



Agenda

Assizes House Trust Fund

Wednesday, 16 September 2015 at 6.00 pm
Council Chamber - Town Hall

Membership (Quorum – 10)

Cllrs Barrett, Carter, Chilvers, Clark, Cloke, Mrs Coe, Mrs Cohen, Mrs Davies, Faragher, Mrs Henwood, Hirst, Mrs Hones, Hossack, Mrs Hubbard, Keeble, Kendall, Kerlake, McCheyne, Mrs McKinlay, Morrissey, Mrs Murphy, Mynott, Newberry, Parker, Reed, Russell, Ms Sanders, Sleep, Mrs Squirrell, Tee, Barrell, Poppy, Ms Rowlands, Mrs Slade, Trump, Wiles and Aspinell

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Declarations of Interest		
3.	Minutes of the last meeting		5 - 8
4.	Appointment of Officers of the Trust	All Wards	9 - 12
5.	Approval of the Statement of Accounts 2014/15	All Wards	13 - 18
6.	Brentwood County High School reimbursement for footpath	All Wards	19 - 20
7.	Review of Bids	All Wards	21 - 28
8.	Date of next meeting		

A handwritten signature in black ink, appearing to read 'P. L. R. B.' with a large, sweeping underline.

Head of Paid Service

Town Hall
Brentwood, Essex
02.09.2015

Information for Members

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

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The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Private Session

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Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.



Minutes

Assizes House Trust Fund Thursday, 18th December, 2014

Attendance

Mr Aspinell (Chair)	Ms Morrissey
Mr Lloyd (Vice-Chair)	Mrs Murphy
Mr Baker	Mr Mynott
Mrs Coe	Mr Quirk
Mr Hirst	Mr Reed
Mrs Hubbard	Mr Sleep
Mr Kerslake	Mr Tee

Apologies

Mr Barrett	Mr Kendall
Mr Carter	Mr Le-Surf
Ms Chilvers	Mr McCheyne
Mr Clark	Mrs McKinlay
Mr Cloke	Dr Naylor
Mrs Cohen	Mr Newberry
Mrs Davies	Mr Parker
Mr Faragher	Mr Russell
Mrs Henwood	Ms Sanders
Mrs Hones	Mr Sapwell
Mr Hossack	Mrs Squirrell
Mr Keeble	

Substitute Present

Also Present

Officers Present

Kim Anderson	Partnership, Leisure and Funding Manager
Claire Hayden	Governance and Member Support Officers
Christopher Potter	Monitoring Officer and Head of Support Services
Chris Leslie	Financial Services Manager

1. Apologies for absence

Apologies were received from Mr Barrett, Mr Carter, Ms Chilvers, Mr Clark, Mr Cloke, Mrs Cohen, Mrs Davies, Mr Faragher, Mrs Henwood, Mrs Hones, Mr Hossack, Mr Keeble, Mr Kendall, Mr Le-Surf, Mr McCheyne, Mrs McKinlay, Dr Naylor, Mr Newberry, Mr Parker, Mr Russell, Ms Sanders, Mr Sapwell and Mrs Squirrell.

2. Minutes of the last meeting

The minutes of the 12.2.2014 meeting were approved.

3. Declarations of Interest

Ms Morrissey declared an interest as a member of the Conservators of Shenfield Common.

4. Approval of the Statement of Accounts 2013/14 and Appointment of Temporary Support Staff

Brentwood Assize House ('the Charity') (Charity Number 230138) were asked to approve the Statement of Accounts for 2013/14.

The Trustees were requested to appoint two people to act on the Charity's behalf for formal contact with the Charity Commission.

Trustee requested a review of the lease on 86 High Street and re-valuation on 8-12 Crown Street be undertaken.

A motion was MOVED by Mr Aspinell and SECONDED by Mr Lloyd.

RESOLVED UNANIMOUSLY to approve the recommendations set out in the report.

2.1 Approve the Statement of Accounts for 2013/2014.

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 Service Manager)
- Phoebe Barnes (Accountant)

5. Review of Governance and Administration of Brentwood Assize House

Brentwood Assize House ('the Charity') (Charity Number 230138) is a small charity under the terms of the Charities Act 2011.

It was noted that the purpose of the report was to review the governance and administration of the Charity.

