

**Title of Report:** **TRANSFER OF TRUSTEESHIP TO NEW LOWESTOFT TOWN COUNCIL AND OULTON BROAD PARISH COUNCIL (REP1532)**

**Meeting Date** 25<sup>th</sup> January 2017

**Report Author** Stephen Baker, Chief Executive, Waveney District Council

**MATTER FOR DECISION**

Approval of the transfer of the trusteeship of the land at ‘Arnold’s Bequest’ and ‘Nicholas Everitt Park’ from Waveney District Council to the new parish council for Lowestoft and the new parish council for Oulton Broad respectively.

**Waveney District Council’s charitable role**

1. Waveney District Council is the current trustee of two charities that relate to land known as ‘Arnold’s Bequest’ and ‘Nicholas Everitt Park’ (see Appendix A and B respectively).
2. Waveney District Council (‘the Council’) inherited the trusteeship of each of these charities when the Council was created in 1974.
3. The individual councillors on Waveney District Council are not separate trustees but instead the Council itself, corporately, is the sole trustee of the two charities. The Council has put in place a separate Charity Board of the Council (made up of all 48 Councillors) to make decisions relating to these charities.

**Community Governance Review**

1. Acting in the Council’s usual capacity, it carried out a ‘Community Governance Review’ of the un-parished area of Lowestoft during 2016.
2. Following the conclusion of this Review, recommendations were made to Full Council for the creation of a new parish for Lowestoft and a new parish for Oulton Broad, along with minor boundary changes to the parish of Corton.
3. The new parish for Lowestoft will be represented by a new council made up of 20 councillors. This will be created as ‘Lowestoft Parish Council’ in accordance with the regulations, and the new council once created can then choose to adopt the title of ‘Lowestoft Town Council’ should they wish to. It is anticipated that the new council would wish to adopt this title and as such the new council is referred to in this report and other Review documentation as ‘Lowestoft Town Council’.

4. The new parish for Oulton Broad will be represented by a new council (Oulton Broad Parish Council) made up of 12 councillors.
5. These recommendations were approved at the Full Council meeting held on 16 November 2016, and will be formally implemented through the making of a 'Reorganisation Order' at the Full Council meeting following the Charity Board meeting on 25 January 2017.
6. As part of the Review, consideration was given to the assets that should be transferred to the new councils. A list of assets for transfer was drawn up and included with the recommendations that were approved at Full Council on 16 November 2016.
7. The final list of assets for transfer is included in the Reorganisation Order, as appended to the Full Council report for 25 January 2017.

### **Matters for Consideration**

1. Within the list of assets agreed for transfer there are two areas of land which relate to the Council's role as sole trustee of two charities:
  - a. 'Arnold's Bequest' (plan attached at Appendix A)
  - b. 'Nicholas Everitt Park' (plan attached at Appendix B)
2. Following the Community Governance Review, and in accordance with the decisions made by Full Council on 16 November 2016, these two areas of charitable land have been included within the draft Reorganisation Order. If the Reorganisation Order is approved by Full Council, this will enable the land and associated trusteeships to be transferred to the new councils - with 'Arnold's Bequest' charity being transferred to Lowestoft Town Council and the 'Nicholas Everitt Park' charity being transferred to Oulton Broad Parish Council. The new Town and Parish Councils would therefore replace Waveney District Council as the sole trustees of these respective charities.
3. As the transfers of the charity trusteeships would be made under the Reorganisation Order, the Council has been advised that the prior consent of the Charity Commission is not required. A copy of the Reorganisation Order will be sent to the Charity Commission for their information following the making of the Order in order that records can be updated.
4. Members of the Charity Board are therefore requested to approve the transfer of the trusteeships of these two charities to the new parish councils upon their creation on 1<sup>st</sup> April 2017.

### **REASONS FOR RECOMMENDATION**

To approve the transfer of the trusteeships of the charities relating to the land at 'Arnold's Bequest' and 'Nicholas Everitt Park', following Full Council's decision on 16 November 2016 to create a new Lowestoft Town Council and a new Oulton Broad Parish Council.

## RECOMMENDATIONS

1. That the Charity Board approve the transfer of the trusteeship of the charity known as the Frank Thomas Arnold Bequest (relating to the land shown on the plan at Appendix A) to the new 'Lowestoft Town Council' from 1 April 2017.
2. That the Charity Board approve the transfer of the trusteeship of the charity known as The Nicholas Everitt Park (relating to the land shown on the plan at Appendix B) to the new 'Oulton Broad Parish Council' from 1 April 2017.

