

Assizes House Trust Fund

Agenda

Council Chamber - Town Hall

Thursday, 18 December 2014 at 7.00 pm

Membership (Quorum – 10)

Trustees:

Mr Aspinell, Mr Baker, Mr Barrett, Mr Carter, Ms Chilvers, Mr Clark, Mr Cloke, Mrs Coe, Mrs Cohen, Mrs Davies, Mr Faragher, Mrs Henwood, Mr Hirst, Mrs Hones, Mr Hossack, Mrs Hubbard, Mr Keeble, Mr Kendall, Mr Kerlake, Mr Le-Surf, Mr Lloyd, Mr McCheyne, Mrs McKinlay, Ms Morrissey, Mrs Murphy, Mr Mynott, Dr Naylor, Mr Newberry, Mr Parker, Mr Quirk, Mr Reed, Mr Russell, Ms Sanders, Mr Sapwell, Mr Sleep, Mrs Squirrell and Tee.

Co-ordinator: Jean Sharp – 01277 312655

Trustees are requested to attend the above meeting to transact the business set out below.

1. **Apologies for absence**
2. **Minutes of the last meeting**

To approve as a correct record the minutes of the Assizes House Trust Fund meeting held on 12 February 2014
3. **Declarations of Interest**
4. **Approval of the Statement of Accounts 2013/14 and Appointment of Temporary Personnel**
5. **Review of Governance and Administration**
6. **Review of Grants Award Criteria**
7. **Applications for Funding**
8. **Date, time and place of next meeting**

Christopher Potter

Clerk to the Trustees

Town Hall
Brentwood, Essex
10 December 2014

Minutes

**Assizes House Trust Fund
12.2.2014**

Membership/Attendance

- | | |
|-------------------------|------------------------|
| * Mr Aspinell | * Mr Kerslake |
| Mr Baker | * Mr Le-Surf |
| Mrs Beeston | Mr Lloyd |
| * Mr Braid | * Mr McCheyne |
| Mr Carter | * Mrs McKinlay (Chair) |
| Ms Chilvers | Ms Morrissey |
| Mr G Clark | Mrs Murphy |
| * Mr N Clarke | * Mr Mynott |
| * Mrs Coe | Dr Naylor |
| Mrs Cohen | * Mr Parker |
| Mrs Cornell | * Mrs Pound |
| Mrs Davies | Mr Quirk |
| * Ms Golding | * Mr Reed |
| * Mrs Henwood | * Mr Russell |
| * Mr Hirst (Vice-Chair) | Mr Sapwell |
| * Mrs Hones | * Mr Sleep |
| Mr Hossack | Mr Sparling |
| * Mr Keeble | Mr Tee |
| * Mr Kendall | |

*present

Officers Present

Alison Crowe - Managing Director
Jo-Anne Ireland – Director of Strategy and Corporate Services
Claire Hayden – Governance and Members Support Officer

1. Apologies for Absence

Apologies for absence were received from Mr Quirk, Mr Tee, Ms Morrissey, Mrs Davies, Mrs Cornell, Mrs Murphy and Mrs Cohen.

2. Minutes of the Assizes House Trust Fund meeting held on 17.10.2012

The minutes of the 17.10.2012 meeting were approved.

3. Approval of Statement of Accounts 2012/2013

The Trustees of the Assizes House Trust Fund were asked to approve the Statement of Accounts for 2012/2013.

A motion was MOVED by Mrs McKinlay and SECONDED by Mr Hirst.

RESOLVED UNANIMOUSLY to approve the Statement of Accounts for 2012/2013.

4. Review of bids received

The trustees of the Assizes House Trust Fund were asked to consider the bid received from Brentwood County High School for a grant towards resurfacing the path running adjacent to the school towards Cornslands and Shenfield Common.

Mr Mynott expressed a personal interest in this bid and reserved his right to vote.

A motion was MOVED by Mr Russell and SECONDED by Mr Braid to deferred this bids until a response from Essex County Council's regarding any funding based on the School's Travel Plan had been received.

Following a debate, the alteration was withdrawn and an alternative motion was MOVED by Mrs McKinlay and SECONDED by Mr Braid as follows

"To approval the grant application from Brentwood County High School, subject to a 3 month deadline for joint funding from Essex County Council".

Following a show of hands it was RESOLVED.

