

**ASHFIELD DISTRICT COUNCIL**



Council Offices,  
Urban Road,  
Kirkby in Ashfield  
Nottingham  
NG17 8DA

## Agenda

### **Charities Committee**

Date: **Monday, 10th July, 2017**

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Time: **6.30 pm**

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Venue: **Committee Room, Council Offices, Urban Road,  
Kirkby-in-Ashfield**

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For any further information please contact:

**Lynn Cain**

[l.cain@ashfield.gov.uk](mailto:l.cain@ashfield.gov.uk)

01623 457317

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# CHARITIES COMMITTEE

## Membership

**Chairman:** Councillor David Griffiths

**Councillors:**

Tony Brewer  
Cheryl Butler

Amanda Brown  
Phil Rostance

## FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

## SUMMONS

You are hereby requested to attend a meeting of the Charities Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



**R. Mitchell**  
**Chief Executive**

## **AGENDA**

**Page**

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of the meeting of the Committee held on 5th April, 2017. 5 - 10
4. **Teversal Community Centre and Recreation Ground (Charity Number 522310) - Update.** 11 - 14
5. **EXEMPT ITEM - A Member of the Committee is asked to move:**  
  
**“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.”**
6. **The Surrender of the Ground Lease with St. John's Ambulance on land to the rear of Lammas Leisure Centre.** 15 - 20

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## CHARITIES COMMITTEE

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

on Wednesday, 5th April, 2017 at 6.30 pm

**Present:** Councillor David Griffiths in the Chair;

Councillors Chris Baron, Tony Brewer,  
Amanda Brown and Phil Rostance.

**Officers Present:** Lynn Cain, Ruth Dennis and David Greenwood.

### **CC.08 Declarations of Disclosable Pecuniary and Non Disclosable Pecuniary/Other Interests**

There were no declarations of interest made.

### **CC.09 Minutes**

RESOLVED

that the minutes of the meeting of the Committee held on 19<sup>th</sup> September, 2016, as now submitted, be received and approved.

### **CC.10 Teversal Community Centre and Recreation Ground (Charity Number 522310) - Update**

The Assistant Chief Executive (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 16<sup>th</sup> September, 2016 and the Teversal Grange Advisory Committee meeting held on 23<sup>rd</sup> March, 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. A licence was currently being drafted and would be with the Cricket Club by the end of the week.

#### Progress with Leases

Written confirmation had been requested from the Clubs confirming their acceptance of the Council's heads of terms for entering into the leases by the 31st October, 2016. With all confirmations duly received (the Visitors' Centre had sent confirmation in May 2016), draft leases had been given to the Clubs and the Visitors' Centre for consideration during March 2017.

In accordance with due process, the Council was now proceeding with advertising the leases in accordance with charities legislation and writing to

CISWO to obtain their permission to enter into the leases prior to seeking consent from the Charities Commission.

#### Future Proposal for the Trust

At a previous meeting it had been agreed that discussions would take place regarding the Football Club's proposition for a new charity to take over the Trust in its entirety from the Council. Following the Council meeting in October 2016, a meeting took place between the Council and a local resident with experience of running charities but with no existing links to any of the Clubs and Visitors' Centre at the request of the Football Club.

Information was exchanged at the meeting and in writing afterwards. Committee Members were advised that no further meetings had taken place to date but the Football Club had confirmed that they were talking to the other Clubs and Visitors' Centre about the proposals and would be reporting back to the Council in due course.

#### Forthcoming Events

Members considered the request to hold the Booth Decorators Summer League Race and the Notts. AAA's Summer League Race in April 2017 and August 2017 respectively. The Committee were also asked (following a request from the Clubs and Visitors' Centre) to consider whether there was scope for introducing parking charges to groups using the car park or locating an honesty box on the site for donations as appropriate.

#### Utility Costs

Concerns were raised by the Visitors' Centre at the recent Teversal Grange Advisory Committee meeting that the car park floodlights were still linked to their electricity supply and they were still paying for the energy use. In addition, the Centre were still awaiting a refund from the Council in respect of previous energy costs incurred.

