

Extract from the Joint Governance Committee - 26 November 2019

JGC/42/19-20 Governance Arrangements for Charitable Trusts in Adur and Worthing

Summary of discussion:

Before the Committee was a report by the s151 Officer and the Monitoring Officer, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 7.

The report advised Members of some historic issues that had arisen surrounding Charitable Trusts in Adur and Worthing and the need to regularise matters with the Charities Commission and establish robust governance arrangements going forwards.

During consideration of the item, a number of issues were raised including:-

- whether the Joint Governance Committee was the appropriate Committee to consider the report;
- whether the Charity Commission could take action against the Councils;
- whether the trustee would create rules & regulations to be applied to the Licensing of fund-raising events or the Council - Officers advised that the trustee would make that decision. In practice, this function would be delegated to the Executive (Joint Strategic Committee);
- were there other pieces of land that the Councils owned but didn't know they owned? - Officers advised the Assets Register was currently under review by the Estates Team;
- clarification was sought regarding the sale of a bungalow at Highdown Gardens;
- Whether there was any land donated to Lancing & Sompting Councils - Officers advised that there was not.

Resolved

The Joint Governance Committee

2.7 Noted that:

- 2.7.1 Adur Recreation Ground was held in trust by Adur Recreation Ground, of which Adur District Council was the sole Charity Trustee; and
- 2.7.2 Southwick Green was held in trust by The Green, of which Adur District Council was the sole Charity Trustee.
- 2.8 Recommended to Adur District Council that they delegate to the Joint Strategic Committee the authority to act on behalf of Adur District Council as sole charity trustee of Adur Recreation Ground and Southwick Green, in all Executive matters relating to the operation of the Trusts.**
- 2.9 Recommended to Adur District Council that they delegate to the Joint Governance Committee the authority to act on behalf of Adur District Council as sole charity trustee of Adur Recreation Ground and Southwick Green, in all non-Executive matters other than those requiring Charity Commission consent or notification, and that they be required to bring an annual report to full Council each year on activity during the previous year.**
- 2.10 Recommended to Adur District Council that the Scheme of Delegations to Officers be amended to delegate authority to the Council's Head of Environmental Services to act on behalf of Adur District Council as sole charity Trustee of Adur Recreation Ground and Southwick Green in respect of all day to day management activities and administrative matters.**
- 2.11 Noted the Monitoring Officer's use of delegated powers to make consequential changes to the Constitutions, in respect of the terms of reference of the Joint Governance Committee and Executive, the Officer Scheme of Delegations and the Joint Committee Agreement, subject to the above recommendations.
- 2.12 Noted the Monitoring Officer's use of delegated powers to make consequential changes to the Constitutions and the Joint Committee Agreement between Worthing Borough Council and Adur District Council in respect of Leisure and Cultural Services arising from alternative delivery arrangements having been made by each Council.