

# Minutes of the Charities and Trusts Committee Meeting held on 18 April 2024

Present: Paul Snape (Chair)

Attendance	
Phil Hewitt	Mark Winnington
David Smith (Vice-Chair)	

**Also in attendance:** Chantelle Denham, Vanessa Rigby and Ian Turner

## Apologies:

### Part One

#### 14. Declaration of Interests

There were no declarations of interest on this occasion.

#### 15. Minutes of the meeting held on 14 November 2023

**Resolved** – That the minutes of the meeting held on 14 November 2023 be approved and signed by the chair as an accurate record.

#### 16. Tamworth Youth Centre Fund

The committee received a report on the Tamworth Youth Centre Fund and were asked to review the contents of the report.

The committee were reminded about a conflict of interest between the Charity Trust and the County Council and that decisions made are separate from the County Council. Members were reminded of their role as a Charity Trustee, and are required to ensure that any decisions made on behalf of the Charity are in the best interest of the Charity and consistent with the Charity's objects and powers.

Prior to making the application to amend the Scheme the Committee was presented with a report on the 15th June 2021 which set out the available options for the future use of the Property and the advantages and disadvantages for each option. These options were to:

- (a) maintain the status quo and take no further action;
- (b) make an application to change the charitable objectives to enable the sale of the Property and the appointment of quasi management trustees

to deliver an annual grants programme in accordance with the charitable objectives; or

(c) to source a new tenant as Staffordshire County Council and the current occupiers were no longer able to use the Property in accordance with the charitable objectives. At that time, option b was favoured by the Charity Trustees.

Before amending the Scheme the Charity Commission required a formal consultation to be undertaken which received 6 responses. 2 supported the proposed sale and reinvestment, 3 supported maintaining the status quo but this would mean that the charitable objectives would still not be fully complied with and 1 party supported reletting the Property but that party was not in a position to take on the repairing liability of the Property themselves. The consultation specifically asked that the parties only supported reletting the Property if they were able to take on a lease of the Property due to the difficulty in sourcing tenants.

Reports set out in the background documents contain a detailed record of the information which has been available to the Charity Trustees when making prior decisions. This information remains accurate save that Humankind served notice and ceased to occupy the Property with effect from the 31st March 2024. MPFT are continuing to deliver the service previously provided by Humankind but they do not wish to occupy the Property for this purpose on a long term basis and only wish for a short term occupation while other premises are undertaking alternations. When MPFT vacate later this year the property will therefore be vacant.

On the 13<sup>th</sup> June 2023, the Committee approved a revised objective to, *'To promote social, mental, moral, physical and spiritual well-being of younger residents under 25 years of age in Tamworth and the surrounding district with the object of improving the condition of life for the same persons'*.

The Charity Commission have proposed further amendments to the proposed objectives on the basis that the governing document focuses on assisting in the provisions of recreation facilities for young people. Accordingly, the Charity Commission have proposed the following objectives for the amended scheme:

*To provide or assist in the provision of facilities for recreation or other leisure time occupation of persons under 25 years of age who are resident in the area of benefit with the object of improving the conditions of life for the said persons.*

Based on the evidence provided the committee confirmed that they were still happy to proceed with the amended scheme to permit the sale of the property as based on the current occupiers, difficulty sourcing tenants and the outcome of the consultation it is clear that the property can no longer

be used in the way intended by the charitable objectives so it is in the best interests of the Charity to sell the property and place the proceeds into an annual grants programme to ensure that the income of the Charity is available for the intended beneficiaries.

The committee also confirmed approval to advertise a public notice of the scheme amendments for a period of one month on the property, two local notice boards, on Staffordshire County Council's website and the Charity Commission's website.

**Resolved** - That (a) The committee reaffirms the previous decision to sell the Property and use the sale proceeds to create an annual grants programme to further the charitable objectives.

(b) That the committee approves the revised scheme wording as shown in Appendix 2; and

(c) That the committee approves the publication of the public notice as shown in Appendix 3 for a period of one month and delegate approval to the Assistant Director for Commercial and Assets to approve the completion and submission to the Charity Commission of the Form of Declaration following the expiry of the public notice.

## **17. Exclusion of the Public**

**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.

**Chair**