative functions, risk management, health and safety and event management. He also highlighted the need for the Trust to generate additional funding as it became more independent. A copy of the questions, responses and statement is attached as Appendix 1 to these minutes.

9 MINUTES OF THE PREVIOUS MEETING

RESOLVED: To approve and sign the minutes of the previous meeting held on 14 December 2016.

(Note: None of the current members of the Charitable Trust Board were present at the previous meeting; however, a member of the public who was present stated that they were an accurate record).

10 PROPOSAL TO REVIEW AN ALTERNATIVE DELIVERY OF THE OBJECTS OF THE ALICE PARK TRUST

The Board considered a report by the Director of Environmental Services. The report gave details of a proposal which had been received from a third party in relation to transferring responsibility for the Alice Park Trust (as sole corporate trustee) to an independent community led initiative.

It was noted that there was a risk that asset liabilities may be overlooked if the Trust/Council roles are misunderstood corporately. It was possible that the Council may not discharge its Duty of Care liabilities if the site was not managed properly and this could become a reputational risk.

Mr Derek Swift and Mr Sam McGuire presented their proposal for the structure and management of the Alice Park Trust Charity to the Board. The following points were raised:

- The park is now being used more frequently and there is already community involvement. However, the average user would feel that it is a Council park when, in fact, the park was left in trust to the people of Bath.
- The current structure for management of the park has not fully addressed this issue. The proposal put forward would ensure a clear separation of roles and

would give clarity. New Trustees would be identified and funds to support the park could be raised by legacies, gift-aid and sponsorship.

- There were opportunities to obtain support from the local community who could become more involved with the management of the park. A “Friends of Alice Park” scheme could be introduced whereby people would pay a nominal amount of money to become a “friend”.
- The proposal would introduce a framework for taking the Alice Park back to a model that more closely resembles Mr McVicar’s original vision for the park by giving it a structure that enables it to once more be run by “The Mayor, Aldermen and Citizens of Bath.” This would offer a positive reputational gain and save officer time.
- The intention was not to run large events or to commercialise the park.
- The proposals were in line with the Bristol and Bath Parks Foundation which is looking at new models and approaches to managing parks and green spaces. This would also address the pressures on public finances and all public resources. A charity is also able to access funding opportunities that the Council cannot.
- Sam McGuire explained that he had experience of running large scale business entities and Derek Swift was a Chartered Accountant who also ran his own business. He pointed out that local expertise could be used to push this project forward and noted that Larkhall is a strong and active community. It was also noted that, under current arrangements, only councillors can vote rather than local people or park users.

The Board then discussed the following issues:

- The current situation means that some people are running activities in the park but none of the money raised is going to the Alice Park Trust.
- Cllr Appleyard pointed out that the local expertise can still be harnessed under the current arrangements. To avoid putting extra pressure on officers they do not need to attend all meetings of the Trust but can be requested to attend only when necessary leading to a “lighter touch” arrangement. The current voting arrangements could also be reviewed to widen voting rights if this was legally and constitutionally permissible.
- Michael Hewitt, Legal Services Manager, explained that there was no legal requirement for the Council to be a trustee of the park. If responsibility was handed over to another body then this would reduce the impact on the Council.
- Cllr Appleyard questioned whether the benefit should be to the Council or to the park. He noted that there could still be a “Friends of Alice Park” scheme if the Council retained responsibility.

RESOLVED:

- (1) To review the options for governance and/or the Terms of Reference for the Alice Park Trust Sub-Committee to ensure that these are fit for purpose.
- (2) To ask officers to investigate the proposal submitted by a third party and to report back to the Charitable Trust Board with conclusions and recommendations on the sustainability of and merits and risks of the proposal.

(3) To receive a report at the next Charitable Trust Board meeting giving a full review of both options and processes.

11 REPORT TO CONSTITUTE THE ALICE PARK TRUST SUB-COMMITTEE

The Board considered a report by the Legal Services Manager which asked members to consider the membership of the Alice Park Trust Sub-Committee in accordance with its terms of reference.