Confirmation was given to the Committee that work was underway to ensure all the occupants on site had their own utility accounts and were advised that a resolution to the car park lighting connection had been unavoidably delayed because the Council's Energy Coordinator had been trying to find a solution which didn't involve digging up the car park. Updated quotes were now awaited to carry out the works which unfortunately, having exhausted all lines of enquiry, wouldn't be able to avoid the digging up of the car park to make the connection.

Members were also advised that the Council would be liaising with the Visitors' Centre to ensure they were reimbursed for the lighting energy costs as soon as practically possible.

#### Financial Position

The Deputy Chief Executive (Resources) explained the current financial position and reminded Members that the £120k deficit relating to the Trust was mostly due to non-payment of rent and business rates by the previous tenants of Teversal Grange (prior to its demolition). The £120k debt had already been charged to the 2015/16 accounts as a doubtful debt and was, in accounting terms, already paid for and cleared.

In 2016/17, the Council had committed to £12k of expenditure on behalf of the Trust relating to work on the utilities for the site and legionella monitoring. Once all the Clubs and Visitors' Centres were operating under their individual leases, the only charges to be met by the Trust would be for lighting and maintenance of the car park. It was also acknowledged that the Council would be offering some assistance to the Clubs and Visitors' Centre should they wish to submit any grant applications for further funding in the future.

Members took the opportunity to briefly discuss the suggestion from the Clubs and Visitors' Centre to consider charging groups for parking during planned events and accepted that some contribution to the ongoing maintenance of the car park might be a good idea. A concern was raised regarding how this might affect regular users to the site (i.e. dog walkers) who might wish to use the car park during the planned events and whether they would also be subject to any charge.

A representative from the Visitors' Centre, present at the meeting, advised the Committee that the Sutton Harriers usually made a donation to the Centre when they used the car parking and toilet facilities during their planned events. However, he felt cautious about enforcing a donation/charge on a permanent basis as this could have a detrimental impact on groups wanting to use the site and facilities in the future.

To conclude, the Assistant Chief Executive (Governance) suggested that she would take the comments away and liaise with the Council's Locality and Community Empowerment Manager (who has regular contact with local clubs and community organisations) about the best possible mechanism for receiving donations for use of the car parking facilities at the Teversal site.

RESOLVED that

- a) the current financial position, as set out in the report, be noted;
- b) the acceptance of the heads of terms by all the current users of the site and the progress made in respect of the leases and the next steps be received and noted;
- c) it be noted that the Football Club will update the Trust regarding its proposals for the future in due course;
- d) the two events run by Sutton Harriers to take place during April 2017 and August 2017 (the Booth Decorators League Race and the Notts AAA's Summer League), as set out in the report, be approved with the comments of the Advisory Committee being duly noted;
- e) the current position in relation to the energy costs, as outlined in the report, be noted;
- f) the Assistant Chief Executive (Governance), having taken on board the comments raised at the meeting, be requested to liaise with the Council's Locality and Community Empowerment Manager about possible mechanisms for receiving donations from local clubs and organisations for the use of the car parking facilities during planned events with a report back to the Committee on any outcomes in due course.

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.11 Trust Funds**

The Assistant Chief Executive (Governance) and Monitoring Officer presented the report and reminded Members of their previous decision to transfer funds from the William Booth Charity for the Poor to the Community Food Bank at Annesley Woodhouse once the organisation had achieved the requisite charitable status.

Members were advised that the Community Food Bank had now achieved the charitable status and their registration number was 1170616.

In addition and at the time the trust was created there was an initial investment of £166 13s 4d in a Savings Bond. During the life of the trust the sum had at some point been transferred into the investment the trust currently holds. The investment yielded a small dividend each year but its value was based on shares and it was suggested that the Community Food Bank would benefit more from readily available money as opposed to the small dividend that the investment currently provided.

Committee were therefore asked to consider recommending to Council the proposal for the investment to be liquidated before transfer to enable the Community Food Bank to immediately put the funds to use to assist the residents of Ashfield.

Members also acknowledged that at least two thirds of Members voting at the Council meeting would need to be in favour of the proposal for the Charity Commission to give its approval to the transfer of funds and subsequent liquidation of the investment.