18 December 2014

BRENTWOOD ASSIZE HOUSE

Trust Fund - Approval of the Statement of Accounts 2013/14 and Appointment of Temporary Support Staff

Report of: *Jo-Anne Ireland – Acting Chief Executive*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 Brentwood Assize House ('the Charity') (Charity Number 230138) is asked to approve the Statement of Accounts for 2013/14.
- 1.2 The Trustees are requested to appoint two people to act on the Charity's behalf for formal contact with the Charity Commission

2. Recommendation(s)

- 2.1 Approve the Statement of Accounts for 2013/14 at **Appendix A**;
- 2.2 Appoint the following people with immediate effect until 31 March 2015 to act on the Charity's behalf for contact with the Charity Commission including submission of annual returns:
 - Chris Leslie (Financial Services Manager); and
 - Phoebe Barnes (Accountant).

3. Introduction and Background

- 3.1 The Brentwood Assize House was established in 1860 and all 37 Members of Brentwood Borough Council are its trustees ('the Trustees').
- 3.2 The original purpose of the Charity was "for the general improvement of the town but not to be applied towards the highway or parochial rates of the town".
- 3.3 The Trustees extended the area of the Charity to include the whole Borough of Brentwood on the 11th July 2012.

- 3.4 The revised purpose of the Trust being “for the general improvement of the (part of) the Borough of Brentwood excluding any expenditure on highways or to support the Brentwood Borough Council General Fund.”
- 3.5 The Charity has a trust fund with money generated and accumulated over the years from the endowment of the site of the former Brentwood Town Hall (‘the Fund’).
- 3.6 Brentwood Borough Council provides exchequer services to the Trust, presently at nil cost to the Trust.

4 Issue, Options and Analysis of Options

- 4.1 The Fund received income of £2,000 from the rental of two properties it owns: 86 High Street Brentwood (the site of the former Town Hall) and 8-12 Crown Street, Brentwood both for £1,000 per annum. The properties are included in the balance sheet at the values provided by the District Valuer at 31st March 2009.
- 4.2 The Fund did not incur any expenditure in 2013/14.
- 4.3 As at 31st March 2014 the Trust had cash balances of £460,147 held with the Co-operative Bank. However, after taking into account the money owed to Brentwood Borough Council for previously funded projects by the Charity, the actual cash available is £189,054.
- 4.4 The only income generated by the Trust is the £2,000 a year it receives from the rental of its two properties.

5 Reasons for Recommendation

- 5.1 To assist the Trustees to comply with their financial responsibilities of ensuring the Charity is solvent and well run, a copy of the 2013/14 accounts is presented for approval.
- 5.2 As a registered charity the Charity is required to submit annual returns to the Charity Commission. To enable the Council to do this on the Charity’s behalf it needs to formally nominate named representatives.

6 References to Charity’s Purposes

- 6.1 The Charity’s objectives are for the general improvement of the Borough. This is consistent with Brentwood Borough Council’s ‘Street Scene and

Environment', 'Housing, Health and Wellbeing' and 'A Safe Borough' priorities.

7 Implications

Financial Implications

Name & Title: Chris Leslie – Financial Services Manager

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

7.1 At the end of the financial year 2013/14 the Charity has £189,054 of available cash at its disposal and regular rental income of £2,000 a year.

7.2 In addition to this the Charity has two investment properties valued at a total of £237,500.

Legal Implications

Name & Title: Chris Potter – Monitoring Officer

Tel & Email: 01277 312743 / christopher.potter@brentwood.gov.uk

7.3 Trustees are reminded that in law they are required to act in the best interests of the Trust.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

7.4 None

8 Background Papers (include their location and identify whether any are exempt or protected by copyright)

8.1 None

9 Appendices to this report

- Appendix A - Statement of Accounts 2013/14

Report Author Contact Details:

Name: Chris Leslie – Financial Services Manager

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Appendix A

Appendix A - Assizes House Trust Fund

2012/13 £	Income and Expenditure Account	2013/14 £
	Income	
2,000	Rent	2,000
2,000	Total Income	2,000
	Expenditure	
85,000	Grants to British Legion	0
12,664	Grants to Brentwood Borough Council: Shenfield War Memorial	0
114,339	Public convenience - Brentwood High St	0
212,003	Total Expenditure	0
210,003	Deficit/(Surplus) transferred to Revenue Balance	(2,000)

2012/13 £	Balance Sheet	2013/14 £
	Assets	
220,000	8-12 Crown Street	220,000
17,500	86 High Street	17,500
460,147	Cash at Bank	460,147
697,647		697,647
	Liabilities	
(273,093)	Cash owed to Brentwood Borough Council	(271,093)
424,554	Total Net Assets (Assets less Liabilities)	426,554
	Reserves	
237,500	Property	237,500
187,054	Revenue Reserve	189,054
424,554		426,554

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18 December 2014

BRENTWOOD ASSIZE HOUSE

Review of Governance and Administration of Brentwood Assize House

Report of: Christopher Potter – Monitoring Officer and Head of Support Services

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 Brentwood Assize House ('the Charity') (Charity Number 230138) is a small charity under the terms of the Charities Act 2011.
- 1.2 The purpose of this report is to review the governance and administration of the Charity.

