

**CHARITY BOARD**

**Title of Report:** UPDATE ON THE TRANSFERS OF TRUSTEESHIP OF FRANK THOMAS ARNOLD BEQUEST TO LOWESTOFT TOWN COUNCIL AND NICHOLAS EVERITT PARK TO OULTON BROAD PARISH COUNCIL (REP1766)

**Meeting Date:** Wednesday 24 January 2018

**Report Author:** Nick Khan  
Strategic Director  
Waveney District Council

**MATTER FOR DECISION**

To note the update on the Transfers of Trusteeship of Frank Thomas Arnold Bequest To Lowestoft Town Council and Nicholas Everitt Park to Oulton Broad Parish Council

**Waveney District Council's charitable role**

1. Waveney District Council fulfils the role of Charity Trustee in relation to the following Trusts:-
  - The Nicholas Everitt Park
  - The Frank Thomas Arnold Bequest
  - Halesworth Swimming Pool
  - Bungay Town Sports Association
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 charities. The Council has in place a separate Charity Board of the Council (made up of all 48 Councillors) to make decisions relating to these charities.
4. This report provides an update on the current position of trusteeship for the Nicholas Everitt Park and Frank Thomas Arnold Bequest (Arnolds Bequest) land.

**Nicholas Everitt Park and Arnolds Bequest**

5. As Members will recall, the Council, acting in its usual capacity, carried out a 'Community Governance Review' of the un-parished area of Lowestoft during 2016.
6. 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.
7. These recommendations were approved at the Full Council meeting held on 16 November 2016, and then formally implemented through the making of a 'Reorganisation Order' at the Full Council meeting held on 25 January 2017.

8. The Reorganisation Order formally established the new councils in law and transferred to them certain assets. The charity land at Nicholas Everitt Park and Arnolds Bequest was included in the Reorganisation Order with the intention that trusteeship of these areas could pass to Oulton Broad Parish Council and Lowestoft Town Council respectively upon their creation on the 1<sup>st</sup> April 2017.
9. Members of Charity Board met prior to the Full Council meeting on 25 January 2017 and were asked to approve the transfer of trusteeship of the charities, subject to the further decision at Full Council to approve the Reorganisation Order. A resolution was passed at Charity Board in January 2017 to transfer the trusteeship of the two charities in line with the content of the Reorganisation Order.

### **Update on current position**

10. Following the resolution at the Charity Board and the approval of the Reorganisation Order in January 2017, work began to create the two new councils with effect from 1<sup>st</sup> April 2017, and to facilitate the transfer of the assets.
11. With regard to the charity land, a copy of the Reorganisation Order was provided to the Charity Commission in order that their records could be updated to reflect the change in trusteeship. The Charity Commission acknowledged the content of the Order and the intention to transfer trusteeship, but notified the Council that they would need to register a resolution of the Charity Board with the Commission to confirm that transfer of the trusteeship had been approved by Charity Board, before the Commission could update their records.
12. This resolution had been passed at the Charity Board in January 2017, and as such we believed could be registered with the Charity Commission and the transfer could be completed. However, the wording of the resolution in the report in January 2017 did not contain a specific reference to the Regulations under which the resolution was made, and as such could not be accepted by the Charity Commission.
13. This has therefore delayed the process of transferring the charity land at Nicholas Everitt Park and Arnolds Bequest.
14. The resolution made previously at Charity Board in January 2017 will need to be confirmed, with the correct reference to the Regulations, in order that it can be registered with the Charity Commission. Once that process has been completed the trusteeship will transfer.

### **Timeline for transfer and implications for WDC Charity Board, Lowestoft Town Council and Oulton Broad Parish Council**

15. Given that the transfer of trusteeship has not yet been registered with the Charity Commission, Waveney District Council are therefore still trustees of both Nicholas Everitt Park and Arnolds Bequest.
16. This position has been explained to both Oulton Broad Parish Council and Lowestoft Town Council.
17. Members will find at Agenda item 6 a new report and recommendations to confirm the transfer of trusteeship of the charity land to Lowestoft Town Council and Oulton Broad Parish Council. This report and recommendations mirrors the report and recommendations received by members at the Charity Board meeting in January 2017, with the addition of the required

reference to the Regulations under which the resolution is made which will enable this to then be registered with the Charity Commission and complete the transfer process.

18. Subject to the resolution at Agenda item 6 being approved, it has been proposed that the transfer of trusteeship would then be registered with the Charity Commission to take effect from 1st April 2018. This has been proposed because a transfer of the trusteeship mid-financial year is complex in accounting terms and therefore waiting until the 1st April 2018 would provide for the trusteeship to transfer at a point when a complete financial year can be attributed to each trustee.