A Trustee expressed concerns on the guidance given to new Councillors on the role as a Trustee to the Assizes Trust. Mr Potter confirmed that training will be reviewed.

Mr Potter advised the Trustee that the role of clerk for this Charity should be a not an Officer of the Council due to potential or actual conflicts of interest.

A view was expressed for a independent person to take on this role as clerk and a review on an alternative venue to hold the Assize Trust Meeting be undertaken. A report be presented at the next meeting.

A motion was MOVED by Mr Aspinell and SECONDED by Mr Lloyd.

RESOLVED UNANIMOUSLY to approve the recommendations set out in the report.

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 2015/2016 be undertaken.

6. Review of Grants Award Criteria

Brentwood Assize House ('the Charity') (Charity Number 230138) is a small charity under the terms of the Charities Act 2011.

It was noted that the purpose of the report was to review the award criteria.

Mrs Hubbard expressed concerns on the revised criteria (Appendix B). A suggestion from Mr Hirst, to change to some of the wording may be required.

A motion was MOVED by Mr Aspinell and SECONDED by Mr Lloyd to approve the recommendation 2.2 subject to an amendment to the wording of the new criteria (Appendix B) and circulated to Trustees.

RESOLVED UNANIMOUSLY to:

2.1 That the award criteria be approved as set out in Appendix B to this report (as amended) and that it be circulated.

7. Applications for Funding

The Trustees of the Assizes House Trust Fund asked to consider the bid received from the Conservators of the Shenfield Common for a grant to clear, clean and restore the pond on Shenfield Common.

Mrs Morrissey declared an interest in this bid as a Conservator and left the Chamber taking no part in the item of business.

Mr Lloyd MOVED a motion to refusal this application, which was SECONDED by Mr Aspinell.

Mr Lloyd requested that the application be re-submitted and brought back to the next meeting with the following conditions:-

- Other avenues for funding be undertaken,
- Application to be completed under the new criteria,
- Indication of cost, evidence of value,
- Presentation on application, works needed.

8. Date, time and place of next meeting

A date, time and place would be arranged for February/March 2015.

16 September 2015

BRENTWOOD ASSIZE HOUSE

Appointment of Staff

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

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 Following staff changes, Brentwood Assize House ('the Charity') (Charity Number 230138) is asked to appoint the Head of Paid Service as its Secretary and two people to act on the Charity's behalf for formal contact with the Charity Commission

2. Recommendation(s)

- 2.1 That Philip Ruck, Head of Paid Service, be appointed to be the Secretary of Brentwood Assize House;**
- 2.2 That the following people be appointed with immediate effect to act on the Charity's behalf for contact with the Charity Commission including submission of annual returns:**
- Chris Leslie (Financial Director); and
 - Phoebe Barnes (Accountant).

3. Introduction and Background

- 3.1 The Brentwood Assize House was established in 1860 and the full Council acts as the trustee.
- 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 Council 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 Charity 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 The Council provides exchequer services to the Charity, presently at nil cost to the Charity.

4 Issue, Options and Analysis of Options

- 4.1 As a result of changes over the last year, the Charity needs to formally appoint a Secretary and two people to act on its behalf to be the point of contact with the Charity Commission as regards the Submission of Annual Returns.

5 Reasons for Recommendation

- 5.1 To assist the Charity to comply with their responsibilities, there is a need to appoint a Secretary to act on behalf of the Charity.
- 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 the Council's 'Street Scene and Environment', 'Housing, Health and Wellbeing' and 'A Safe Borough' priorities.

7 Implications

Financial Implications

Name & Title: Chris Leslie – Finance Director (Section 151)

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

- 7.1 None

Legal Implications

Name & Title: Chris Potter – Monitoring Officer and Head of Support Services

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

- 7.2 The Council and Members of the Council are reminded that in law they are required to act in the best interests of the Charity, and this includes make relevant appointments of personnel.

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

7.3 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

None

Report Author Contact Details:

Name: Christopher Potter – Monitoring Officer and Head of Support Services
Telephone: 01277 312860
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16 September 2015

Brentwood Assizes House

Statement of Accounts 2014/15

Report of: *Chris Leslie – Finance Director*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 The Trustees of Brentwood Assize House are asked to approve the Statement of Accounts for 2014/15.