2. Recommendation(s)

- 2.1 That the current governance structure be noted.
- 2.2 That the costs of the administration of the Charity be quantified, separately accounted for and a review of its future administration needs for 2015/16 be undertaken.

3. Introduction and Background

- 3.1 The Charity Commission is the independent regulator of charities in England and Wales.
- 3.2 As the Assize House is a charity which is registered with the Charity Commission, it is regulated by the Charity Commission.
- 3.3 A charity has a legal structure which is defined by its 'governing document' which, as the Charity Commission states, is 'the legal document that creates the charity and says how it should be run'.
- 3.4 Brentwood Assize House is governed through the structure of a trust.

- 3.5 Trustees are responsible for the charity to which they are appointed.
- 3.6 Currently all 37 councillors serving on Brentwood Borough Council are trustees by virtue of comprising together the Council.
- 3.7 Administrative support is provided by Brentwood Borough Council including time by officers employed by Brentwood Borough Council.
- 3.8 The present demarcation lines do not sufficiently make clear that the Charity is a separate legal entity which is entirely responsible for itself.

4 Issue, Options and Analysis of Options

Charity Structure

- 4.1 There are, in the view of the Charity Commission, four main types of charity structure: (1) trust (2) unincorporated association (3) charitable company (limited by guarantee) and (4) charitable incorporated organisation (CIO).
- 4.2 Where a charity is 'unlikely to employ a significant number of staff or carry on any kind of business', but 'makes grants but doesn't do any other type of work', the Charity Commission suggests the appropriate form of charity structure is the 'trust'.
- 4.3 Therefore, the existing form of charity structure is recommended to be retained.

Trustees

- 4.4 Turning now to the question of trustees, the authority to act as trustees of the Charity and to administer the endowment was conferred on the then Urban District Council of Brentwood by the Charity Commission under a deed dated 11 December 1928.
- 4.5 On 1 April 1974 Brentwood Borough Council was formed and took over the responsibilities of the defunct Urban District Council of Brentwood including the separate and independent trustee role.
- 4.6 It must be fully understood that the role and responsibilities of trustee is completely separate from the role of a Brentwood Borough Councillor (even though Councillors are the trustees).

- 4.7 The conflict of interests must be managed. A trustee must by law only act in the interests of the charity for which they are trustee, and in contrast a Brentwood Borough Councillor must serve the interests of the Council as a whole.
- 4.8 As the Charity Commission states: 'Trustees make sure the charity is running well and is doing what it was set up to do. This includes ensuring the charity:
- has the money it needs
 - spends its money sensibly, on the activities it was raised for
 - follows the law, including preparing reports and accounts to be sent to the Charity Commission
 - doesn't break the rules in its governing document (its constitution, trust deed or articles'.
- 4.9 The Charity Commission also adds: 'Trustees of smaller charities might take on all or most of the work of running the charity'.

Administrative support and costs

- 4.10 Administrative support needs to be made available to the Charity and the issue is what support, who and at what cost to the Charity.
- 4.11 Such administrative support includes the preparation of grant application forms, their distribution, and administration of submitted grant applications. It also includes the preparation, holding of meetings of the Charity, and subsequent follow-up work including minute preparation and distribution. Indeed the Charity's wider secretarial role and financial role must be undertaken.
- 4.12 There are obviously costs associated with doing so (including the cost of hire of any venue for meetings and office equipment etc. such as a computer, printer etc).
- 4.13 Should Brentwood Borough Council wish to continue to support the Charity, then the arrangements between the Charity and the Council must be more open and transparent, recognising the Charity's independence and the requirement to stand on its own feet.
- 4.14 An option might be for Brentwood Borough Council to give an annual grant to the Charity such as to cover the cost to the public purse of public

resources if such resources are to be used. If so, the Charity will need to make an application for such public funding.

- 4.15 Another option might be for the Charity to make its own arrangements with individuals giving their time freely and without payment rather than applying for a grant to Brentwood Borough Council. But other administrative costs would still remain which would be a drain on the Charity's resources.
- 4.16 Whatever option the Trustees might wish to pursue, the cost of such administrative support needs to be quantified and then the matter be further reviewed with the benefit of such information.
- 4.17 Detailed guidance is available on the Charity Commission's website - <https://www.gov.uk/government/organisations/charity-commission>
- 4.18 The Charity Commission is currently holding a public consultation (ending at 5pm on 17 February 2015) on its guidance 'The essential trustee (CC3): new version' which moves away from drawing a distinction between legal requirements and good practice. It sets out what the Charity Commission expects of trustees.

