

CHARITIES COMMITTEE

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

on Monday, 16th July, 2018 at 10.00 am

Present: Councillor Tony Brewer in the Chair;

Councillors David Griffiths, Kevin Rostance
(substitute for Phil Rostance) and
Jason Zadrozny.

Apologies for Absence: Councillors Phil Rostance and Sam Wilson.

Officers Present: Ruth Dennis, Matthew Kirk and Julie Robinson.

In Attendance: Councillors Christian Chapman and
Helen-Ann Smith.

CC.1 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

There were no declarations of interest.

CC.2 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 10th July, 2017 be received and approved as a correct record.

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

The Director of Legal and Governance (Monitoring Officer) presented the report and took the opportunity to provide Members with an up to date position in respect of the Teversal Community Centre and Recreation Ground (Charity Number 522310) as follows:-

Teversal Grange Advisory Committee

The Director of Legal and Governance (Monitoring Officer) reported that a meeting of the Advisory Committee was held at the end of June whereby it was considered that positive progress was made in relation to potential future Trust arrangements. The minutes of the meeting were attached as an Appendix to the report for information.

Cricket Club

The Committee were advised that temporary changing facilities continue to be provided to the Cricket Club by the Council. Some repairs to the floor had recently been carried out as an interim measure.

Financial Position

As discussed at the Advisory Committee the Trust was currently running at a deficit of £143,261 for the year end 2017/18, with a further deficit of £4,203 for the 2018/19 financial year to date.

Future Proposals for the Trust

Following a number of discussions the three sports clubs have expressed that they would like to explore forming a new Charity to take over the Trust from the Council.

The Director of Legal and Governance (Monitoring Officer) explained that the Visitors' Centre was not currently part of the Trust takeover proposals. However, should they wish to be part of the discussions to take over the running of the Trust they would be welcomed and included as part of the business plan and development process.

Members were further advised that the Clubs have been asked to prepare a detailed proposal which would enable the Council to consider the option fully and consult with CISWO.

Gating the Site

The Director of Legal and Governance (Monitoring Officer) reported that the noise and nuisance being created by car cruisers on the site was increasing and this issue needed to be swiftly addressed.

The possibility of gating the site to prevent cars gaining access was still being considered as a viable option and discussions were ongoing with the Clubs to establish how this would work logistically.

Forthcoming Event

The Committee were asked to consider granting approval for the Notts AAA's Summer League event on 1st August, 2018 at the Teversal Visitors' Centre and Trails Network, as detailed in the report.

RESOLVED that

- a) the minutes of the meeting of the Teversal Grange Advisory Committee held on 27th June, 2018, as appended to the report, be noted;
- b) the current financial position in respect of the Teversal Community Centre and Recreation Ground (Charity Number 522310), as outlined in the report, be noted;
- c) the outline proposals from the Clubs, in respect of the long term future of the Trust, as set out in the report, be noted;
- d) delegated authority be granted to the Director of Legal and Governance (Monitoring Officer), to continue to explore options, including the potential for the installation of a gate to endeavour to resolve the reported anti-social behaviour incidents occurring on the site;
- e) approval be given to the proposed Nottinghamshire AAA's Summer League athletics race taking place on 1st August, 2018, as detailed in the report.

Reasons:

To comply with the Scheme (Constitution) of the Teversal Community Centre and Recreation Ground, the Council's Constitution and Charities legislation overall.

The Trust must act in the best interests of the long term future of the Trust.

CC.4 Sutton-in-Ashfield Recreation Grounds 2006 Charitable Trust

The Director of Legal and Governance (Monitoring Officer) presented the report to seek authority to appoint an additional Trustee to the Sutton in Ashfield Recreation Grounds 2006 Charitable Trust.

The Director of Legal and Governance (Monitoring Officer) briefly outlined the background to this issue whereby three parcels of land (namely Lammas Recreation Ground, Priestsic Recreation Ground and part of Sutton Lawn Pleasure Ground) were conveyed to the then Sutton in Ashfield Urban District Council in 1914 as a gift, as detailed within the report.

Consequently, following the decision to build the Lammas Leisure Centre on part of the Lammas Recreation Ground the Council became aware that a Charitable Trust had been established which required the parcels of land to be kept as open space and "used for recreation and pleasure ground" purposes.

She reported that the Council had previously approved a series of land transactions in order to release the Lammas Recreation Ground from the Trust restrictions to which it is subject and to impose the Trust restrictions upon part of the Sutton Lawn Pleasure Ground.

In accordance with Council approvals, external legal support has been obtained in respect of the land transactions. Members were advised that the Council in its capacity of Trustee must have separate external legal provision as the Director of Legal and Governance (Monitoring Officer) cannot act for both sides of the transaction.

Consequently, the Council have now successfully reached an agreement with a Partner at Hopkins Solicitors LLP who has, subject to the approval of the Council, indicated that he would be willing to become an additional Trustee for the Sutton in Ashfield Recreation Grounds 2006 Charitable Trust.

Members were asked to note that further reports would be presented to this Committee and Council once the Trustee appointment has been made to reaffirm previous resolutions and to approve any additional requirements as advised by the specialist lawyers, in order to progress with the land transactions.

RESOLVED

that Council be recommended to approve the appointment of Mr. Roger Pratt as an additional independent Trustee to the Sutton in Ashfield Recreation Grounds 2006 Charitable Trust.

Reason:

For the legal reasons set out in the report, an additional Trustee is required to be appointed in order for the land transactions to progress.

The Council has been advised that the Trustee should have no prior/ongoing connections to the Council in order to ensure independence.

The meeting closed at 10.28 a.m.

Chairman.