### **Financial implications**

Agenda item 5 sets out the charity accounts and returns for the charities and seeks the board's approval of those accounts. Agenda item 7 concerns the request of a grant from Oulton Broad Parish Council in respect of the Nicholas Everitt Park charity for expenditure incurred in 2017/18.

### **RECOMMENDATION**

To note the report.
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<b>APPENDICES</b>	
<b>Appendix A</b>	Plan of trust land at 'Arnold's Bequest'
<b>Appendix B</b>	Plan of trust land at 'Nicholas Everitt Park'

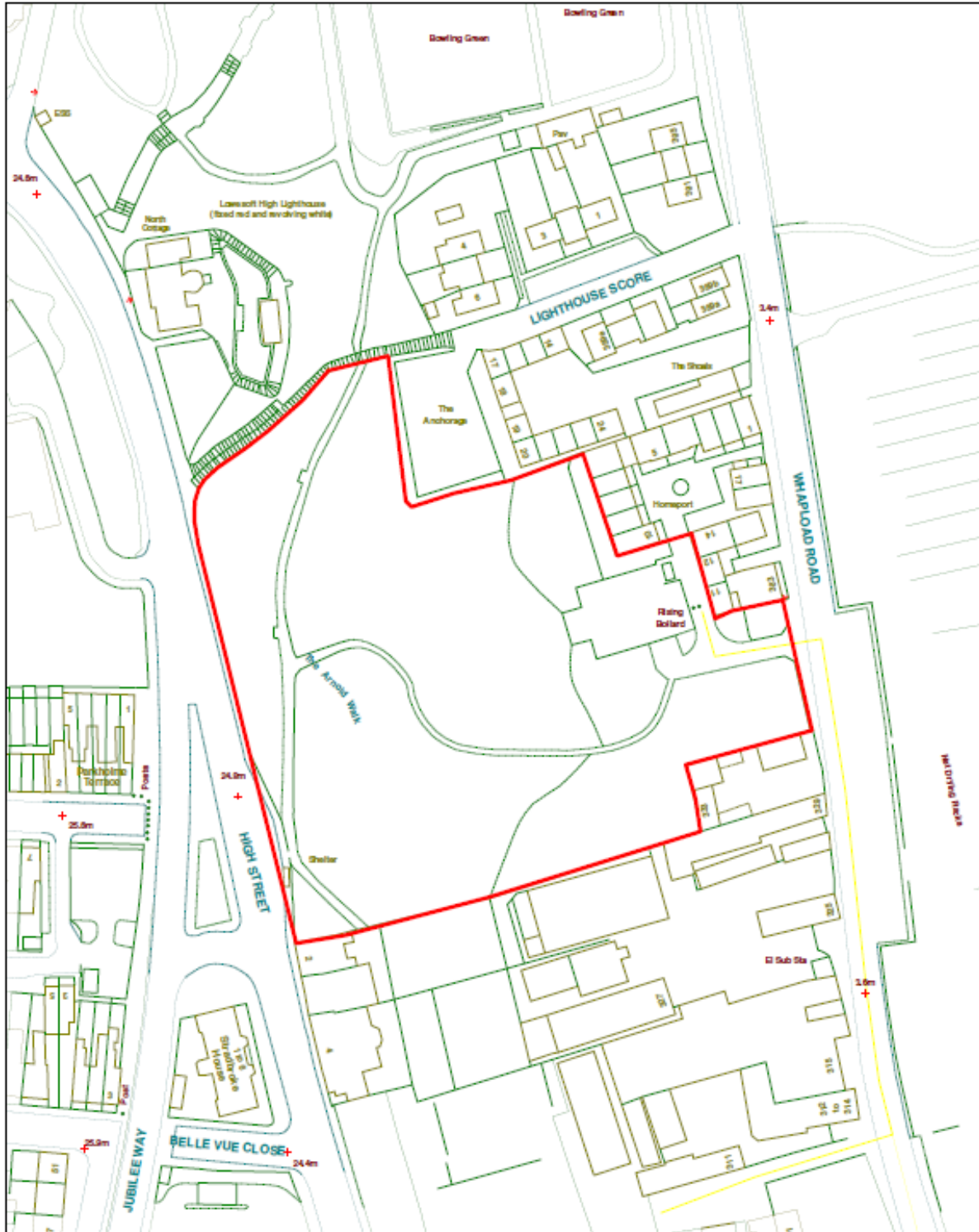
<b>BACKGROUND PAPERS</b> – Charity Board report 25 January 2017
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# Waveney District Council

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

Scale 1:1250



APPENDIX B

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## Nicholas Everitt Park, Lowestoft, Suffolk

Scale 1:2500

