

## **CHARITIES COMMITTEE**

**Meeting held in the Council Chamber, Council Offices, Urban Road,  
Kirkby-in-Ashfield,**

**on Thursday, 19th November, 2015 at 6.30 p.m.**

**Present:** Councillor D.J. Griffiths, in the Chair;  
Councillors A.N. Brewer, C. Butler (as substitute for C.J. Baron), L.S. Morrison (as substitute for J.D. James) and P.M. Rostance.

**Apologies for Absence:** Councillors C.J. Baron and J.D. James.

**Officers Present:** L. Cain, D. Greenwood and R. Dennis.

### **CC.5 Declarations of Disclosable Pecuniary and Non Disclosable Pecuniary/Other Interests**

There were no declarations of interest made.

### **CC.6 Minutes**

RESOLVED

that the minutes of the meetings of the Committee held on 24th February and 1st October, 2015, as now submitted, be received and approved.

### **CC.7 Section 100A Local Government Act, 1972 Exclusion of the Press and Public**

The Assistant Chief Executive and Monitoring Officer advised Committee that the report in relation to the Teversal Community Centre and Recreation Ground had been excluded from the press and public under paragraph 5 of Section 100A of the Local Government Act 1972 due to the inclusion of privileged legal advice.

However, due to a technical glitch within the Council's 'Committee Reports/Minutes Retrieval System' on the Council's website, the content of the report (having been originally filed in a 'restricted' area) had become accessible to the public and therefore in her professional opinion could no longer be considered in closed session. Committee were asked to agree to consideration of the report in open session and all Members present concurred with this course of action.

**CC.8 Teversal Community Centre and Recreation Ground  
(Charity Number 522310) – Update**

The Assistant Chief Executive and Monitoring Officer presented the report and gave a synopsis of the previous decisions of Committee and Council over the past eighteen months in relation to the Trust and the site. The Deputy Chief Executive (Resources) took the opportunity to outline the current financial position and reiterate the importance of generating income for the site, investing in its future and reducing the debt via a formal repayment mechanism.

In relation to the current lease position, Committee were advised on progress with the three Clubs and the Visitors Centre and then received a summary of the specialist legal advice and suggestions for securing the future of the site.

**RESOLVED**

that Council be recommended to approve the following:-

- (a) the clubs be required to provide a written undertaking by 15th January, 2016 that they are committed to entering into the leases on the terms offered subject to the necessary legal processes and approvals being obtained;
- (b) in the event that the clubs provide such an undertaking, the Deputy Chief Executive and the Assistant Chief Executive be instructed to:
  - (i) finalise lease terms with the clubs;
  - (ii) seek the consent of CISWO to enter into the individual leases;
  - (iii) publish notices pursuant to S121 of the Charities Act 2011;
  - (iv) if no representations are received pursuant to S121 of the Charities Act 2011, to seek Charities Commission consent to enter into the leases;
  - (v) if Charity Commission consent is obtained, complete the leases;
- (c) it be noted that if representations pursuant to the notice published under S121 of the Charities Act 2011 are received, a further report be submitted to Council for it to consider the representations and decide what action to take;
- (d) in the event that all the clubs, or individual clubs, do not provide a written undertaking by 15th January, 2016, approval be given to:-
  - (i) seek interest from other similar sporting/recreational clubs/organisations with a view to offering leases and serving a notice to quit on the club(s) giving a reasonable notice period of 3-6 months; and
  - (ii) market the whole site for another charity or not for profit organisation to manage;

with the proviso that should options (1) and (2) fail to secure any clubs or organisations to lease the site and there being no prospect of the Trust generating income in the future, a further detailed report be presented to Council to consider winding up the charity.

Reasons:

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.

The meeting closed at 7.17 p.m.

Chairman.