

<b>The Recreation Ground Trust, Bath</b>	
Meeting:	Recreation Ground Trustees
Date:	18 July 2013
Title:	<b>Co-opted trustees</b>
Status:	An open public item
Appendices:	1. Declaration of eligibility for newly appointed trustees (CSD-1382)

## **1. Purpose of report**

- 1.1 To set out the requirements for appointing co-opted trustees and to outline a process for their recruitment.

## **2. The requirements for co-opted trustees**

- 2.1 The Scheme for the Recreation Ground specifies that, when complete, the trustee body will comprise;

- two trustees nominated by Bath and North East Somerset Council
- one trustee nominated by Fields in Trust
- one trustee nominated by Somerset County Playing Fields Association, and
- not less than three co-opted trustees.

- 2.2 Regarding co-opted trustees, the Scheme requires that:

- (1) When appointing co-opted trustees, the trustees must:
- (a) identify the skills or knowledge among its trustees the charity needs; and
  - (b) consider the extent to which appointees demonstrate the relevant skills or knowledge; and
  - (c) not appoint members of the Council.
- (2) Out of the co-opted trustees, the trustees must appoint at least one who is able to represent those groups of beneficiaries that use the recreation ground, not including Bath Rugby Club.

- (3) In appointing co-opted trustees, the trustees must take account of the fact that it would be normally be helpful to advertise in the local and/or specialist press or use a trustee brokerage service. All candidates must be asked to consider and declare any existing or potential conflicts of interest before appointment.
- (4) The appointment of a co-opted trustee must be made by the trustees at a meeting of which not less than 21 days' notice has been given.
- (5) An appointment may, but need not, be made before the date on which the term of office of an existing co-opted trustee comes to an end, to take effect on that date. In these circumstances:
  - (a) the appointment may not be made more than 3 months before the date on which the existing co-opted trustee's term of office is due to end; and
  - (b) any co-opted trustee whose term of office is about to come to an end must not vote in favour of their own re-appointment.

2.3 Other requirements contained in the governing document concern record keeping and the provision of information to new trustees.

### **3. The role of trustees**

- 3.1 The role of co-opted trustees is no different from that of the first trustees. It is to direct the affairs of the charity so that it delivers the relevant outcomes for its beneficiaries.
- 3.2 Trustees must act solely in the best interests of the charity and must avoid acting if they may be affected by any personal conflicts of interest or loyalty. It is for this reason that representatives of individual sports clubs and special interest groups, including local residents' associations, are unlikely to be suitable as co-opted trustees.

### **4. Additional skills and knowledge needed by the Trust**

- 4.1 The first trustees will need to review the skills, knowledge and experience that they can contribute themselves and identify what additional skills would be desirable for the Trust. The diversity of the eventual trustee body should also be considered.
- 4.2 Particular consideration will be needed for a trustee who has the ability to represent those who use the Recreation Ground.
- 4.3 The outcome of this assessment should be job descriptions and person specifications for the trustees to be appointed.

4.4 In future, all the trustees, including existing co-opted trustees, will have the same obligations when considering the appointment of new co-opted trustees.

## **5. Responsibilities**

5.1 The first trustees will be responsible for the recruitment process and must ensure that it operates in the best interests of the Trust. They will need to oversee its management and will act directly in the interviewing and appointment stages. After that, all the trustees whether nominated or co-opted will have those responsibilities in relation to the recruitment of new co-opted trustees.

## **6. Finding potential trustees**

6.1 A range of methods can be used to recruit new trustees. Charity Commission guidance is that those used should be widely cast, open and inclusive. Advertising and brokerage services are recommended as meeting those aims. The Scheme also requires that these methods are considered.

6.2 Advertising could be in the local press and in other suitable media such as the charity's website, other websites, local publications and the charity press.

6.3 Trustee brokerage services match potential trustees with vacancies. A number of organisations offer such services or maintain registers of potential trustees.

## **7. Appointment**

7.1 Once the new trustees have been chosen but prior to the appointment, the trustees must make sure that they acting within the law, in accordance with the governing document and that the candidate is not disqualified from being a trustee. A declaration to this effect should be obtained in the form set out in appendix 1.

7.2 Prospective trustees should also be asked about potential conflicts of interest and loyalties. These should be declared to the trustees before they make an appointment.

7.3 The new trustees will be elected by the existing trustees. The appointment will become effective only when the prospective trustees have formally agreed to accept the trusteeships.

7.4 Following the appointments, various notifications, including to the Charity Commission, are required.

7.5 A comprehensive induction process should be provided for the new trustees.

## **8. Advice sought**

- 8.1 The Trust's legal advisor has reviewed this report and her comments upon it have been incorporated.

## **9. Recommendation**

- 9.1 It is recommended that:

The trustees commence a recruitment process for co-opted trustees in accordance with Charity Commission guidance, as outlined in the report.

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### **Background papers:**

Finding new trustees – What charities need to know. Charity Commission guidance CC30, September 2012

Trustee Recruitment. Charity Commission guidance RS1