RESOLVED: To appoint Cllrs Rob Appleyard, Paul Myers and Joanna Wright to the Alice Park Trust Sub-Committee.

The meeting ended at 1.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Charitable Trust Board
MEETING/ DECISION DATE:	29 January 2020
TITLE:	Alice Park Trust
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
List of attachments to this report: N/A	

1 THE ISSUE

1.1 At the meeting of the Charitable Trust Board (CTB) held on 11 July 2019, the Board considered a report detailing a proposal from a third party to transfer responsibility for the Alice Park Trust (as sole corporate trustee) to an independent community led initiative.

1.2 The CTB resolved to:

- review the options for governance and/or the terms of reference for the Alice Park Trust Sub-Committee to ensure that these are fit for purpose.
- to ask officers to investigate the proposal submitted by a third party and to report back to the CTB with conclusions and recommendations on the sustainability of and merits and risks of the proposal.
- to receive a report at the next CTB meeting giving a full review of both options and processes.

2 RECOMMENDATION

2.1 To note and consider the report

2.2 To agree the future delivery model for Alice Park

2.3 Request that Officers work with the local community to develop the existing volunteering arrangements in to a formal 'Friends of Alice Park' group. The aim

of which is to achieve greater community engagement and involvement, in line with the successful arrangements at other parks, eg Henrietta Park.

3 THE REPORT

3.1 Three options for future governance have been identified:

- Retain Sole Trusteeship
- Share the Trusteeship Jointly with Independent Trustees
- The Council withdraws from the Trusteeship in favour of the proposed 'Company Limited by Guarantee' (as submitted by the third party and discussed at the CTB on 11 July 19)

3.2 The advantages and disadvantages of each model are outlined in the table below:

Option	Advantages	Disadvantages
<p>Sole Trusteeship</p>	<p>Governance:</p> <ul style="list-style-type: none"> • the Council remains solely liable for its actions and not the actions of others • This option maintains the status quo and is the lowest risk <p>Finance:</p> <ul style="list-style-type: none"> • the Park retains its current support from the Council (maintenance provided by the Parks Department), the Council continues to subsidise the Trust income to cover costs • The alignment to the Council creates the opportunity for further investment where appropriate through the Councils' Capital Programme 	<p>Governance:</p> <ul style="list-style-type: none"> • the Council officers and members are unfamiliar with charitable legislation and it risks inadvertently acting in breach of Trust through lack of familiarity with that legislation • the power of the Council to delegate its sole corporate Trusteeship using Committees and sub-committees under the Local Government Act 1972 could compromise flexible decision making given that it is not possible to call a meeting of the sub-committee at short notice • It is possible to co-opt local and independent members; however, Local Government legislation does not permit those co-opted members to have voting rights. <p>Finance:</p> <ul style="list-style-type: none"> • the Alice Park Trust does not become financially independent from the Council with a reliance on the Park being maintained and supported as if it was a Council owned Park • The Cost of internal officer time in providing administrative etc support to the Park and APTSC

Option	Advantages	Disadvantages
Shared Trusteeship	<p>Governance:</p> <ul style="list-style-type: none"> the Council shares liability for the actions of the joint trustees and this provides a voice and vote for the individuals jointly appointed with it <p>Finance:</p> <ul style="list-style-type: none"> the financial benefits remain as per the Sole Trusteeship arrangements above 	<p>Governance & Finance:</p> <ul style="list-style-type: none"> although responsibility is shared the Council is always likely to be perceived as the main voice of the Trust and given its financial standing it will always be expected to finance the trust if in financial difficulty or in the event of any claim. This type of joint arrangement is not favoured by the Charity Commissioners
Company Limited by Guarantee	<p>Governance:</p> <ul style="list-style-type: none"> the Council absolves itself of any further liability save for any contractual commitments it agrees to assume e.g. Grounds Maintenance It removes the cost of administering the Trust via a sub-committee in accordance with Local Government Act requirements More agile decision making and responsive to the needs of the members of the community that are the intended beneficiaries of the Trust The ability of the Trust to access funding streams that the Council is unable or unlikely to be able to access because of its role as Sole Corporate Trustee <p>Finance:</p> <ul style="list-style-type: none"> Additional revenue income streams may be realised through sponsorship, donations and membership schemes Advisory and administrative support from newly formed trustees and / or corporate sponsors at no charge (pro 	<p>Governance:</p> <ul style="list-style-type: none"> Based on the proposals the Council will have a diminished voice in the decisions taken by the Trust In the event that the Trust cannot finance itself over the long term the potential expectation that the Council would need to resume its' status as funder of last resort <p>Finance:</p> <ul style="list-style-type: none"> Loss of Council (not re-charged) support including, IT systems including financial ledger, Trust administration provided by Democratic services and legal advice and support may result in additional unfunded costs Transition costs including set up of revised governance, bank account, legal agreements with the Council for on-going support There will continue to be a reliance on the Council to subsidise the park through its revenue budgets for annual maintenance Risk around long-term sustainability of the arrangement, should key individuals within the community, eg move away

