



Subject: Charitable Trustee Committee – terms of reference

Report to: Charitable Trustee Committee

Report of: Deputy Chief Executive (Corporate Services)

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Comments from Statutory Officers: Yes

Key Decision: No

1 Purpose of Report

1.1 To present the terms of reference and role of the Charitable Trustee Committee.

2 Recommendations

2.1 That the report be noted.

Reason for recommendation

The report is provided for information.

3 Background

3.1 The terms of reference for the Charitable Trustee Committee were amended by the Council at the Annual Meeting held on 4th June 2014. The Committee was first established by the Council on 24th February 2010 following discussions with the Charity Commission on how to resolve conflict between the executive and full Council functions in circumstances where the Council was identified as a Charitable Trustee. The Charity Commission had further suggested that, for the purposes of transparency and the avoidance of doubt, the intention of the Committee undertaking the Council's role as Trustee be progressed and the terms of reference be amended to include reference to all those bodies where the Council is sole trustee.

3.2 The terms of reference of the Committee agreed by Council on 4th June 2014 are "To discharge the functions of the Council as set out in Part 3 to the Constitution where the Council acts as Trustee", with the functions detailed as "To undertake the Council's role of Charitable Trustee of –

- (i) The Doctor Chadwick Trust Fund
- (ii) The Norcross Scholarship Fund
- (iii) The James Handley Bequest
- (iv) Robinson's Common
- (v) Lenny Barn Playing Fields
- (vi) and any further or future Trusts or Bequest arrangements where the Council is identified as sole Trustee,

including the consideration of matters where there is conflict or potential conflict between the Council's interests and those of the Charitable Trust".

- 3.3 Since the Annual Council meeting the F. and A. S. Maskew Bequest has been identified as a further Bequest where the Council is sole Trustee.
- 3.4 In brief, the purposes of the above are:-
- (i) The Doctor Chadwick Trust Fund – should be applied in or towards the acquisition and/or laying out of playing fields or a public park within the former Milnrow Urban District Council area and the upkeep thereof, or in or towards the endowment of a Nursing Association within that area as the Council may determine.
 - (ii) The Norcross Scholarship Fund – award of scholarships or grants to young persons under the age of 30 years, who are resident in the area of the former Administrative County of Lancaster or the former County Borough of Rochdale and who have completed a course of study at any University, College or other place of further education. The scholarship or grant is to enable the young person to travel to further their education or to enable them to attend a course at any educational establishment.
 - (iii) The James Handley Bequest – income is set towards the development and care of the permanent collections of Rochdale Art Gallery, specifically including purchases, conservation (both remedial and preventative) and improved public access to the collection.
 - (iv) Robinson's Common – a piece of land off Dodgson Street, Rochdale, adjacent to the former Robinsons Foundry covenanted to be held as a public recreation ground.
 - (v) Lenny Barn Playing Fields – the provision and maintenance of Lenny Barn Playing Fields.
 - (vi) F. and A. S. Maskew Bequest – the purchase of non-fiction books on the subject of philosophy and English and other non-specified expenditure
- 3.5 Individual reports relating to the above Trusts and Bequests will be brought forward to the Committee as required for the operation of each.

Alternatives considered

None, the report advises Member of the terms of reference and purpose of the Committee as determined by the Council.

4 Financial Implications

- 4.1 There are no financial implications contained within this report. Individual reports relating to each of the Trusts or Bequests above will contain the financial implications to the Trust or Bequest concerned.

5 Legal Implications

- 5.1 The Council has delegated authority to the Charitable Trustee Committee as a Committee of the Council to discharge its legal duties as charitable trustee in respect of the charities listed in this report and any other charity to which the Council is nominated as sole trustee. The Council has a responsibility to discharge its duties solely in the interests of the charity and where there are competing public interests, to ensure that it seeks independent advice before making any decision.

6 Personnel Implications

- 6.1 None

7 Corporate Priorities

7.1 The Committee, when acting in its role as Charitable Trustee, is obliged to act in the best interest of the Trust or Bequest. The establishment of the Committee arose from advice of the Charity Commission to resolve conflict between the executive (generally the Cabinet) who will be pursuing the corporate priorities and the Council function as a Charitable Trustee, where the interest of the Trust or Bequest may differ.

8. Risk Assessment Implications

8.1 The establishment of the Committee has sought to provide transparency of decision making and differentiate between executive and Council functions. There existed a risk that the interest of Trusts and Bequests might be treated as subservient to the interests of the executive when considering operational matters. The establishment of the Committee seeks to mitigate that risk by creating a body outside of the executive to safeguard the interest of the Trusts and Bequests.

9. Equalities Impacts

9.1 Workforce Equality Impacts Assessment

There are no workforce equality issues arising from this report.

9.2 Equality/Community Impact Assessments

There are no significant equality/community issues arising from this report.

Background Papers	
Document	Place of Inspection