

Public Document Pack

Charlotte Coxe Trust Committee

Date and time: Friday, 4 November 2022 at 2.00 pm

Venue: Council Chamber - County Hall, New Road, Oxford OX1 1ND

Contact Officer: **Colm Ó Caomhánaigh**
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Membership

Chair – Councillor Geoff Saul

Deputy Chair - Councillor Felix Bloomfield

Committee Members:

Councillor Robin Bennett

Councillor Freddie van Mierlo

Councillor Jane Murphy

A G E N D A

1.	Apologies for absence
2.	Declarations of Interest Please see guidance note
3.	Minutes (Pages 1 - 4) To approve the minutes of the meeting held on 22 June 2022.
4.	Petitions and Public Address <i>Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.</i> <i>To facilitate 'hybrid' meetings we are asking that requests to speak are submitted by no later than 9am four working days before the meeting i.e., 9am on Monday 31 October 2022. Requests to speak should be sent to colm.ocaomhanaigh@oxfordshire.gov.uk</i> <i>If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.</i>

EXEMPT ITEMS

The Committee is RECOMMENDED that the public be excluded for the duration of items 5 and 6 in the Agenda by passing a resolution in relation in the following terms:

"that the public be excluded since it is likely that if they were present during the discussions there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".

THE MINUTES AND REPORT TO THE ITEM NAMED HAVE NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.

5.	Exempt Minutes (Pages 5 - 6) To approve the exempt minutes of the meeting held on 22 June 2022 and to receive information arising from them. The information in this case is exempt in that it falls within the following prescribed categories:
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3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Transfer of Trusteeship of the Charlotte Coxe Trust to Watlington Parish Council (Pages 7 - 60)

The information in the Annexes in this case is exempt in that it falls within the following prescribed category:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

If members are satisfied, having considered the legal advice at Annex 1 to this report and the presentation received from Watlington Parish Council at the meeting on 22 June 2022, that transferring the trusteeship and assets of the Charlotte Coxe Trust to Watlington Parish Council with a “rent free” lease back of the library space to Oxfordshire County Council is appropriate, the Committee is RECOMMENDED to:

- a) Approve the transfer of the trusteeship and assets of the Charlotte Coxe Trust from Oxfordshire County Council to Watlington Parish Council, provided that Watlington Parish Council provides an indemnity in respect of liabilities which arise after the date of the transfer;
- b) At the time of the transfer, place a legal obligation on Watlington Parish Council to grant a lease of Watlington Library back to Oxfordshire County Council on the terms summarised in Annex 5; and
- c) Request Oxfordshire County Council to report to the Committee after completion of the transfer with a justification of any professional fees requested for the financial, legal and estates work its officers have carried out, which it (or the Committee) may then seek to recover from the Trust.

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CHARLOTTE COXE TRUST COMMITTEE

MINUTES of the meeting held on Wednesday, 22 June 2022 commencing at 10.00 am and finishing at 11.10 am

Present:

Voting Members:

Councillor Robin Bennett
Councillor Felix Bloomfield
Councillor Freddie van Mierlo
Councillor Jane Murphy
Councillor Geoff Saul

Officers:

Whole of meeting Richard Hodby (Solicitor (Legal Services)) and
 Colm Ó Caomhánaigh (Committee Officer)

The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and agreed as set out below. Copies of the agenda and reports are attached to the signed Minutes.

9 ELECTION OF CHAIR FOR THE COUNCIL YEAR 2022/23

(Agenda No. 1)

Councillor Geoff Saul was proposed by Councillor Robin Bennett, seconded by Councillor Felix Bloomfield and elected Chair nem con.

10 ELECTION OF DEPUTY CHAIR FOR THE COUNCIL YEAR 2022/23

(Agenda No. 2)

Councillor Felix Bloomfield was nominated by Councillor Jane Murphy, seconded by Councillor Robin Bennett and elected Deputy Chair nem con.

11 APOLOGIES FOR ABSENCE

(Agenda No. 3)

There were no apologies for absence.

12 DECLARATIONS OF INTEREST

(Agenda No. 4)

There were no declarations of interest.

