

Minutes of the Charities and Trusts Committee Meeting held on 14 June 2022

Present: David Smith (Vice-Chair, in the Chair)

Attendance	
Thomas Jay Ian Lawson	Mark Winnington

Apologies: Paul Snape

PART ONE

1. Declaration of Interests

Name of Member	Nature of Association	Minute No
Cllr Ian Lawson	Member of Staffordshire Moorlands District Council	4
Cllr Thomas Jay	Member of Tamworth Borough Council	5

2. Minutes of the meeting held on 16 November 2021

Resolved – That the minutes of the meeting held on 16 November 2021 be approved and signed by the Chair as an accurate record.

3. Stafford 14-19 Partnership - Business Plan Update

The Board received a report and verbal update from Alison Matthews (Head of 16-18 Participation and Skills) and Ann Kingman (Headteacher at Weston Road Academy) on the Stafford 14-19 Partnership.

At the Committee meeting in June 2018, trustees approved in principle that the Stafford 14-19 Partnership be supported by Staffordshire Education Centre Charity, with financial contributions on a five-year rolling basis, subject to the production of a business plan and its approval from the trustees.

The Business Plan and Annual Operational Plan are reviewed and updated each year, which includes a review of the finances and updated details of the financial contribution requests being made.

The Partnership had made an amendment to the layout of the Business Plan, by including a section on their progress against the current academic year operational plan and showing their plan for the forthcoming year.

In respect of the funding requests, at the Committee meeting on the 15 June 2021, an estimated request of £176,319 was approved in principle. The updated request being made for the 2022-23 academic year was reduced to £149,320, due to savings being made during the current academic year spending.

The request was made up of three elements:

- Central Teaching Costs - £21,249
- Raising Aspirations at Key Stage 4 - £40,000
- Central Partnership Team and Resources - £88,071

Members reflected on the troubles experienced during the Covid pandemic but were pleased to hear of the progress being made following the lifting of restrictions and welcomed the return to a 'new normal'.

Members discussed where updates on both the Business Plan and ongoing work of the Partnership could be reported. It was agreed that updates on the Business Plan would be provided to the Charities and Trusts Committee.

Resolved – That the Committee (a) review and approve the updated Stafford 14-19 Partnership Business Plan 2019-2024;

(b) Consider for approval the funding request to the Staffordshire Education Centre Charity as set out in the Business Plan for 2022-23 and 2023-24 academic years; and

(c) Delegate approval to the Assistant Director for Skills and Employability to continue to be authorised to approve the release of funds set out in the report, subject to the successful delivery of the 2022-23 element of the Business Plan.

4. Nicholson Institute, Leek - Staffordshire Moorlands

The Committee received a report on the Nicholson Institute in Leek and were provided with an update on the proposed investment in the Institute via the Government's Levelling Up Fund.

The Committee were reminded that the Nicholson Institute was held in Trust by the County Council, and its use shared between the Library and Arts Service, Staffordshire Moorlands District Council (SMDC), and Leek and Buxton College.

The Institute would be included in a bid by SMDC to the Government's Levelling Up Fund, which was due to be submitted by the 6th July 2022.

The Committee were informed of the need to develop sustainable income streams for the building, and therefore an application to the Charity Commission to amend the Trust Deeds would need to be made.

Members of the Committee were asked to consider the report and agree to an approach to the Charity Commission to explore amending the Trust Deeds.

Members of the Committee discussed the current state of repair for the building and questioned the figures surrounding the maintenance costs to get the building back into use. Clarification was provided in that the building is still actively used, and that the funds would be provided by the Levelling Up Fund bid, which would cover the maintenance backlog for the Nicholson Institute building and the option for an uplift.

Resolved – That:

- (a) The Committee consider and comment on the proposed investment in the Nicholson Institute via the Government's Levelling Up Fund; and
- (b) The Committee approve an application to the Charity Commission requesting an amendment to the Trust Deed.

5. Tamworth Youth Centre Fund

The Committee received a report on the Tamworth Youth Centre Fund (Charity Number 522734), asking them to consider whether they still favoured the amendment to the charitable scheme to enable the sale of the Property and the reinvestment of the sale proceeds following the outcome of the public consultation.

