

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Charitable Trust Board	
MEETING/ DECISION DATE:	11 July 2019	
TITLE:	Charity of Frances Georgina Cooke (charity number 266101) re 4 The Circus	
WARD:	Kingsmead	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 - Charity Commission Scheme		

## **1 THE ISSUE**

- 1.1 The Council created the Charitable Trust Board to discharge its functions in respect of charities for which it is the sole corporate trustee to ensure the clear separation of the Council's interest as sole trustee of those charities and the Council's interests as a Local Authority.
- 1.2 The Charity of Frances Georgina Cooke (charity number 266101) re 4 The Circus is a charity for which the Council is not a sole Corporate Trustee. The Scheme of arrangement for the charity provides for 4 trustees. The Trust has operated successfully to date but now requires additional trustees. There is no requirement to remove this Charity from Schedule 2 of the Board's Terms of Reference and the Board will in future receive an annual report to update it on the work of the trust in the preceding year.

## **2 RECOMMENDATION**

- 2.1 To request the Board to nominate additional trustees to support the charity.

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

- 3.1 The Frances Georgina Cooke Charity is a registered Charity. Its only asset is the property No.4 Circus but it has no other resources. The Charity is an

established charity with trustees nominated by the Council already supporting its work.

- 3.2 The Charity will continue to be resourced and supported by officers to undertake these functions.

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

- 4.1 The Terms of Reference require the Board to consider the properties listed in Schedule 2 of its Terms of Reference and recommend to Council incorporation of Trusts into Schedule 1 where the Council is sole corporate trustee. That is not required in the case of this Charity.

## **5 THE REPORT**

### **No.4 Circus Frances Georgina Cooke Charity**

- 5.1 No.4 Circus is a mid-eighteenth-century town house set within the south-west segment of the Circus, the first of the three segments to be built. It was designed by John Wood the Elder (who died in 1754 before its completion) and built by his son John Wood the Younger. No.4 was completed in 1760. The house is Grade I listed.
- 5.2 In 1958 Mr. Charles Allan Cooke and his wife Frances Georgina Cooke made mutual wills leaving their house, 4 Circus, to the survivor for life and, thereafter, to the Bath Preservation Trust (BPT). In 1960 Mr. Cooke died. At odds with the intention set out in the mutual wills signed by the Cookes, Mrs. Cooke approached Bath City Council (BCC) with a view to the Council taking over 4 Circus to make it available to the general public and, in particular, as a Georgian exhibition house. Discussions took place between BCC and BPT as to the situation which would arise on Mrs. Cooke's death and whether BPT would be prepared to take the house on lease from BCC for the use intended by her late husband. BPT eventually decided that it would not contest the passing of the house to BCC and renounced all claim on it, particularly as they had recently acquired the more suitable No.1 Royal Crescent to develop as a Georgian exhibition house.
- 5.3 In 1970 Mrs. Cooke died. In the absence of a joint scheme between BCC and BPT to realise the wishes of her late husband, the matter passed to the Official Custodian for Charities. In December 1973 the Charity Commissioners for England and Wales ('the Charity Commission') published a Scheme for a charity in the name of Frances Georgina Cooke.
- 5.4 The Charity Commission's Scheme requires the Council to appoint up to four trustees to the Charity. Of the most recent trustees, three have resigned leaving Councillor Paul Crossley as the sole remaining trustee.

## 6 RATIONALE

- 6.1 There is no requirement to create a sub-committee to manage the Frances Georgina Cooke Charity. The charity is properly managed pursuant to the Charity Commission's Scheme; it can demonstrate that the Council is not a sole corporate trustee and the assets of the Trust are separately managed from the assets of the Council. However, the Charity does require new trustees to be nominated by the Council to provide continuity for the Charity.

## 7 OTHER OPTIONS CONSIDERED

- 7.1 None.

## 8 CONSULTATION

- 8.1 Those consulted in preparing this report include the Section 151 Officer and Council Monitoring Officer.

## 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>	Stephen Bird, Head of Heritage Services (01225) 477750 regarding history and use of the house  Michael Hewitt, Legal Services Manager & Deputy Monitoring Officer (01225) 395125 regarding legal issues regarding with the charity
<b>Background papers</b>	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	