13 MINUTES

(Agenda No. 5)

The minutes of the meeting held on 28 April 2022 were approved and signed as an accurate record.

14 PETITIONS AND PUBLIC ADDRESS (Agenda No. 6)

The Chair agreed to the following requests to speak:

Ian Hill, Watlington Parish Council stated that he had been involved in the Charlotte Coxe Trust since 2013. The Parish Council had experience of being Trustees of Watlington Town Hall through a charity and would envisage managing the Trust in a similar way. They already had a shadow committee in place consisting of three councillors and three members of Friends of Watlington Library which was ready to meet when the need arises.

Ian Hill responded to questions from Members as follows:

- He described his involvement so far as prompting council officers to move things along as well as engaging solicitors to prepare the necessary documentation for the transfer of the property in order to be ready for that.
- He saw it as similar to their management of the Town Hall in that they were proposing to create a charity to manage a building and generate enough income to sustain it.
- If it was decided to transfer the property, he would envisage it taking place within a year or so and they would formulate medium and long term plans in that period.

Gill Bindoff, Chair of the Watlington Neighbourhood Plan Advisory Board, stated that the survey of the cottage revealed that it was in a very poor state. The County Council's responsibility for the property was a legacy issue. The Parish Council acted as custodian for other buildings and green spaces and there were local people with the skills necessary to take on the project. She asked that they not be excluded from discussions at the Committee meeting.

Ian Hill added that if the decision was to maintain the Trust under the County Council, he would like to see more local representation on the Trust Committee and not just councillors.

15 FUTURE MANAGEMENT OF THE TRUST (Agenda No. 7)

Members considered a report outlining options for the future management of the Trust. Members welcomed the enthusiasm of the local group. They expressed the opinion that more work needed to be done and they did not have the answers to all the questions yet. A site visit was also suggested.

Councillor Robin Bennett proposed that the Committee accept recommendation a) but not make a decision on recommendation b) at this stage. This was seconded by Councillor Freddie van Mierlo.

The Committee agreed recommendation a) and agreed to organise a site visit.

RESOLVED: to agree that the preferred options for the future management of the Trust are permanently managing the Trust through the Committee or transferring the trusteeship to an external body (or group of people).

16 EXEMPT ITEMS
(Agenda No. 8)

RESOLVED that the public be excluded since it is likely that if they were present during the discussions there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda.

17 EXEMPT MINUTES
(Agenda No. 9)

The exempt minutes of the meeting held on 28 April 2022 were approved as an accurate record.

18 RENT FOR WATLINGTON LIBRARY
(Agenda No. 10)

The Committee was asked to consider a report proposing that the lease terms which the Council put forward for Watlington Library should be amended, increasing the rent being charged to the Council to the sum recommended by the Trust’s surveyor in his report at annex 3.

The public was excluded for the discussion on this item because discussion of the matters in public was likely to lead to the disclosure to members of the public present of information in the following prescribed category:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

RESOLVED: that the lease terms which the Council put forward for Watlington Library be amended, increasing the rent being charged to the Council to the sum recommended by the Trust’s surveyor in his report at annex 3.

..... in the Chair

Date of signing 2022

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Divisions Affected – Watlington and Chalgrove

CHARLOTTE COXE TRUST COMMITTEE

4 NOVEMBER 2022

TRANSFER OF TRUSTEESHIP OF THE CHARLOTTE COXE TRUST TO WATLINGTON PARISH COUNCIL

Report by Director of Law and Governance

EXEMPT INFORMATION

1. The annexes to this report include summaries of legal advice and contain sensitive information in connection with a proposed legal transaction.
2. The public should therefore be excluded for the consideration of this report because its discussion in public would be likely to lead to the disclosure to members of the public present of information in the following category prescribed by Part I of Schedule 12A to the Local Government Act 1972 (as amended):
 3. Information relating to the financial and business affairs of any person (including the authority holding that information); and
 5. Information in which a claim to Legal Professional Privilege could be maintained in legal proceedings

and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that disclosure would distort the proper process of free negotiations between the authority with another party for the purposes described and would prejudice the position of the authority in those negotiations and other negotiations of a similar nature in future, to the detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority.

