



Agenda

Assizes House Trust Fund

Wednesday, 25 January 2017 at 6.00 pm
Council Chamber - Town Hall

Membership (Quorum – 10)

Cllrs Aspinell, Barrell, Barrett, Bridge, Chilvers, Clarke, Cloke, Mrs Coe, Mrs Davies, Faragher, Mrs Fulcher, Hirst, Mrs Hones, Hossack, Mrs Hubbard, Keeble, Kendall, Kerlake, McCheyne, Mrs McKinlay, Mrs Middlehurst, Morrissey, Mynott, Mrs Murphy, Newberry, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Mrs Slade, Mrs Squirrel, Trump, Tumbridge and Wiles

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for absence		
2.	Declarations of Interest		
3.	Minutes of the last meeting		
4.	Appointment of Officers of the Trust		
5.	Approval of Statement of Accounts 2015/16		
6.	Review of Bids Received		
7.	Date of next meeting		

Head of Paid Service

Town Hall
Brentwood, Essex
Date Not Specified

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

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.brentwood.gov.uk.

Webcasts

All of the Council's meetings are webcast, except where it is necessary for the items of business to be considered in private session (please see below).

If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

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

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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Access

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

Evacuation Procedures

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 Wednesday, 16th September, 2015

Trustees in attendance

Mr Aspinell	Mr Mynott
Mr Barrett	Mr Newberry
Mr Clark	Mr Parker
Mr Cloke	Mr Reed
Mrs Coe	Mr Russell
Mr Faragher	Ms Sanders
Mrs Henwood	Mr Sleep
Mr Hirst	Mrs Squirrell
Mrs Hones	Mr Tee
Mr Hossack	Mr Barrell
Mrs Hubbard	Mr Poppy
Mr Keeble	Ms Rowlands
Mr Kendall	Mrs Slade
Mr Kerslake	Mr Trump
Mr McCheyne	Mr Wiles
Mrs McKinlay	
Ms Morrissey	
Mrs Murphy	

Apologies

Ms Chilvers	Mrs Davies
Mrs Cohen	

Officers Present

Chris Leslie	- Finance Director
Karen O'Shea	- Governance and Member Support Officer
Jean Sharp	- Governance and Member Support Officer
Daniel Toohey	- Head of Legal

1. Apologies for Absence

Apologies were received from Ms Chilvers, Mrs Cohen, Mrs Davies and Chris Potter.

2. Declarations of Interest

No declarations of interest were received.

3. Minutes of the last meeting

The minutes of the Assizes House Trust Fund meeting held on 18 December 2014 were agreed as a true record.

4. Appointment of Officers of the Trust

Following staff changes, Brentwood Assize House ('the Charity') (Charity Number 230138) was 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.

Mrs McKinlay MOVED and Mr Hirst SECONDED the recommendations in the report and following a discussion, a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

- 1. That Phillip Ruck, Head of Paid Service, be appointed to be the Secretary of Brentwood Assize House;**
- 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 (Finance Director); and**
 - Phoebe Barnes (Accountant).**

REASON FOR RECOMMENDATION

To assist the Charity to comply with their responsibilities, there was a need to appoint a Secretary to act on behalf of the Charity.

5. Approval of the Statement of Accounts 2014/15

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

Mrs McKinlay MOVED and Mr Hirst SECONDED the recommendation in the report and following a discussion, a vote took place by a show of hands and it was

RESOLVED UNANIMOUSLY

That the Statement of Accounts for 2014/15 at Appendix A be approved.

REASON FOR RECOMMENDATION

As a registered charity the Trust was required to submit annual returns to the Charity Commission.

6. Brentwood County High School reimbursement for footpath

The trustees of the Assizes House Trust Fund were asked to reconsider the bid received from Brentwood County High School for match-funding, with Essex County Council, a path outside the School. The total cost of the path was £35,024.00 including VAT.

At the 12.2.2014 meeting, the Trustees had agreed to match-fund the path provided Essex County Council agreed to match-funding within three months.

Essex County Council's Local Highways Panel approved the funding at its 16 June 2014 meeting, ie outside the deadline agreed by the Assize House Trustees.

Mrs McKinlay MOVED and Mr Hirst SECONDED and following a discussion and a vote being taken on a show of hands it was

RESOLVED UNANIMOUSLY

That the match-funded payment would be made subject to receipt of the invoice from Brentwood County High School.

7. Review of Bids

The Trustees of the Assizes House Trust Fund were asked to consider the bid received from the Conservators of Shenfield Common for a match-funded grant of £15,000 towards restoration of the Pond.

Mr Barrell, Ms Morrissey and Mr Wiles each declared a non-pecuniary interest being Conservators of Shenfield Common and took no part in the discussion or vote.

The Chairman of the Conservators was present at the meeting and responded to Trustees' questions regarding the application.

