

CHARITIES COMMITTEE

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

on Monday, 19th September, 2016 at 6.30 pm

Present: Councillor David Griffiths in the Chair;

Councillors Chris Baron, Amanda Brown and
Phil Rostance.

Apology for Absence: Councillor Tony Brewer.

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

In Attendance: Councillor Cheryl Butler, Councillor Helen Hollis
and Councillor Paul Roberts.

CC.4 Declarations of Disclosable Pecuniary and Non Disclosable Pecuniary/Other Interests

Councillor Helen Hollis, in attendance at the meeting only, declared a non disclosable pecuniary/other interest in relation to her current position as Chairman of the Teversal Grange Advisory Committee.

CC.5 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 11th July, 2016, as now submitted, be received and approved.

CC.6 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 11th July, 2016 as follows:-

Financial Position

The cumulative deficit for the Trust to the end of March 2016 stood at just over £120k. For 2016/17 the Council had made a further payment of £8,242 on behalf of the Trust to cover water and general maintenance works.

Progress with Leases

Football Club

The Football Club had informed the Council that it wished to enter into dialogue regarding the possibility of taking over the Trust in its entirety from

the Council. In relation to the lease, the Club had taken legal advice and had been advised to refrain from signing the lease until the discussions regarding the taking over of the Trust had been completed. No quotes had yet been received in relation to the repair works to the kitchen.

Bowls Club

The Bowls Club had said that they were unable to enter into a lease because they could not afford to pay the rent as well as the other costs associated with taking on the lease.

The Cricket Club

The Cricket Club had informed the Council that it would not be able to accept the terms of the lease if the temporary facility was to be removed during 2017 as this would not provide sufficient time to obtain and build a permanent facility. The Council agreed to extend the retention of the temporary facility until 2018 but further dialogue had resulted in the Cricket Club declaring that they would consider signing the lease if the temporary facility remained on the site on a rolling one year extension, negotiated on an annual basis. The Council had provisionally acceded to this request (to submit to Council for approval) subject to being satisfied as to progress regarding the acquisition and building of the new permanent facility.

Visitors Centre

The Visitors Centre had signed and agreed to the heads of terms and the lease was now in the process of being drafted. Once drafted, the Council would be seeking confirmation from CISWO, advertising the lease and then finally seeking permission from the Charities Commission.

Football Club – Proposal for the Trust

The Football Club had informed the Council that it would like to enter into a dialogue about the possibility of it taking over the Trust in its entirety from the Council. The Council saw the future operation of the whole Trust site as a separate matter to the ongoing lease negotiations and believed that the future running of the Trust should be a matter for all the users of the site to be involved in. The Council advised that they would be happy to hold discussions if all groups confirmed that they were in favour of such a proposal. Following the Teversal Grange Advisory Committee meeting held on 15th September, 2016 at which the Clubs were represented, the Football Club advised officers that they were looking to provide administrative support for the Trust, in full collaboration with the other Clubs and Visitors Centre, rather than autonomously run the Trust. The Council agreed that discussions could take place with all interested parties as a separate issue to the lease negotiations.

Forthcoming Event

The Committee were asked to consider giving their approval to a Rotary Club Foundation Charity event as outlined in the report.

The Club representatives, in attendance at the meeting, were then offered the opportunity to make any comments/representations to the Committee and they duly raised the following:-

Football Club

The Football Club representative stated that they hoped to start negotiations for the possible takeover of the Trust prior to signing their lease. In the event that the takeover was successful, they would not require the Clubs on site to obtain leases or pay rent so any signing up to leases at this point seemed premature and should be held in abeyance until all negotiations for the possible takeover of the Trust had been finalised.

They also advised Committee that should they be successful in taking over the Trust they would wish to see the Teversal Grange Advisory Committee continue with a membership made up of 2 representatives per Club and a neutral Chairman to preside over all proceedings.

Bowls Club

The Bowls Club representative asked Members to note that the Club were able to pay the associated costs of the lease requirements (i.e. legionella testing and insurance) but would not be in a position to afford the rental payments. The Club were fortunate to have all the infrastructure they required (permanent changing facilities, tea rooms etc.) and did not need to sign up to a lease to enable them to draw down additional funding for any future development.

The Club at present only had 35 paying Members and the income from subscriptions would not be enough to run the Club and also pay the rental requirements of the lease. The majority of their membership was made up of older people, many retired on a fixed income. Any hike in subscriptions to offset the cost of the lease rental could force many of the members to subsequently leave.

Clubs and Visitors Centre

Concerns were raised at the Teversal Grange Advisory Committee meeting surrounding communications from the Council to the Clubs and Visitors Centre in relation to applications for forthcoming events on the site. Collectively, they asked if the Locality and Community Empowerment Team could advise the Clubs and Visitors Centre at a much earlier stage should an application be submitted by an organisation wishing to use the Teversal Trust site for a planned event.

RESOLVED

that Council be recommended to approve the following:-

- a) to note the current financial position as outlined in the report;
- b) to note the acceptance of the heads of terms by the Visitors Centre;
- c) amendment of the heads of terms with the Cricket Club to enable the temporary facility (provided by the Council) to remain on site until a permanent replacement is built, on a rolling one year extension, negotiated on an annual basis with such extension being subject to the Cricket Club progressing with its plans to build a new changing facility in a timely manner to the Council's satisfaction;

- d) the Football Club's proposals regarding the long term future of the operation of the Trust be noted and, in the event that the Football Club confirms its acceptance of the proposed lease terms by 31 October 2016, to authorise the Chairman of the Charities Committee, supported by relevant officers, to enter into a dialogue with the users of the site and in particular the Football Club to explore the Football Club's proposal to take over operation of the Trust;
- e) amendment of the heads of terms with the Bowls Club to offer a nominal rent for the lease, negotiated by the Council (and set by the Charities Committee) on a yearly basis, based on the Club's membership (number of paying members) and its forecasted ability to cover the cost of any rent charged within a given year (the Club being responsible for the timely submission of its accounts each year to enable negotiations to be duly undertaken),
- f) to reiterate, in the event that all issues relating to lease proposals have been resolved, that the Council remains committed to working with all the Clubs and the Visitors Centre for the positive development of the site to ensure the long term future of the Trust site;
- g) to serve notice to quit on any Club, giving 6 months' notice, which has not confirmed its acceptance of the proposed heads of terms by 31 October 2016 and to seek interest from other similar sporting/recreational clubs/organisations with a view to offering leases (as previously approved at Council on 10 December 2015, Min. Ref. C.62 refers) which become vacant;
- h) agreement for the Rotary Foundation Charity End Polio Walk (Rotary Clubs of Sutton-in-Ashfield and Kirkby-in-Ashfield) event to take place on Sunday, 25 September 2016.

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.7 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.

The Food Bank had recently confirmed that they had experienced significant difficulties with completing their submission to the Charity Commission (to achieve charitable status) due to the application forms being changed half way through the process. However, having overcome the difficulties with the submission process, the application had now been submitted to the Charity Commission for their consideration. Committee were therefore asked to

confirm acceptance of the recommendation to Council to continue to hold the funds until the Food Bank achieve charitable status.

RESOLVED

that Council be recommended to approve that the funds from the William Booth Charity for the Poor continue to be held by the Authority until they can be transferred to the Community Food Bank once their application for charitable status has been finalised.

Reason:

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 which has not yet been finalised. The Food Bank has a similar purpose to the William Booth Charity for the Poor which is why it was recommended that the Authority continued to hold these funds until the Food Bank receive charitable status.

The meeting closed at 7.25 pm

Chairman.