

Forest Heath District Council

(This report is not a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

Report of the Cabinet Member for Resources, Governance and Performance

SPECIAL COUNCIL

25 SEPTEMBER 2013

COU13/638

J H ANDREWS CHARITY – APPOINTMENT OF TRUSTEES

1. Summary and reasons for recommendation(s)

- 1.1 The Council, as successor to Newmarket UDC, has the obligation to appoint Trustees to the J H Andrews Charity.
- 1.2 This tiny Charity, with funds of £221, has been dormant for many years. The funds are insufficient to meet the original purpose of providing coal at Christmas to widows of Newmarket.
- 1.3 It appears that the best option is to close the Charity with the agreement of the Charity Commission.
- 1.4 Once closed the remaining funds would be transferred to another charitable purpose related to the town of Newmarket.

2. Recommendation(s)

- 2.1 That the Council appoints three Newmarket Councillors, as Trustees of the J H Andrews Charity, for the purpose of closing the Charity and passing its funds to another charitable purpose in the town of Newmarket.**

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3. How will the recommendations help us meet our strategic priorities?

- 3.1 The recommendations will help the Authority to be an efficient and effective Council by promoting good governance at local level

4. Key issues

- 4.1 In the 1930s, upon his death, a Mr J H Andrew established a small Charity in his will. He gave the sum of £100 to be invested, with the income used to provide coal at Christmas for the deserving widows of the town of Newmarket. This Charity had trustees who were members of the Newmarket Urban District Council and was operated on behalf of the Council by the Treasurer.
- 4.2 When Local Government was re organised in the early 1970s, the Treasurer of the new Forest Heath District Council, then Mr Ray Bolton, carried on taking care of the Charity and councillors of the new authority continued as trustees. Over time, the income from the investment and accumulated funds became insufficient to purchase the coal and the number of people who still relied on coal fires also lessened, so the benefit of continuing the Charity decreased.
- 4.3 At present the Charity is dormant, with an accumulated balance of £221 held in a bank account controlled by Mr Bolton. Officers have been approached by Mr Bolton to seek to resolve the situation by using powers in the most recent Charities Act. These will, in effect, permit the winding up of the Charity and authorise the transfer its funds to another Charity that will benefit residents of the Newmarket area in some way.
- 4.4 To do this, it is necessary to appoint three Newmarket Councillors as the trustees of the Charity, with a view to their agreeing to wind it up and to transfer the funds available to a suitable alternative Charity. All of this is intended to be done with the approval of the Charity Commission as required. The Legal Services Manager has approached the Newmarket Councillors and Councillors C J Barker, G Jaggard and W E Sadler have agreed to take up the three Trustee positions. Further details of the Charity are attached as Appendix A.

5. Other options considered

- 5.1 The alternative to the course proposed is not to appoint Trustees and to leave the Charity in its dormant state. This is not considered to be suitable course for a Council with leadership responsibilities to take.

6. Community impact

6.1 Crime and disorder impact *(including Section 17 of the Crime and Disorder Act 1998)*

- 6.1.1 There is no Crime and Disorder Impact.

6.2 Diversity and equality impact *(including the findings of the Equality Impact Assessment)*

- 6.2.1 There is no Diversity or equality impact.

6.3 **Sustainability impact** *(including completing a Sustainability Impact Assessment)*

6.3.1 There is no sustainability impact.

6.4 **Other impact** *(any other impacts affecting this report)*

6.4.1 There is no other impact.

7. **Consultation** *(what consultation has been undertaken, and what were the outcomes?)*

7.1 No consultation has been undertaken as the report requires the Council to exercise a function in accordance with the terms of the Charity documentation.

8. **Financial and resource implications** *(including asset management implications)*

8.1 There are minor financial implications for the Council in making the necessary appointments but these are met from existing budgets.

9. **Risk/opportunity assessment** *(potential hazards or opportunities affecting corporate, service or project objectives)*

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Risk to Council’s reputation if funds are not seen to be used appropriately	Medium	Consultation and member involvement to ensure the bequest continues to benefit the poor of Newmarket	Low

10. **Legal and policy implications**

10.1 The Council can appoint Charity trustees.

11. **Ward(s) affected**

11.1 All Newmarket Wards.

12. **Background papers**

12.1 None.

13. **Documents attached**

Appendix A – Details of the J H Andrews Charity