5 Reasons for Recommendation

- 5.1 To be aware of its structural and operating arrangements.

6 References to Charity's Purposes

- 6.1 The Charity's objectives are for the general improvement of the Borough. This is consistent with Brentwood Borough Council's 'Street Scene and Environment', 'Housing, Health and Wellbeing' and 'A Safe Borough' priorities.

7 Implications

Financial Implications

Name & Title: Chris Leslie – Financial Services Manager

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

- 7.1 At the end of the financial year 2013/14 the Charity had £189,054 of available cash at its disposal and regular rental income of £2,000 a year.
- 7.2 In addition to this the Charity has two investment properties valued at a total of £237,500.

Legal Implications

Name & Title: Chris Potter – Monitoring Officer

Tel & Email: 01277 312743 / christopher.potter@brentwood.gov.uk

- 7.3 Trustees are reminded that in law they are required to act in the best interests of the Trust.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 7.4 None

- 8 Background Papers** (include their location and identify whether any are exempt or protected by copyright)

- 8.1 None

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18 December 2014

BRENTWOOD ASSIZE HOUSE

Review of Grant Award Criteria

Report of: Christopher Potter – Monitoring Officer and Head of Support Services

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 Brentwood Assize House ('the Charity') (Charity Number 230138) is a small charity under the terms of the Charities Act 2011.
- 1.2 The purpose of this report is to review the award criteria

<h4>2. Recommendation(s)</h4>
<p>2.1 That the existing award criteria be re-affirmed as set out in Appendix A to this Report. OR</p>
<p>2.2 That the award criteria be approved as set out in Appendix B to this Report.</p>

3. Introduction and Background

- 3.1 On 17 October 2012 the Trustees approved the grant award criteria in Appendix A to this Report.
- 3.2 Shortly before that date on 4 October 2012 the Charity Commission had approved the extension of the area of application of the Charity to the geographical area of Brentwood Borough Council.
- 3.3 Financial constraints are continuing and bids for funding are likely to be increase due to such constraints.
- 3.4 As a result the Charity needs to be certain that its award criteria remain 'fit for purpose'.

4 Issue, Options and Analysis of Options

- 4.1 The issue is what award criteria are appropriate for 2014/2015 and subsequent years.
- 4.2 Appendix A sets out the current criteria.
- 4.3 Appendix B also lays down award criteria. Apart from layout, the main change is as regards removing an apparent requirement for match funding so as to give some greater flexibility in the exercise of discretion by the Trustees.
- 4.4 The Trustees may however wish to suggest different criteria or set up a working group of the Charity to inform the Trustees at a subsequent meeting of the Charity.

5 Reasons for Recommendation

- 5.1 To be review and agree the award criteria.

6 References to Charity's Purposes

- 6.1 The Charity's objectives are for the general improvement of the Borough. This is consistent with Brentwood Borough Council's 'Street Scene and Environment', 'Housing, Health and Wellbeing' and 'A Safe Borough' priorities.

7 Implications

Financial Implications

Name & Title: Chris Leslie – Financial Services Manager

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

- 7.1 At the end of the financial year 2013/14 the Charity had £189,054 of available cash at its disposal and regular rental income of £2,000 a year.
- 7.2 In addition to this the Charity has two investment properties valued at a total of £237,500.

Legal Implications

Name & Title: Chris Potter – Monitoring Officer

Tel & Email: 01277 312743 / christopher.potter@brentwood.gov.uk

- 7.3 Trustees are reminded that in law they are required to act in the best interests of the Trust.

7.4 Decisions on grant funding need to be made in accordance with the Charity's purposes and a fair process is required.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

7.5 None

8 Background Papers (include their location and identify whether any are exempt or protected by copyright)

8.1 None

Report Author Contact Details:

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Appendix A

Brentwood Assizes House Trust application criteria for groups seeking funding.

This document sets out the criteria to be considered when the Trust is approached to provide funding.

Given that the funds available through the trust are limited it is important that some base line criteria should be complied with by all groups wishing to take advantage of funding.

For this reason the following is intended to provide some guidance on the criteria to be used in considering any application and to highlight those things which will be considered when reaching a decision.

Each application will in any event be considered on a case by case basis but failure to meet the criteria contained in this document may result in the application not even being considered by the trust.