## APPENDICES

<b>Appendix A</b>	Plan of trust land at 'Arnold's Bequest'
<b>Appendix B</b>	Plan of trust land at 'Nicholas Everitt Park'

**BACKGROUND PAPERS** - None

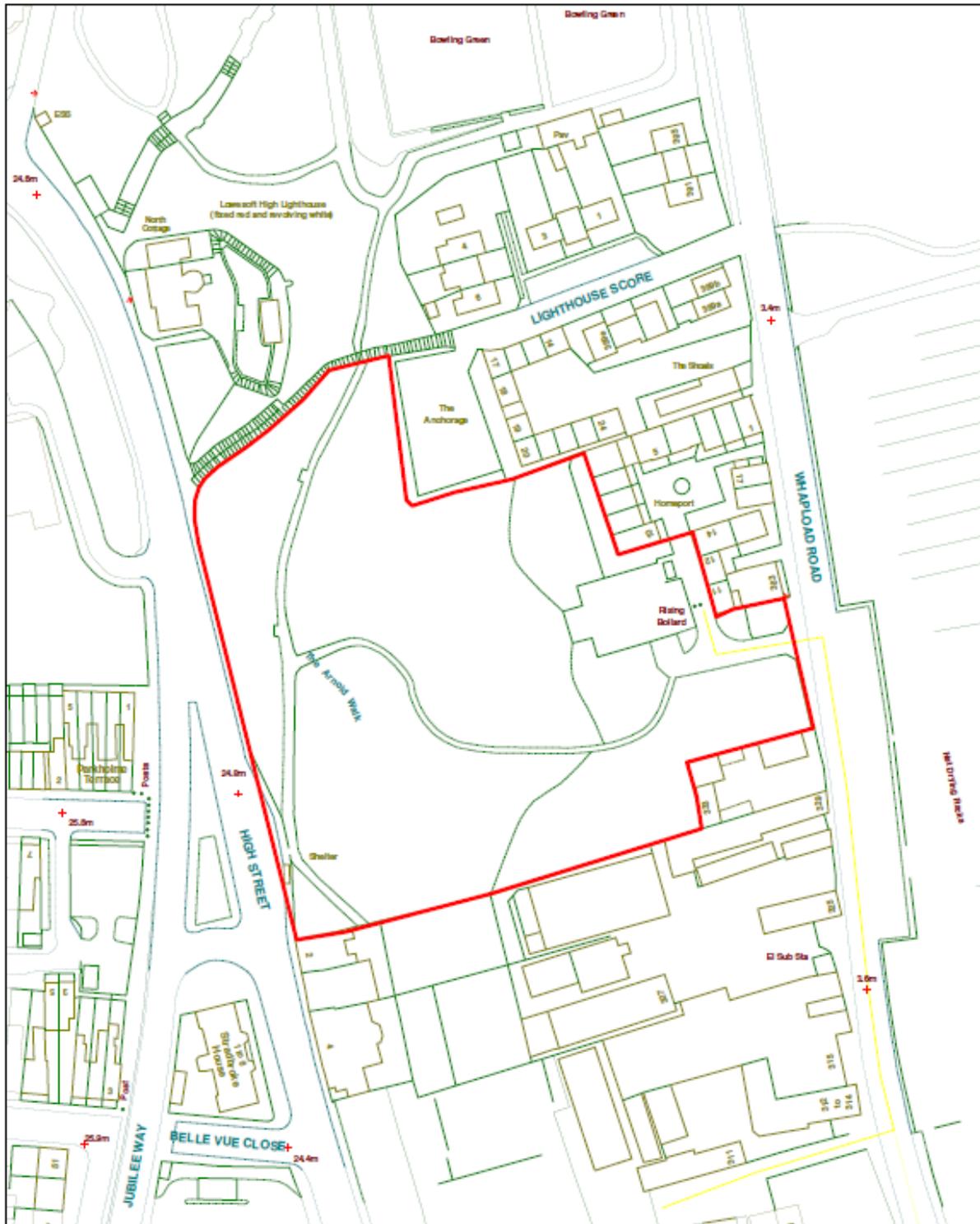
APPENDIX A

# Waveney District Council

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## Arnold's Bequest, High Street, Lowestoft, Suffolk

Scale 1:1250



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## Nicholas Everitt Park, Lowestoft. Suffolk

Scale 1:2500