Mrs McKinlay MOVED and Mr Parker SECONDED and following a discussion and a vote being taken on a show of hands it was

RESOLVED UNANIMOUSLY

to grant the £15,000 requested, subject to match-funding.

8. Date of next meeting

Trustees would be advised of the date of the next meeting it had been set.

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25 January 2017

BRENTWOOD ASSIZE HOUSE

Appointment of Officers of the Trust

Report of: *Philip Ruck , Chief Executive*

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 reaffirm the appointment of the Chief Executive 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, Chief Executive 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:**
- John Chance (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: John Chance – Finance Director (Section 151)

Tel & Email: 01277 312542 / john.chance@brentwood.gov.uk

7.1 None

Legal Implications

Name & Title: Daniel Toohey – Monitoring Officer and Head of Legal Services

Tel & Email: 01277 312743 / Daniel.Toohy@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: Philip Ruck – Chief Executive
Telephone: 01277 312569
E-mail: philip.ruck @brentwood.gov.u

25 January 2016

Brentwood Assize House

Statement of Accounts 2015/16

Report of: *Phi Ruck – Chief Executive*

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 2015/16.

2. Recommendation(s)

- 2.1 That the Statement of Accounts for 2015/16 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 receives 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 Council receives

this income on behalf of the Trust and was a debtor to the Trust at 31st March 2016.

- 4.2 The properties was re-valued during 2014/15 and are included in the balance sheet taking into account the existing lease agreements.
- 4.3 During 2015/16 The Trust paid an external Grant of £15,660 to Brentwood Community Academies Trust in reference to installing a footpath outside Brentwood County High School as agreed at the meeting on 16th September 2015. The cost was match funded by Essex County Council.
- 4.4 The Trust had cash balances as at 31st March 2016 of £175,393.
- 4.5 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 'Environment and Housing' 'Community and Health' and 'Localism' Vision Priorities.

7 Implications

Financial Implications

Name & Title: Ramesh Prashar – Financial Services Manager
Tel & Email: 01277 312513 / Ramesh.prashar@brentwood.gov.uk

- 7.1 The financial implications are considered in the report.

Legal Implications

Name & Title: Daniel Toohey – Monitoring Officer
Tel & Email: 01277 312860 / Daniel.Toohy@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 2015/16

Report Author Contact Details:

Name: Jacqueline Van Mellaerts – Principal Accountant - Revenue
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E-mail: Jacqueline.vanmellaerts@brentwood .gov.uk

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Appendix A

Appendix A

Brentwood Assize House Statement of Accounts 2015/16

2014/15 £	Income and Expenditure Account	2015/16 £
	Income	
2,000	Rent	2,000
2,000	Total Income	2,000
	Expenditure	
0	Interest	1
0	Grants to External Bodies	15,660
0	Total Expenditure	15,661
(2,000)	Deficit/(Surplus) transferred to Revenue Balance	13,661

2014/15 £	Balance Sheet	2015/16 £
	Assets	
80,000	8-12 Crown Street	80,000
32,500	86 High Street	32,500
0	Debtors	2,000
191,054	Cash at Bank	175,393
303,554		289,893
	Liabilities	
0	Creditors	0
303,554	Total Net Assets (Assets less Liabilities)	289,893
	Reserves	
112,500	Property	112,500
191,054	Revenue Reserve	177,393
303,554		289,893

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25 January 2017

Assizes House Trust

Review of Bids Received

Report of: *Philip Ruck – Chief Executive*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

1.1 The trustees of the Assizes House Trust Fund are informed that no bids have been received since the last meeting

1.2 The Trustees are asked to note that the assets of the Assizes trust are considerable and as such a review should be undertaken as to the effectiveness of their use

2. Recommendation(s)

2.1 That the Chief Executive prepares a business case for the use of the funds of the Assizes Trust.

2.2 That the Chief Executive be granted delegated authority in consultation with Group Leaders or their appointed deputies to implement the agreed recommendations of the business case subject to :

- a) The recommendations are within the award criteria of the Brentwood Assize Trust (see Appendix A)**
- b) The recommendations do not disadvantage any current recipients of grants or those that benefit from the current operations of the Trust**

2.3 That an amount of up to £5000 be reserved for legal expenses relating to the activities in 2.1 and 2.2 above

3 Reasons for Recommendation

- 3.1 To assist the Charity to comply with their responsibilities, there is a need to review the existing assets and how they can best be used for the benefit of the community in Brentwood

4 References to Charity's Purposes

- 4.1 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: John Chance – Finance Director (Section 151)
Tel & Email: 01277 312542 / john.chance@brentwood.gov.uk

- 7.1 None

Legal Implications

Name & Title: Daniel Toohey – Monitoring Officer and Head of Legal Services
Tel & Email: 01277 312743 / Daniel.Toohy@brentwood.gov.uk

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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