2. Recommendation(s)

- 2.1 That the Statement of Accounts for 2014/15 at Appendix A are approved.**

3. Introduction and Background

- 3.1 Brentwood Assize House (Charity Number 230138) was established in 1860 and is held by the Members of Brentwood Borough Council, as Trustees. 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”.
- 3.2 The Trustees extended the area of the Charity to include the whole Borough of Brentwood on the 11th July 2012. 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.”
- 3.3 The Council provides exchequer services to the Trust.

4 Issue, Options and Analysis of Options

- 4.1 The charity received an annual income of £2,000 from the rental of its properties; 86 High Street Brentwood (the site of the former Town Hall) and 8-12 Crown Street, both for £1,000 per annum. The properties have

been revalued during 2014/15 and are included in the balance sheet taking into account the existing lease agreements.

- 4.2 The fund did not incur any expenditure in 2014/15.
- 4.3 The Trust had cash balances as at 31st March 2015 of £191,054.
- 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 As a registered charity the Trust is required to submit annual returns to the Charity Commission.

6 References to Corporate Plan

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

7 Implications

Financial Implications

Name & Title: Chris Leslie – Finance Director (Section 151)

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

- 7.1 The financial implications are considered in the report.

Legal Implications

Name & Title: Chris Potter – Monitoring Officer and Head of Support Services

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

- 7.2 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.

- 7.3 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 2014/15

Report Author Contact Details:

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Brentwood Assize House Statement of Accounts 2014/15

Income and Expenditure	2014/15
	£
Income	
Rent	2,000
Surplus for the Year	2,000

Balance Sheet	2014/15
	£
Assets	
8-12 Crown Street	80,000
86 High Street	32,500
Cash at Bank	191,054
Total Net Assets	303,554

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16 September 2015

Assizes House Trust

Match-funding for Path outside Brentwood County High School, Seven Arches Road, Brentwood

Report of: Christopher Potter

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 The trustees of the Assizes House Trust Fund are asked to reconsider the bid received from Brentwood County High School for match-funding with Essex County Council a path outside the school.

2. Introduction and Background

- 2.1 At their 12.2.2014 meeting, the Assizes House Trustees agreed to matchfund a path leading to Brentwood County High School (see minute below) and the Local Highways Panel agreed to pay the other half at their 16 June 2014 meeting, subject a highway boundary search being undertaken beforehand. The required contribution from each party was £17,512. The Trustees' agreement was subject to a three-month deadline but unfortunately the decisions have not been married up and therefore no payments have been made to the school.

- 2.2 Minute from 12.2.14 Assizes Trust meeting:

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.

3. Issue, Options and Analysis of Options

- 3.1 The School has paid for the path and is seeking reimbursement, both the Assize House Trustees and the ECC (upon the recommendation of the Local Highways Panel) having separately agreed to match-fund the cost of the path.
- 3.2 There are sufficient resources within the budget to meet the payment.

4. Decision required

- 4.1 Trustees are asked to reconsider the application and make a decision on whether to extend the deadline so that payment can be made to the school.

5. Appendices

None.

Report Author Contact Details:

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16 September 2015

Assizes House Trust

Review of Bids Received

Report of: Christopher Potter

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 The trustees of the Assizes House Trust Fund are asked to consider the bid received from the Conservators of Shenfield Common for a grant towards restoration of the Pond.

2. Introduction and Background

- 2.1 The grant application form from the Conservators of Shenfield Common is attached as Appendix A.
- 2.2 The application is for £15,000 of a total project cost of £30,000 with match funding being sought elsewhere.
- 2.3 The application criteria of the Brentwood Assizes House Trust Fund are attached as Appendix B.

3. Issue, Options and Analysis of Options

- 3.1 The grant application has been through an initial review and matches the application criteria.
- 3.2 There are sufficient resources within the budget to meet the grant application.

4. Decision required

- 4.1 Trustees are asked to consider the application and make a decision on whether to grant the application.

5. Appendices

Appendix A - Grant Application Form from Conservators of Shenfield
Common - *Exempt*

Appendix B - Application criteria for groups seeking funding.

Report Author Contact Details:

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Appendix A

Appendix contains exempt information and is therefore not publicly available.

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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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