The Committee were also asked to confirm whether, if the scheme was amended, they would support a direct sale of the Property to Tamworth Borough Council, rather than a sale of the Property on the open market, subject to independent valuation advice.

The Committee were reminded of the discussion at their meeting on the 15th June 2021, where they made the following resolution:

Resolved – That (a) an application be made to the Charity Commission to amend the charitable scheme to enable the sale of the Property and the reinvestment of the sale proceeds as part of an endowment in line with previous Charities and Trusts Committee approvals across all Staffordshire County Council Charitable Funds;

(b) an annual grant programme to be run by appointed quasi management trustees to deliver against the charitable objectives;

- (c) the marketing of the sale of the Property jointly with adjoining landowners;*
- (d) approval of the sale be delegated to the Assistant Director for Commercial and Assets;*
- (e) fund management be undertaken in the normal way for charity trusts capital.*

Since then, an application had been made to the Charity Commission to amend the scheme and as part of the application, the Commission had requested a consultation on the future options for the Property. A summary of the outcome of the consultation was set out in the report.

Of the 6 responses received, 3 individuals favoured maintaining the status quo, 2 individuals favoured the sale of the Property and the reinvestment of the sale proceeds and 1 individual favoured sourcing an alternative tenant.

Members were informed of the next steps which included the disposal of the property. As discussed previously, this was proposed to be a joint market sale with County Council corporate properties in that area. Members were reminded that Tamworth Borough Council wanted to regenerate the area in question and were submitting a Levelling Up bid for the regeneration, therefore wishing to acquire the interest that the County Council has.

Corporately, the County Council had agreed in principle to sell the former magistrates court and the 56 Albert Road property, to Tamworth Borough Council, based on a valuation exercise. However, the charity status of the Youth Centre is slightly different, and therefore separate rules needed to be followed for disposal of assets.

Members further questioned the use of the proceeds and what this would entail, along with the independent advice being sought and the procurement of such advice. In response, the income generated from the sale would be invested by a process where local youth charities bid for funding annually, managed by SCVYS, and return to the Committee every 12 months with an update.

A registered valuer would be sought from the Royal Institute of Chartered Surveyors who are appropriately ensured and bound by rules and regulations. Clarification was provided to propose that the same valuer would be used, which had been used before during a joint valuation with Tamworth Borough Council, under the stipulation that they are acting specifically for the Trust.

Members raised their concerns around the use of an existing valuer and questioned how independent this would be. To that end, usual County Council procurement rules would be followed, and three qualified organisations would be sought to provide a price and a fresh set of eyes. Members put this forward to the Committee as a proposal.

Resolved – That the Committee (a) approves the Charity Commission being informed of the outcome of the consultation and the progression of the current application with the Charity Commission to amend the charitable scheme to enable the sale of the Property and the reinvestment of the sale proceeds into an endowment to be run by appointed managing trustees if deemed appropriate by the Committee;

(b) approves the sale of the Property to Tamworth Borough Council, subject to revised valuation advice; and

(c) delegated approval to the Assistant Director for Commercial and assets to agree sale and fund management terms for the approval of the Committee.

6. The Broom, Dosthill, Tamworth - Update

The Committee received a brief update on The Broom, Dosthill, Tamworth.

They were reminded that at their meeting on the 26th October 2018, the Committee made the following recommendation:

- a. That the Committee approve a temporary licence of access at Dosthill Playing Field and Recreation Ground to facilitate building works at the school.*

The Committee requested that officers agree the terms of the licence. These were subsequently agreed and the Licence was completed, and the £600 plus VAT legal fees paid. The Licence period was from the 10th May 2021 to 10th May 2022. The Licence fee of £1,000 a month had been paid up until 4 December 2021.

The Committee were informed that Midas Construction Limited went into administration in February 2022, and that the administrators had been written to, and provided with a copy of the licence, along with a request for the balance of the licence fee, but a response had not yet been received. It was unlikely that the remainder of the licence fee would be recovered.

7. Exclusion of the Public and Press

Resolved - That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 indicated below.

Chairman