

Local Members' Interest	
Maureen Compton	Stafford Central

Charities and Trusts Committee - 14 June 2016

Report on items relating to trust land generally including that at the Chetwynd Centre and the Nicolson institute

Recommendations

1. That the Committee hears from Stuart Lane in relation to the practical and commercial considerations for the disposal of the Chetwynd Centre.
2. That the Committee gives consideration to the appointment of an expert to provide on-going practical and commercial advice and support in relation to the disposal of the Chetwynd Centre and the whole of its property portfolio.
3. That the Committee receives advice on the options for reinstatement of rooms at the Chetwynd Centre and agrees on the best course of action.
4. That the Committee agrees to the erection of a blue plaque on the Nicholson building.

Report of the Director of Strategy, Governance and Transformation

Background

Staffordshire County Council's role as a Charity Trustee

1. Trustees have and must accept ultimate responsibility for directing the affairs of a charity, ensuring that it is solvent, well-run and delivers the charitable outcomes for the public benefit for which it has been set up.
2. Charity trustees have a duty to act solely in the best interests of the charity and its beneficiaries with a view to furthering its charitable purposes and for no other purpose whatsoever. They must also ensure that any charitable assets are managed independently and prudently in accordance with their charitable purpose and any restrictions in the charity's governing document.

Chetwynd Centre

3. On 16 July 2015 the Committee considered various options that had been put forward by the County Council in relation to the long term future of the Centre and decided that the approval of the Charity Commission should be sought for the Charity's objects to be amended to allow for the disposal of the Centre by way of sale, but without requiring the Centre to be replaced with equivalent land. Following the sale of the Centre, the capital receipts will be invested in the permanent endowment of the Charity. The approval of the Charity

Commission was obtained for the Charity's objects to be amended and they subsequently provided a replacement Scheme.

4. Consideration is now required in relation to the practical and commercial arrangements for the sale of the Chetwynd Centre and the Committee are advised to receive a verbal report from Stuart Lane on this point and to give consideration to the appointment of an expert to provide on-going advice and support relating to the Centre's disposal.

Charity portfolio

5. It is understood that the Charity property portfolio would benefit from oversight and day to day management by a relevant expert. A number of properties require urgent attention and decisions to be made about them.
6. The Committee are asked to hear from Stuart Lane on this point and to consider the instruction of an expert to oversee the wider Charity property portfolio, to deal with routine matters, bring issues to the Committee's attention and to advise on all practical and commercial aspects of the properties.

Flash Ley Primary School

7. The health and safety issues at Flash Ley Primary School have been resolved and it will open its doors to enrolled students in September 2016. At the moment the main school is located at the Chetwynd Centre, the Speech and Language facility is delivered from Tillington Manor and the nursery provision from Stafford Manor High School.
8. During the Summer holiday period all school equipment from the Chetwynd Centre will be moved back to Flash Ley Primary School.
9. There are plans to reinstate the car park but no proposals to reinstate the rooms within the Chetwynd Centre. Headteacher of the Collegiate Steve Smith believes there is no need to do so in light of the fact that their students (who will be the only persons in occupation) will not be making use of them in their remaining time.
10. The Committee are asked to hear from Stuart Lane on the options for reinstatement and make a decision on whether this work should be undertaken.

Blue plaque on Nicolson Building

11. A request has been made by a representative of Staffordshire Moorlands District Council to place a blue plaque on the Nicolson building in memory of Joshua Nicholson. Further information in support of the request is attached as Appendix 1 together with details about the size and placement of the plaque.

12. The Nicholson building is Grade II listed and therefore a request needs to be made via the listed building consent route and the District Council. Subject to both permissions being granted the Charity Committed are asked to give their approval to the erection of a sign.

Equalities Implications

None

Legal Implications

The Centre is separate from the County Council's own landholdings. The Committee, in its capacity as Trustee of the Charity is legally obliged to ensure that the Charity is managed in accordance with its objects and to prevent any conflicts of interest between the administration of the Charity and the County Council.

Resource and value for Money Implications

The Scheme provides that the Committee may apply the Charity's income and capital in meeting any reasonable expenses properly incurred when acting on behalf of the Charity.

Risk Implications

Decisions made by the Committee must be made in its capacity as Trustee only and must ensure that any decisions are made in accordance with the Charities Act 2011 and Charity Commission guidance.

Report Author: Michelle Rowe, Senior Solicitor and Team Leader, Legal Services Unit, Staffordshire County Council