- Anyone approaching the Trust for funding must have approached their Parish Council first and exhausted all other available options for funding.
- Any grant will only be made if it is for the greater good of the Brentwood Borough community
- Each group must supply their business case for the project to be funded including details of how the project is intended to be delivered and what ongoing supervision and support is intended to be put in place
- If applicable any affiliation criteria or membership to any locally or nationally recognised body must be disclosed in full
- Details of bank account and charitable status (if applicable) including registration number must be supplied
- Any grant will be on the basis of matched funding only
- Any award of funding will unless agreed by the Trustees be on a one off basis with no continued obligations attaching to the trust
- Any payments will be made on delivery of the objective or following a stage being completed if specifically agreed.
- No funding shall be made available for day to day running costs

- No funding will generally be available for any religious or political organisations or those groups affiliated or connected to such organisations
- Each case will be determined by a meeting of the whole of the Trustees on its merits.
- The Trustees retain absolute discretion over any application to be determined.

(NB The relevance of any religious or political status or affiliation of applicants will be considered on the basis of the full application as submitted).

Brentwood Assize House Grant Award Criteria

Decision-Making

The Trustees of Brentwood Assize House shall make its decision on any application for funding strictly in accordance with the law, Brentwood Assize House's charitable purposes, and having regard to the relevant Charity Commission's guidance which from time to time applies.

Guidance to Applicants

Applicants are respectfully advised below of the Brentwood Assize House's criteria for assessing and awarding grants from its limited funds.

Grant applications shall be rejected in the following circumstances:-

Not within the geographical area

- (1) If the funding application does not relate to the geographical area of the Borough of Brentwood, it shall be rejected as the Trustees have no power.

Not for the general improvement of the Borough

- (2) If the funding application is not "for the general improvement" of area of the Borough of Brentwood, the funding application shall be rejected as the Trustees have no power. (Any funding application shall only be potentially granted to the extent that it is for the greater good of the area of the Borough of Brentwood).

Highway funding or Parochial Rates

- (3) Any funding application to the extent that it relates to funding for highways or parochial rates shall be rejected as these matters lie outside Brentwood Assize House's charitable purposes.

Grant applications are generally likely to be rejected in the following circumstances:

- **Day-to-day running costs**- no funding shall be made available for day-to-day running costs.
- **No continuing obligations** - any award of funding shall be only be made on a "one-off basis" with no continuing obligations unless the Trustees agree otherwise
- **Religious or political organisations** - no funding shall be available for any religious or political organisations or those groups affiliated or connected to such organisations.

Grant applications shall be otherwise considered on their merits

Even if an application relates to the Borough of Brentwood and is for the general improvement of the Borough within Brentwood Assize House's charitable purposes, there are limited funds and so the Trustees will exercise their discretion *on a case by case basis*.

The general expectations which are usually required to be met are as follows:-

The Trustees shall generally expect that applicants for funding

- fully complete the **application form** provided by Brentwood Assize House
- to have **insufficient resources** i.e. do not have and cannot reasonably be expected to have or acquire sufficient resources of their own or access to such resources from others with whom they are associated or are to be associated
- to have **exhausted all other available funding options** i.e. shall be able to demonstrate that they have already approached their parish council or other community or charity based source (if there is one) first and have been rejected (in whole or in part), and shall be able to demonstrate that they have exhausted all other available options for funding.
- to have a viable **business case** i.e. shall submit a full written business case for the proposal for which funding is sought (including details of how the proposal is intended to be delivered and what ongoing supervision and support (if any) is intended to be put in place)
- to disclose any **membership of any body** i.e. shall disclose in full any affiliation criteria to or membership of any locally or nationally recognised body
- to disclose any **charitable status** i.e. shall supply full details of any charitable status including their registration number
- to supply **bank account details** i.e. shall supply details of the bank account/building society account into which any award is to be paid
- to evidence **equality and diversity commitment** i.e. shall demonstrate their commitment to equality and diversity to the satisfaction of the Trustees.

Conditions

In the event that the Trustees are minded to make an award, the award shall *normally* be made on the following pre-condition:-

- that binding **match funding** to the same value or greater has been awarded and that there is evidence to the satisfaction of the Trustees of this

Even if an award is to be agreed, the terms of any award shall be on the following basis:

- **verification** - no payment(s) shall be made under any award until the Trustees are satisfied upon the evidence supplied that
 - (a) the relevant stage(s) of the proposal (if any) have been completed to the Trustees' absolute satisfaction or
 - (b) that the proposal's objective has been achieved (if later)
- **granting of consent to verify** - permission shall be given to the Trustees to verify that any funding award has been properly applied for the purposes for which it was made.

Brentwood House Assize Trustees

December 2014

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