Option	Advantages	Disadvantages
	bono) <ul style="list-style-type: none"> • Reduction in Council officer time following the transition into the new charitable status 	

3.3 Company Limited by Guarantee

The council has undertaken its' own financial assessment/projections regarding the third- party proposal to create a Company Limited by Guarantee.

3.4 Under the proposed new management arrangements annual costs will be covered from income raised. The proposal details estimated **surplus** for the next three financial years of £1,498, £5,592 and £6,092. The council's projections for the same period forecast annual budget **deficits** of £22,636, £22,923 and £23,709 per annum.

3.5 The key assumptions contained in the new management proposals are as follows:

- That the grounds, play and tree works will be continued by the Council with no charge to the Trust. In 20/21 this represents £22,274 of expenditure to the Council and would be re-charged. There is an argument that these services could be procured outside the Council. There would be a cost to deliver these services.
- The public convenience contract assumption is that the Trust can negotiate a reduction of over 50% on current contracted levels (potential again to use another supplier). This contract is currently structured to cover all Council conveniences. The Council has assumed that these costs will continue.
- The Council has no budget for other maintenance costs, any incurred are charged to the Trust. This arrangement would continue.
- The proposed increase in annual rent charges at the end of one of the current lease arrangements could increase under both the 'Sole Trusteeship' or 'Company Limited by Guarantee' arrangement. The Council's current budget assumes no growth; however, this could be reviewed.
- Tennis court hire income is currently shared with xxxx (redacted) on the basis he collects the income on our behalf. Budget figures in the proposal are ambitious and rely on the tennis court facilities being invested in and regularly maintained. In addition, there is a move to on-line booking of facilities through the current council digital arrangements.

4. CONCLUSION & RECOMMENDATION

Following more detailed consideration of the third-party proposal, it is considered that the 'Sole Trusteeship' model remains the most sustainable.

It is recommended that Officers work more closely with the local community to secure greater involvement in the park.

Contact person	Mandy Bishop, Director of Environment Mandy_bishop@bathnes.gov.uk Tel: 01225 394019
Background papers	A proposal for the structure and management of the Alice Park Charity (April 19) – the paper considered at the CTB meeting held on 11/7/19
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Charitable Trust Board
MEETING/ DECISION DATE:	29 January 2020
TITLE:	Alice Park Trust Sub-Committee – Annual Report
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
List of attachments to this report: None	

1 THE ISSUE

- 1.1 The purpose of this report is to update the Charitable Trust Board on the work of the Alice Park Trust Sub-Committee during the past year.

2 RECOMMENDATIONS

- 2.1 The Charitable Trust Board is asked to note the report.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Expenditure incurred for Alice Park Trust in 2018/19 was £38,378; this was offset by income of £15,786.
- 3.2 The deficit of £22,592 has been subsidised from the Bath & North East Somerset Council Parks revenue budget, to ensure the Trust operates on a going concern basis. This is the same process that has been undertaken in previous years.
- 3.3 Net Assets of the Trust are valued at a cost of £189,734. Net assets include investments held, land at Alice Park, car park, cottage number one, tea chalet and storage shed, public conveniences, tennis courts, garden shelter and play equipment.
- 3.4 The accounts for 2018/19 have been prepared by the Council's Finance team and have been independently audited by the Audit West Team.
- 3.5 The accounts for the Trust are prepared on a cash basis, in line with reporting requirements and guidelines issued by the Charity Commission.

