

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Charitable Trust Board Committee – Alice Park Sub-Committee</b>	
MEETING/ DECISION DATE:	<b>6 December 2016</b>	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Submission of Annual Return for 2015-16 to Charity Commission.	
WARD:	Lambridge	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix One – Submission of Annual Return for 2015-16 to Charity Commission.		

### **1 THE ISSUE**

- 1.1 To confirm information being submitted to the Charity Commission as part of the annual return for 2015-16. In particular the Trust is asked to consider details around policies held by the trust and review of financial controls.

### **2 RECOMMENDATIONS**

- 2.1 To consider and agree the preferred option around policies, as outlined in 5.5 of this report.
- 2.2 To review and agree the content of the submission to the Charity Commission.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no resource implications of the recommendation sought in 2.1.
- 3.2 Should Trustees wish to engage Officers or external partners to develop policies then there would be a financial cost attached to that work.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Council is sole corporate trustee of the Alice Park Trust and the subcommittee's terms of reference are to undertake the operational management functions in respect of the Alice Park site and its resources, in accordance with the Trust's objects and the duties it owes pursuant to the Charities legislation.

- 4.2 Members in their capacity as Trustee must administer the Trust in good faith, abiding strictly to the Objects of the Trust and administering the Trust for the benefit of the public which may at times conflict with the interests of the Council.
- 4.3 The objects of the trust require the land bequeathed to be used as a public park and children's recreation ground. The committee must consider whether any proposed use falls within the trust's objectives, and if so whether to permit the use requested. If it permits the use then it must decide on what terms, in order to ensure effective use of the park whilst minimising any conflict between the different uses to which the park is subject to under the terms of the trust deed.
- 4.4 The Charity Commission require submission of an Annual Return for the Charity of this size.

## **5 THE REPORT**

- 5.1 The financial accounts for year ending 31 March 2016 were presented and agreed at the Alice Park Trust board on 22 August 2016. The annual return now needs to be submitted on line to the Charity Commission.
- 5.2 The Charity Commission have amended their return from previous years – additional information is required which we have not previously submitted. In particular the Trust is asked to confirm whether they have a number of policies in place and a review of financial controls.
- 5.3 The drafted return is shown in Appendix one, this currently outlines that the policies were not in place during the reported financial year ended 31 March 2016.
- 5.4 The Trustees are asked to review and consider this before submission.
- 5.5 Moving forward there are several options around these policies. Trustees could opt to:
- (1) consider development of their own policies around these items;
  - (2) adopt the relevant Council policies; or
  - (3) not hold formal policies on these items.
- 5.6 With regard option two it should be noted that the Council is Sole Corporate trustee. This function of the Trust is exercised by the Board as a subcommittee of the Council Charities Board. Council officers support the work of the subcommittee and apply Council policies to the Charity.
- 5.7 With regard option three – the Charity Commission have confirmed there is no legal requirement for the Trust to hold policies.

## **6 RATIONALE**

- 6.1 To ensure information submitted is accurate.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 The Trust could submit a return to say none of the policies outlined are currently in place, rather than considering whether they want to adopt any of them.

## 8 CONSULTATION

8.1 S151 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.

<b>Contact person</b>	<i>Kate Clements</i> <a href="mailto:Kate_Clements@bathnes.gov.uk">Kate_Clements@bathnes.gov.uk</a> 01225 477340.
<b>Background papers</b>	<i>None</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	