

Minutes of a meeting of the **Charity Board** held in the Conference Room, Riverside, Lowestoft on **Wednesday, 25 January 2017** at **5.30pm**.

Members present:

M Bee (Chairman), S Allen, P Ashdown, E Back, S Barker, M Barnard, N Brooks, A Cackett, G Catchpole, M Cherry, Y Cherry, J Craig, G Elliott, T Gandy, T Goldson, L Gooch, I Graham, A Green, M Ladd, C Law, F Mortimer, T Mortimer, J Murray, L Nicholls, B Provan, D Ritchie, C Rivett, J Smith, L Smith, K Springall, C Topping and S Woods

Officers present:

S Baker (Chief Executive), A Charvonia (former Strategic Director & Monitoring Officer), J Sturman (Senior Accountant, Financial Compliance) and N Wotton (Democratic Services Manager).

1 APOLOGIES

Apologies for absence were received from Councillors J Ceresa, J Ford, J Groom, K Patience, M Pitchers and T Reynolds.

2 DECLARATIONS OF INTERESTS

Councillor M Barnard declared a Local Non Pecuniary Interest in Item 5 – Transfer of Trusteeship to new Lowestoft Town Council and Oulton Broad Parish Council – as he and his wife were both ‘Friends of Nicholas Everitt Park’.

3 MINUTES

RESOLVED

That the Minutes of the meeting held on 20 July 2016 be confirmed as a correct record and signed by the Chairman.

4 CHARITY ACCOUNTS AND RETURNS

The Chief Executive welcomed Mr Charvonia to the meeting and advised that he was in attendance to assist with any questions which were raised during the discussions this evening.

Frank Thomas Arnold Bequest Charity

For the year ended 31 March 2016, the Charity received £1,500 in rent for the seating area adjacent to the Lighthouse Café.

At the year end, the Charity's tangible fixed assets (land) remained at £17,795 and £13,216 was ring-fenced for the Charity in Waveney District Council's bank account; giving total net assets of £31,011 as at 31 March 2016.

Nicholas Everitt Park Charity

For the year ended 31 March 2016, the total income received by the Charity from leisure activity fees and property rents was £13,358. Total expenditure for the year was £29,287.

The Charity did receive a grant from Waveney District Council each year to cover the total costs incurred less the income received so as to ensure all expenditure was covered. The grant for the year ended 31 March 2016 amounted to £15,929.

It was noted that the rental income basically covered repairs, maintenance, electricity, water and insurance. Fixed assets had been valued at £367,062 as at 31 March 2016.

Members had all received copies of the report and the Chief Executive asked if there were any questions.

A Member requested clarification regarding the car park fees which were generated from Nicholas Everitt Park, as the car park was shown to be within the park on the map, which was attached to Agenda Item 5. It was reported that the funding was shown in a separate Charity Account, as the car park did not generate sufficient funds to cover its running and maintenance costs. After further discussion, it was stated that more detail in this respect could be provided outside of the meeting.

RESOLVED

1. That the 2015/16 Accounts for the Arnold Bequest land (Charity Number 304785) as outlined in Appendix A be approved.
2. That the 2015/16 Accounts for the Nicholas Everitt Park (Charity Number 304788) as outlined in Appendix B be approved.

5 TRANSFER OF TRUSTEESHIP TO NEW LOWESTOFT TOWN COUNCIL AND OULTON BROAD PARISH COUNCIL

The Strategic Director presented the report, which sought approval of the trusteeship of the land at 'Arnolds 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.

Members were advised that Waveney District Council ('the Council') inherited the trusteeship of each of these charities when the Council was created in 1974. The individual Councillors on Waveney District Council were not separate trustees but instead the Council itself, corporately, was the sole trustee of the two charities. The Council had put in place a separate Charity Board of the Council (made up of all 48 Councillors) to make decisions relating to these charities.

It was noted that the Council, acting in its usual capacity, had carried out a ‘Community Governance Review’ of the un-parished areas of Lowestoft during 2016. 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. As part of the review, consideration was given to the assets that should be transferred to the new Councils. Within the list of assets agreed for transfer, there were two areas of land which relate to the Council’s role as sole trustee of two charities:

- Arnolds Bequest – plan attached at Appendix A
- Nicholas Everitt Park – plan attached at Appendix B

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 was approved by Full Council, this would enable the land and associated trusteeships to be transferred to the new Councils, with ‘Arnolds 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.

Members were advised that 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 would be sent to the Charity Commission for their information, following the making of the Order, so that their records could be updated. Members were therefore requested to approve the transfer of the trusteeships of these two charities to the new parish Councils upon their creation on 1 April 2017.

A Member queried which land was owned by the Charity, as the map attached to the report showed that it covered part of the Broads as well. It was confirmed that the Charity had ownership of approximately 1 metre of land underneath the water, along the edge of the Broads in Nicholas Everitt Park.

A Member asked whether the Friends of Nicholas Everitt Park had been consulted about the proposed transfer to Lowestoft Town Council. It was confirmed that they had been made fully aware as part of the consultation process and Councillor Barnard was also a member of the ‘Friends’ and had explained the situation to them.

With regard to the public consultation process, it was confirmed that the relevant parishes and organisations had been written to and encouraged to participate in contributing their views to the consultation process. All those who would potentially be affected by the transfer, had been given the opportunity to raise any objections that they may have.

A Member queried whether the Rotary Club had been consulted, as it was known that they held significant charity events at Nicholas Everitt Park to raise money in the summer months. It was reported that it was not known whether the Rotary Club were specifically consulted on this matter, however it would not be possible for the Council to contact

every single group or individual that used the park as part of the consultation. The Friends of Nicholas Everitt Park was the most significant group to consult with and they had been very receptive to the proposals.

With regard to the various Memorials on the site, confirmation was provided that they would transfer from the District Council to Oulton Broad Parish Council, however there would be no changes to the Memorials directly as a result of the transfer.

In respect of the mooring fees and repairs, it was confirmed that this was overseen by Sentinel Leisure Trust. All of the leasing arrangements that were in place would be simply carried over from the District Council to Oulton Broad Parish Council and everything would continue as usual. It would be possible for Oulton Broad Parish Council to amend the leasing arrangements at some point in the future, but that would be for the Parish Council to decide upon.

A Member commented that the red line on the map of Nicholas Everitt Park cut the car park in half, which resulted in the income, costs and maintenance being shared on a 50:50 basis with the Council.

With regard to the large number of trees in Nicholas Everitt Park, it was confirmed that no specific tree survey had been undertaken, prior to the proposed transfer taking place. However, all of the trees were monitored and maintained as part of the ongoing work carried out by Waveney Norse. It was confirmed that any information about the condition of the trees in Nicholas Everitt Park would be forwarded to Oulton Broad Parish Council, for information.

N.B. Councillor G Elliott arrived during the consideration of this item.

RESOLVED

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.

6 CONFIDENTIAL ITEMS

RESOLVED

That under Section 100(A) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

7 CONFIDENTIAL MINUTES

RESOLVED

That the Confidential Minutes of the meeting held on 20 July 2016 be confirmed as a correct record and signed by the Chairman.

The meeting was concluded at 5.50 pm.

Chairman