- 3.6 An annual report for the Trust has also been prepared for submission to the Charity Commission.
- 3.7 The park was open for public access throughout the year, including use of the tennis courts and tea chalet, and has been suitably maintained. The cottage property was let and the income used in the upkeep of the park.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The terms of reference of the Charitable Trust Board require it to receive an annual report from the Trust Sub-Committee after submitting any annual report to the Charity Commissioners.
- 4.2 The trustees, in making decisions surrounding the objectives and activities of the charity, have regard to the Charities Commission public benefit guidance when exercising any powers or duties to which the guidance is relevant.

5 THE REPORT

5.1 Meetings and Membership

- 5.1.1 The Alice Park Trust Sub-Committee has met twice since the last annual report. There were fewer meetings than usual in this period due to the local elections which took place in May 2019. This led to a change of membership.
- 5.1.2 The current membership of the Sub-Committee is:
- Cllr Rob Appleyard (Chair)
- Cllr Paul Myers (Vice Chair)
- Cllr Joanna Wright
- Graham Page (Independent member non-voting)
- 5.1.3 The term of office of Paul Hooper, the other independent member on the sub-committee, expired on 31 October 2019. The vacancy was advertised but no applications were received. It is hoped that a new member will be found shortly following further publicity in the local area.

5.2 Activities Undertaken

- 5.2.1 Last year the Trust was awarded CIL funding of £43k to provide two sections of additional paths to create connections and to allow circular travel around the park. This work has now been completed and the new sections of footpath have brought a huge benefit to park users with many positive comments being received.
- 5.2.2 A replacement flagpole has now been erected in the park. A flag will be flown at half mast on Alice MacVicar's birthday each year as required by the terms of the original conveyance

- 5.2.3 A new petanque area has been created resulting in an extended terrain with 4 lanes which is approximately 4m larger than the previous area. The Bath Grand Cru Petanque Club now intends to use the park as its base.
- 5.2.4 Working in conjunction with local volunteers, a new self-sustaining wildlife garden has been created in the pond area of the park. The volunteers organised and carried out the work and the Trust met the cost of materials.
- 5.2.5 Work is ongoing to finalise the lease for the tennis courts in the park which will be refurbished and then operated and managed by a third-party operator on behalf of the Council. In the interim the Trust has funded some remedial works to the tennis courts to improve the playing surface.
- 5.2.6 Work is also ongoing to finalise the lease for the skate park and it is anticipated that this will be constructed in time for the summer holiday season.
- 5.2.7 The Clerk has submitted applications for Charity Commission consent to both leases on behalf of the Trust.

6 RATIONALE

- 6.1 The Charitable Trust Board is required to receive reports from the Trusts listed in Schedule 1 of its Terms of Reference (for which the Council is sole corporate trustee).

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CONSULTATION

- 8.1 The Section 151 and Monitoring Officer have had opportunity to review and input into this report.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Marie Todd, Democratic Services Officer – Marie_Todd@bathnes.gov.uk 01225 394414
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Charitable Trust Board	
MEETING/ DECISION DATE:	29 January 2020	EXECUTIVE FORWARD PLAN REFERENCE:
		N/A
TITLE:	Draft Charitable Trust Board Annual Report	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Draft Annual Report – Appendix 1		

1 THE ISSUE

- 1.1 The purpose of this report is to provide an update to the Council on the work of the Charitable Trust Board during the past year.

2 RECOMMENDATIONS

- 2.1 The Charitable Trust Board is asked to consider and comment on the draft report attached as an Appendix. The report will then be submitted to the next appropriate Council meeting.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The implications are set out in the draft annual report.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The terms of reference of the Charitable Trust Board require it to submit an annual report to full Council.

