

CHARITIES COMMITTEE

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

on Monday, 10th July, 2017 at 6.30 pm

Present: Councillor David Griffiths in the Chair;
Councillors Amanda Brown and Cheryl Butler.

Apologies for Absence: Councillors Tony Brewer and Phil Rostance.

Officers Present: Lynn Cain, Ruth Dennis and Matthew Kirk.

In Attendance: Councillor Paul Roberts.

CC.1 Declarations of Disclosable Pecuniary or Personal Interests 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 Committee held on 5th April, 2017, as now submitted, be received and approved.

CC.3 Teversal Community Centre and Recreation Ground (Charity Number 522310) - Update

The Director of Legal and Governance (and Monitoring Officer) presented the report and took the opportunity to update the Committee on progress since the previous Charities Committee meeting held on 5th April, 2017, as follows:-

Temporary Facilities for the Cricket Club

Committee were advised that temporary changing facilities continued to be provided to the Cricket Club by the Council for the current cricket season.

Financial Position

The Trust had recorded a deficit of £9.7k for the financial year 2016/17 and when added to the losses brought forward from previous years this meant that the accumulated deficit as at 31st March, 2017 was £129.8k. To date in 2017/18, further expenditure of £7k had occurred but this has been mostly due to the agreed separation of utilities (i.e. water and electricity) for future billing to the Clubs and Visitors' Centre.

Progress with Leases

The Clubs and the Visitors' Centre had all been given draft leases for consideration during March 2017 and had been in contact with the Council since that time regarding various issues:-

Visitors' Centre

The Visitors' Centre had advised that they had employed a solicitor to undertake the leasing process and negotiations on their behalf.

Bowls Club

The Bowls Club were concerned that they would not be able to meet their rental obligations once the rent free/discounted period had expired. They had requested an extension to the rent free period or to come to some other arrangement for the upkeep of their facilities. The bowling season ended each year in August for the winter and any arrangements to offset this quiet income period would be helpful in relation to any rental obligations.

The cost of meeting the buildings insurance and legionella testing requirements was of concern to the Club and it was felt that adding the cost to Members' subscriptions would be prohibitive. There were ongoing additional costs for maintaining the greens and affiliation fees to the tune of around £300 per year which the Club felt uncertain about paying at the present time pending the outcome of the current lease negotiations and the future viability of the Club.

The Club was well respected and was the only ground in the north of the County to host County-wide matches. They had a good reputation for training young bowlers and were an asset to the local community. The Committee were advised that the facilities at the ground had been built in 2007 and had been part funded by themselves (via fund raising activities and five generous personal donations from Club Members), the Teversal Trust and the Coal Board.

The Director of Legal and Governance (and Monitoring Officer) took the opportunity to remind Members of the incremental rent levels and percentage discounts that has been previously set by Council for the Visitors' Centre and Club leases. Members discussed the concerns raised by the Bowls Club and the Council's ongoing commitment towards maintaining the Teversal Trust car parking facilities.

The timeline for finalising the leases, consulting CISWO and then presenting the proposals to the Charity Commission for approval was estimated at around 6 to 9 months and Members considered this timeline in the context of the Clubs and Visitors' Centre being able to apply and have access to grant funding to assist their growth and development in the future.

Committee Members discussed possibilities for fund raising with Mr. Harby, the Bowls Club representative in attendance at the meeting and suggested that he contact the Council's Community Empowerment Team who could offer some support and guidance. Mr. Harby advised that some of the Club's fund raising opportunities had ceased since the Teversal Grange licenced premises had been shut and that it was difficult to be continually finding new avenues to raise funds to keep the Club afloat.

Members discussed ownership of the car park and any potential for charging for parking in the future. Having considered various suggestions at length at the last meeting it was agreed that this was not a viable option at this time.

Future Proposal for the Trust

Members were reminded that the Football Club had previously expressed an interest in discussing the possibility of creating a new charity to take over the Trust in its entirety from the Council. Following a meeting in October 2016, it was agreed that discussions could be held to consider the proposal and the Council expressed a view that the future running of the Trust should be a matter for all the users of the site to be involved in.

In November 2016, at the request of the Football Club, Officers met with a resident of the local area who has no existing links with any of the Clubs but has experience running charities to see if he could be of assistance as an independent representative.

A further meeting was held with the independent representative during June 2017 and it was understood that the three sporting clubs had held further discussions and had agreed that they would like to explore forming a new Charity to take over the Trust from the Council.

Their outline proposals included:

- establishing a Management Committee which has an independent Chairperson and independent representatives in addition to Club representatives;
- the Council writing off the Trust debt and the Cricket Club retaining the temporary facilities whilst they obtain funding for a new pavilion;
- confirmation that any lease agreements, such as that of the Visitors Centre, would be honoured.

As a result of these discussions, the Clubs had now been asked to prepare a detailed proposal which would enable the Council to consider the option fully and consult with CISWO as appropriate. Committee noted that the intentions of the Visitors' Centre in respect of this proposal was not clear at the present time but a meeting of the Teversal Grange Advisory Committee would be arranged in due course to discuss the proposal in more detail.

RESOLVED that

- a) the current financial position and the progress made in respect of the leases, be noted;
- b) the outline proposals from the Clubs in respect of the long term future of the Trust and the Clubs being asked to prepare a more detailed proposal for consideration by the Council, be noted;

- c) having considered the comments raised by the Bowls Club as part of their draft lease negotiations, it be agreed that the incremental rent levels and discount periods, as previously set by the Council, remain unchanged and no recommendation be made to Council to make any alterations at this present time.

Reason:

To comply with the Scheme (Constitution) of the Teversal Community Centre and Recreation Ground, the Council's Constitution and charities legislation overall. The Trustee must act in the best interests of the long term future of the Trust and seek to generate income to sustain the charity.

CC.4 Section 100A Local Government Act, 1972
Exclusion of Press and Public

RESOLVED

that in accordance with the provisions of Section 100A of the Local Government Act 1972, the press and public be now excluded from the meeting during the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, in respect of which the Proper Officer considers the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CC.5 The Surrender of the Ground Lease with St. John Ambulance on land to the rear of Lammas Leisure Centre

The Director of Legal and Governance (and Monitoring Officer) requested the Committee to consider approving the surrender of the ground lease by St. John Ambulance on land held in trust by Ashfield District Council.

RESOLVED

that Council be recommended to approve the following:-

- a) the request for surrender of the ground lease by St. John Ambulance on land held in trust by Ashfield District Council;
- b) delegated authority being granted to the Director of Legal and Governance (and Monitoring Officer), to sign a deed of surrender, on behalf of the Council, as trustee of the site.

Reason:

To facilitate the surrender of the lease and return the small piece of land to the trustee.

The meeting closed at 7.25 pm

Chairman.