

Extract from the Joint Governance Committee - 26 November 2019

JGC/042/19-20 Governance Arrangements for Charitable Trusts in Adur and Worthing

Summary of discussion

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

2.1 Noted that:

- 2.1.1 Highdown Gardens were held in trust by Highdown Tower Garden and Pleasure Ground, of which Worthing Borough Council was the sole Charity Trustee;
- 2.1.2 The Chalk Pit Charity was held in Trust by the Chalk Pit Charity, of which Worthing Borough Council was the sole Trustee;

- 2.2 Recommended to Worthing Borough Council that they delegate to the Joint Strategic Committee the authority to act on behalf of Worthing Borough Council as sole charity trustee of Highdown Tower Garden and Pleasure Ground and Chalk Pit Charity, in all Executive matters relating to the operation of the Trusts.**
- 2.3 Recommended to Worthing Borough Council that they delegate to the Joint Governance Committee the authority to act on behalf of Worthing Borough Council as sole charity trustee of Highdown Tower Garden and Pleasure Ground and Chalk Pit Charity, 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.**
- 2.4 Recommended to Worthing Borough 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 Worthing Borough Council as sole charity Trustee of Highdown Tower Gardens and Pleasure Ground and Chalk Pit Charity in respect of all day to day management activities and administrative matters.**
- 2.5 Noted that Officers would be reporting amended annual financial returns in respect of Highdown Tower Garden and Pleasure Ground, to the Charities Commission, for the previous 7 years.
- 2.6 Noted that Officers would be regularising matters with HM Land Registry to ensure that the ownership of the land at Highdown Gardens was accurately recorded.