5 THE REPORT

- 5.1 A draft annual report is attached as an appendix for comment and approval by the Charitable Trust Board.

6 RATIONALE

- 6.1 The Trust Board is required to provide an annual report to Council on the financial standing of each Trust and to update the Council on the work undertaken by each Trust in the preceding year.

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

8.1 The Section 151 and Monitoring Officer have had opportunity to review and input into this report.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Marie Todd, Democratic Services Officer – Marie_Todd@bathnes.gov.uk 01225 394414
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Council
MEETING/ DECISION DATE:	2020
TITLE:	Annual Report of the Charitable Trust Board
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report: Charitable Trust Board Terms of Reference	

1 THE ISSUE

- 1.1 The purpose of this report is to update the Council on the work of the Charitable Trust Board over the past year.

2 RECOMMENDATIONS

- 2.1 To note the report.
- 2.2 To agree that the Terms of Reference for the Charitable Trust Board be amended to remove the requirement to appoint an independent member.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The purpose of the Charitable Trust Board is to facilitate the management of the charitable trusts for which the Council is the sole trustee; independently, in accordance with their governing documents and in the best interests of the charity. Currently the only charitable trust which the Board oversees is the Alice Park Trust. This is managed by a Sub-Committee consisting of three voting members (elected members of the Council) and two independent non-voting members.
- 3.2 The Charitable Trust Board is satisfied that the finances of the charity are being managed adequately with the support of the Council's finance team. Its accounts and annual report will be submitted to the Charity Commission within the required statutory timescales.

4 THE REPORT

4.1 Meetings and Membership

- 4.1.1 The Charitable Trust Board has met twice in the last municipal year, in July 2019 and January 2020.

4.1.2 The current membership of the Charitable Trust Board is:

Cllr Paul Crossley (Chair)

Cllr Rob Appleyard

Cllr Paul Myers

Cllr Mark Roper

Cllr Joanna Wright

There is currently a vacancy on the Board for an Independent Member which has not been filled for some time. The Board only meets twice a year and there is not a sufficient workload for the independent member role to be a position in its own right. It is therefore proposed that the requirement to appoint an independent member to the Board be removed from the Board's terms of reference.

5.1 Activities Undertaken

5.1.1 The Charitable Trust Board is satisfied that the Alice Park Trust is:

- Being managed in pursuit of its charitable purposes.
- Financially solvent.
- Acting within the requirements of its governing documents.
- Dealing with its regulatory and public accountability obligations.

5.1.2 The Board also considered a request from a third party to transfer responsibility for the Alice Park Trust (as sole corporate trustee) to an independent community led initiative. The Board asked officers to prepare a report for consideration following a review of the governance arrangements for the Alice Park Trust Sub-Committee along with the merits and risks of a potential transfer of responsibility to a third party as compared to the current arrangements.

5.1.3 The Board considered a report regarding 4 The Circus, Bath and requested officers to appoint three Trustees to the Frances Georgina Cooke charity to fill existing vacancies.

5.2 Finances of the Alice Park Trust Sub-Committee

5.2.1 Expenditure incurred for Alice Park Trust in 2018/19 was £38,378; this was offset by income of £15,786.

5.2.2 The deficit of £22,592 has been subsidised from the Bath & North East Somerset Council Parks revenue budget, to ensure the Trust operates on a going concern basis. This is the same process that has been undertaken in previous years.

5.2.3 Net Assets of the Trust are valued at a cost of £189,734. Net assets include investments held, land at Alice Park, car park, cottage number one, tea

chalet and storage shed, public conveniences, tennis courts, garden shelter and play equipment.

5.2.4 The accounts for 2018/19 have been prepared by the Council's Finance team and have been independently audited by the Audit West Team.

5.2.5 The accounts for the Trust are prepared on a cash basis, in line with reporting requirements and guidelines issued by the Charity Commission.

5.2.6 An annual report for the Trust has also been prepared for submission to the Charity Commission.

5.2.7 The park was open for public access throughout the year, including use of the tennis courts and tea chalet, and has been suitably maintained. The cottage property was let and the income used in the upkeep of the park.

