

CHARITY BOARD

Title of Report: TRANSFER OF TRUSTEESHIP OF FRANK THOMAS ARNOLD BEQUEST TO NEW LOWESTOFT TOWN COUNCIL AND TRANSFER OF TRUSTEESHIP OF NICHOLAS EVERITT PARK TO NEW OULTON BROAD PARISH COUNCIL (REP1768)

Meeting Date: Wednesday, 24 January 2018

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Waveney District Council

MATTER FOR DECISION

Approval of the transfers of trusteeship of the land at Frank Thomas Arnold Bequest to Lowestoft Town Council and Nicholas Everitt Park to Oulton Broad Parish Council.

1 WAVENEY DISTRICT COUNCIL'S CHARITABLE ROLE

- 1.1 As was reported before the Charity Board on 25 January 2017 (copy attached) Waveney District Council is the current trustee of the two charities that relate to land known as 'Frank Thomas Arnold Bequest' and 'Nicholas Everitt Park' as shown edged red on the plans attached and marked Appendix A and B respectively.
- 1.2 The provisions of paragraphs 2 and 3 of the main Report to which this report is a sub-report of remain unaltered and the purpose of this report is to provide details of the proposed transfer of trusteeship in 'Frank Thomas Arnold Bequest' and 'Nicholas Everitt Park'.

2 COMMUNITY GOVERNANCE REVIEW

- 2.1 In 2016 acting in its usual capacity as local authority the Council carried out a 'Community Governance Review' of the unparished area of Lowestoft.
- 2.2 Following 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 changes to the Parish of Corton. This was referred to in the report dated 25 January 2017 a copy of which is attached hereto as Appendix 1.
- 2.3 The provisions for the new parish of Lowestoft and Oulton Broad are set out in Report at Appendix 1 and these remain unaltered.
- 2.4 As stated in the Report at Appendix 1 the recommendations were approved at the Full Council meeting on 16 November 2016 and following this The Waveney District Council (Reorganisation of Community Governance) Order 2017 was made and came into force on 1 April 2017 ('the Order').
- 2.5 The Order contained a list of assets that were to be transferred to the new councils such list having been approved at Full Council on 16 November 2016.

3 MATTERS FOR CONSIDERATION

- 3.1 The list of assets includes the two areas of land as referred to in this Report and shown on Appendix 1 which relate to the Council's role as sole charity trustee being 'Frank Thomas Arnold Bequest' and Nicholas Everitt Park'.
- 3.2 Following the making of the Order it is necessary so as to ensure the transfer of the trusteeship of the two charities referred to in this Report from Waveney District Council to Lowestoft Town Council and Oulton Broad Parish Council respectively that the Charity Board pass a resolution to approve the transfer of the trusteeship of 'Frank Thomas Arnold Bequest' and 'Nicholas Everitt Park' to Lowestoft Town Council and Oulton Broad Parish Council respectively pursuant to the provisions of section 280 of the Charities Act 2011 and the notification of the resolution to the Charity Commission for noting so that the appropriate changes to the charity's governing document in each case can be recorded.
- 3.3 Members of the Charity Board are therefore requested to approve the transfer of the trusteeship of the two charities to the new parish councils with effect from 1 April 2018.
- 3.4 The provisions of the previous Report at Appendix 1 were not effective since the wording of the resolution contained therein did not comply with the requirements of the Charity Act 2011 thus giving rise to this new resolution.

4 REASON FOR RECOMMENDATION

- 4.1 To approve the transfer of the trusteeship of the charities relating to the land at 'Frank Thomas Arnold Bequest' and 'Nicholas Everitt Park' in connection with the creation of the new Lowestoft Town Council and Oulton Broad Parish Council following the decision of Full Council on 16 November 2016 and to give effect to the provisions of the Order.

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 on Agenda page 28 in Appendix 1) to the new 'Lowestoft Town Council' with effect from 1 April 2018 pursuant to the provisions contained in section 280 of the Charity Act 2011.
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 on Agenda page 29 in Appendix 1) to the new 'Oulton Broad Parish Council' with effect from 1 April 2018 pursuant to the provisions of section 280 of the Charity Act 2011.

APPENDICES

Appendix 1	Copy of Charity Board Report dated 25 January 2017 and plans of trust land at 'Frank Thomas Arnold Bequest' and trust land at 'Nicholas Everitt Park'
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BACKGROUND PAPERS None