**RESOLVED**

that Council be recommended to approve the following:

- a) the Authority, as trustee, exercises its transfer power as set out in section 268 of the Charities Act 2011, to transfer the funds from the William Booth Charity for the Poor to Community Food Bank Kirkby Woodhouse;
- b) the permanent endowment, currently held by the trust, be liquidated as part of the transfer so that the funds can be transferred as a whole;
- c) the Chief Finance Officer and Assistant Chief Executive (Governance) be authorised to carry out all necessary actions to implement the Council's decision.



Reasons:

1. The decision made previously was to transfer the funds from the William Booth Charity for the Poor to the Food Bank once they were awarded charitable status. Charitable status was awarded to the Community Food Bank Kirkby Woodhouse on 8th December, 2016. The Community Food Bank Kirkby Woodhouse has a similar purpose to the William Booth Charity for the Poor which is why it is recommended that the funds are now transferred to them.
2. In respect of the investment it is believed that the Community Food Bank would benefit from readily available money as opposed to the small dividend that the investment provides. It is therefore recommended that the investment is liquidated before transfer to enable the Community Food Bank to immediately put the funds to use to assist the residents of Ashfield.

The meeting closed at 7.10 pm

Chairman.

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<b>Report To:</b>	<b>CHARITIES COMMITTEE</b>	<b>Date:</b>	<b>10 JULY 2017</b>
<b>Heading:</b>	<b>TEVERSAL COMMUNITY CENTRE AND RECREATION GROUND (CHARITY NUMBER 522310) - UPDATE</b>		
<b>Portfolio Holder:</b>	<b>N/A</b>		
<b>Ward/s:</b>	<b>STANTON HILL AND TEVERSAL</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject To Call-In:</b>	<b>NO</b>		

## **Purpose Of Report**

To provide Members with an up to date position in respect of the Teversal Community Centre and Recreation Ground (Charity Number 522310).

## **Recommendation(s)**

**Committee is asked to:**

- a) Note the current financial position as set out in the report;**
- b) Note the progress made in respect of the leases;**
- c) Note the outline proposals from the Clubs in respect of the long term future of the Trust and that the Clubs have been asked to prepare a more detailed proposal.**

## **Reasons For Recommendation(s)**

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.

## **Alternative Options Considered (With Reasons Why Not Adopted)**

The report is for noting only and so there are no alternative options.

## **Detailed Information**

### **Temporary Facilities for the Cricket Club**

Temporary changing facilities continue to be provided to the Cricket Club by the Council for the current cricket season.

### **Financial Position**

The Trust recorded a deficit of £9.7k for the financial year 2016/17, When added to the losses brought forward from previous years this means that the accumulated deficit as at 31 March 2017 was £129.8k. To date in 2017/18, further expenditure of £7k has occurred.

### **Progress with Leases**

The Clubs and the Visitors Centre were all given draft leases for consideration during March 2017. The Clubs and Visitors Centre have all been in contact with the Council regarding the draft leases and negotiations are ongoing with them in respect of the wording of the leases.

### **Future Proposal for the Trust**

The Committee will recall that the Football Club informed the Council that it would like to enter into a dialogue about the possibility of a new charity taking over the Trust in its entirety from the Council. The Council agreed at its meeting in October 2016 to hold discussions about the proposals. The Council believes 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 during June 2017. It is understood that the three sporting clubs have been in discussions and have agreed that they would like to explore forming a new Charity to take over the Trust from the Council. Their outline proposals include: 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 while they obtain funding for a new pavilion. It has also been confirmed that any lease agreements, such as that of the Visitors Centre, would be honoured.

The Clubs have been asked to prepare a detailed proposal which would enable the Council to consider the option fully and consult with CISWO.

## **Implications**

### **Corporate Plan:**

Enable thriving, prosperous and self-sufficient communities where people shape their own futures.

Ensure the best use of our assets

**Legal:**

The legal and constitutional issues are detailed in the report.

**Finance:**

This report has the following financial implications:

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	Potential increase to bad debt provision currently £7k.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

**Human Resources / Equality and Diversity:**

There are no human resource or equality and diversity issues identified in the report.

**Other Implications:**

None.

**Background Papers**

None.

**Report Author and Contact Officer**

Ruth Dennis  
Director of Legal and Governance (Monitoring Officer)  
01623 457009  
r.dennis@ashfield.gov.uk

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
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