6 RATIONALE

6.1 Under its terms of reference the Charitable Trust Board is required to submit an annual report to the Council.

7 OTHER OPTIONS CONSIDERED

7.1 To appoint an independent person who currently carries out a similar role on another Council body (such as the Standards Committee) to the Board.

7.2 To advertise externally for a replacement independent person.

8 CLIMATE CHANGE

8.1 This is an internal matter, so climate change considerations are not relevant.

9 CONSULTATION

9.1 The Section 151 and Monitoring Officer have had opportunity to review and input into this report.

10 RISK MANAGEMENT

10.1A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Michael Hewitt, Legal Services Manager Email: Michael_Hewitt@bathnes.gov.uk Tel: 01225 395125
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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Terms of reference - Charitable Trust Board

The purpose of the Charitable Trust Board is to facilitate the management of the charitable Trust for which the Council is the sole trustee; independently, in accordance with their governing documents and in the best interests of the charity.

In respect of the charities listed in Schedule 1 the Charitable Trust Board shall have the following powers delegated to it.

The Role of the Board is to exercise the powers delegated to it for the management of the trust, namely;

- to manage the charity in pursuit of the charitable purposes,
- to manage the finances of the charity and ensure its solvency,
- to ensure the charity acts within the governing documents,
- to ensure the charity deals with their regulatory and public accountability obligations, and
- to identify and manage potential conflicts of interest.

In respect of the charities listed in Schedule 2 the Charitable Trust Board shall investigate the governing documents of each charity and recommend to Council the inclusion of any Charity suitable for incorporation into Schedule 1 and until such time as the Council decides to delegate its functions in respect of such Trust to the Charitable Trust Board it shall advise the Council as trustee on;

- the strategic direction of those Trusts,
- the financial resources needed to operate those Trusts;

The Charitable Trust Board shall, in respect of all Trusts, ensure compliance with the Charity Commission's registration and reporting requirements and periodically consider if Trust's assets could be consolidated and more efficiently /effectively used in conjunction with another Trust. Where appropriate it should consult on consolidation proposals with the Charity Commission and interested parties and make any recommendations for consolidation in its annual report to Council.

Decisions about requests for works to be undertaken, or events to be approved that fall outside of the Charitable Trust Board cycle shall be delegated to the Chair of the Trust Board in consultation with the Lead Officer.

Urgent works required under health and safety legislation shall be delegated to the Lead Officer to action promptly.

The Board will comprise:

- Five councillors
(to include the Cabinet member responsible for Community Services and at least one councillor who is not a member of the controlling group but who's appointment is determined by the controlling group), and

- One independent person with suitable skills, experience or interests to be appointed by the Board from applicants who wish to be considered following advertisement of the role.

The Board will elect a Chair and Vice-Chair. Decisions will be by a majority of the councillors present. Quorum will be three councillors.

The Board shall have the power to create a sub-committee for each charity listed in Schedule 1 to ensure that each charity shall be separately administered. Each sub-committee shall consist of at least 3 councillors and co-opted non-voting members consisting of the ward councillor(s) for the area where any land subject to the Trust is situated and any other non-voting members who may be able to assist it in its work. The Trust Board and each sub-committee shall undertake its duties through meetings as required and will meet at least twice annually.

In any meeting, the affairs of each Trust will be considered separately and in relation to the purpose and governing document of each Trust.

Each sub-committee will report annually to the Trust Board after submitting any annual report to the Charity Commissioners and the Trust Board shall thereafter provide an annual report to Council on the financial standing of each Trust and update the Council on the work undertaken by each Trust in the preceding year

Support for the Board and sub-committees as necessary will be provided through the relevant Council sections. Lead advisors will be identified for each charitable Trust in Schedule 1.

Schedule 1
Charitable Trusts for which the Council is sole trustee

The Alice Park
Free Fields (Rainbow Woods)

Schedule 2
Charitable Trusts for which the Council is responsible

Weston Recreation Ground
4, The Circus
Firs Field
Beechen Cliff
Backstones
Innox Park
Post Office Museum