RECOMMENDATIONS

3. **If members are satisfied, having considered the legal advice at Annex 1 to this report and the presentation received from Watlington Parish Council at the meeting on 22 June 2022, that transferring the trusteeship and assets of the Charlotte Coxe Trust to Watlington Parish Council with a “rent free” lease back of the library space to Oxfordshire County Council is appropriate, the Committee is RECOMMENDED to:**

- (a) Approve the transfer of the trusteeship and assets of the Charlotte Coxe Trust from Oxfordshire County Council to Watlington Parish Council, provided that Watlington Parish Council provides an indemnity in respect of liabilities which arise after the date of the transfer;
- (b) At the time of the transfer, place a legal obligation on Watlington Parish Council to grant a lease of Watlington Library back to Oxfordshire County Council on the terms summarised in Annex 5; and
- (c) Request Oxfordshire County Council to report to the Committee after completion of the transfer with a justification of any professional fees requested for the financial, legal and estates work its officers have carried out, which it (or the Committee) may then seek to recover from the Trust.

Executive Summary

Transfer of the Charlotte Coxe Trust (“the Trust”) to Watlington Parish Council (“WPC”)

- 4. All members of the Committee attended site visits at 33-35 High Street, Watlington over the Summer.
- 5. It was apparent from the visits that Watlington Library was an attractive and thriving community hub. It was also apparent that 33 High Street was in a derelict condition and that it would be difficult to sell at a reasonable price in view of its listing, odd internal configuration, limited potential for extension and the need for so much investment in it.
- 6. If 33 High Street is to be retained by the Trust, but subjected to a programme of renovation, significant demands will be placed on the trustee. The trustee needs to have capacity to manage a significant project, to do fundraising work (as the Trust’s funds are unlikely to be able to cover the work) and to encourage local voluntary effort.
- 7. It is acknowledged that Oxfordshire County Council (“the Council”) does not have capacity or sufficient local presence in Watlington to undertake this.
- 8. WPC has indicated its willingness to take on trusteeship and has provided evidence of its experience and success with similar projects (such as managing Watlington Parish Hall). Its presentation (and responses to questions) at the meeting on 22 June 2022 and the statement at Annex 4 to this report support this. No suitable alternative local bodies have been found.
- 9. In view of the need for 33 High Street to be renovated, provided that members are satisfied that WPC is an appropriate body to take on trusteeship, it is recommended that the trusteeship of the Trust be transferred from the Council to WPC.

The Lease

10-13. See Annex 5.

Recovery of costs

14-17. See Annex 6.

Land at the rear of 33/35 High Street

- 18. It should be noted that if Trust assets are transferred to WPC, it is likely that the Council will also offer to transfer to WPC (to be held as a Trust asset) the Council’s land at the rear of the 33/35 High Street which is subject to garage leases. As this land is not owned by the Trust, a decision on this is not a matter for the Committee.

Financial Implications

19-21. See Annex 7.

Legal Implications

22-25. See Annex 8.

Staff Implications

26. A significant amount of officer time at present is spent on the management of the Trust and the transfer of the Trust to WPC would mean that the officers involved had capacity to undertake other work.

Equality & Inclusion Implications

27. There are none.

Sustainability Implications

28. There are none.

Risk Management

29. Trustees are legally liable for their actions. Transferring the Trust to WPC would reduce the Council's exposure to risk in connection with the administration of the Trust.

ANITA BRADLEY
Director of Law and Governance

Annexes:

- (1) Legal Advice from Geldards LLP dated 17 August 2021 - exempt
- (2) Surveying Advice from Marriotts dated 2 September 2021 - exempt
- (3) Letter from the Council to Anita Bradley dated 27 September 2021 – exempt
- (4) Statement from Watlington Parish Council (undated) – exempt
- (5) Lease terms – exempt
- (6) Recovery of costs – exempt
- (7) Financial implications – exempt
- (8) Legal implications – exempt

Contact Officer: Richard Hodby, Solicitor, Legal Services
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26 October 2022

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