



**OXFORDSHIRE
COUNTY COUNCIL**

Charlotte Coxe Trust Committee

Date and time: Thursday, 22 August 2024 at 10.00 am
Venue: Council Chamber - County Hall, New Road, Oxford OX1 1ND

Contact Officer: **Democratic Services**
E-Mail: committeesdemocraticservices@oxfordshire.gov.uk

Membership

Councillor Robin Bennett

Councillor Felix Bloomfield

Councillor Freddie van Mierlo

Councillor Jane Murphy

Councillor Geoff Saul



A G E N D A

1.	Election of Chair for the 2024/25 Council Year
2.	Election of Deputy Chair for the 2024/25 Council Year
3.	Apologies for Absence
4.	Declarations of Interest See guidance note.
5.	Minutes (Pages 1 - 4) To confirm the minutes of the meeting held on 25 January 2024 to be signed by the Chair as a correct record.
6.	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 22 August 2024. Requests to speak should be sent to:</i> committeesdemocraticservices@oxfordshire.gov.uk <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>
7.	33 High Street, Watlington Library, and the Transfer of Trusteeship of the Charlotte Coxe Trust to Watlington Parish Council (Pages 5 - 10) Report by Director of Law and Governance

The Committee is RECOMMENDED:

- (a) To resolve to enter into a year long tenancy of 33 High Street starting on 1 September 2024 with a named local sponsor which will stipulate that the property is to be occupied by Ukrainian refugees and to delegate authority to the Director of Law and Governance and Monitoring Officer to negotiate and conclude the terms of the lease in consultation with the Director of Property and Assets;**
- (b) To resolve that it would be in the best interests of the Trust for trusteeship to remain with the Council rather than to have the Trust's property assets transferred to a "custodian trustee" and have individuals appointed as trustees; and**
- (c) Assuming the recommendation at (b) is accepted, to authorise entering into a formal Memorandum of Understanding with the County Council regarding the library service's occupation of Watlington Library.**

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships
- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.

- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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Agenda Item 5

CHARLOTTE COXE TRUST COMMITTEE

MINUTES of the meeting held on Thursday, 25 January 2024 commencing at 2.00 pm and finishing at 3.00 pm

Present:

Voting Members: Councillor Geoff Saul – in the Chair
Councillor Felix Bloomfield (Deputy Chair)
Councillor Freddie van Mierlo
Councillor Ian Middleton (In place of Councillor Robin Bennett)

Officers:

Whole of meeting Richard Hodby, Solicitor; Colm Ó Caomhánaigh, Democratic Services Manager

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.

1/24 APOLOGIES FOR ABSENCE
(Agenda No. 1)

Apologies were received from Councillor Robin Bennett (substituted by Councillor Ian Middleton) and Councillor Jane Murphy.

2/24 DECLARATIONS OF INTEREST
(Agenda No. 2)

There were no declarations of interest.

3/24 MINUTES
(Agenda No. 3)

The minutes of the meeting held on 31 January 2023 were approved as an accurate record.

4/24 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 4)

The Chair agreed to two requests to address the committee:

- Gill Bindoff
- Parish Councillor Denise Mallan

Gill Bindoff stated that the cottage had been renovated to a good standard. An energy rating would be sought which they were hoping will achieve level C. She thanked the Council for extending the term to August for the family living in the property. She supported the idea of an informal meeting to move things on.

Denise Mallan added that the work of the welcome committee and commitment of the local people to help the family in the cottage was a good example of how the Watlington community can work together.

In response to a question from Gill Bindoff, Richard Hodby explained that the lease for the library cannot be completed until the transfer to Watlington Parish Council takes place because the County Council cannot be landlord and tenant.

5/24 FINANCIAL ACTIVITIES FOR THE YEAR TO 31 MARCH 2023
(Agenda No. 5)

The Committee considered the Statement of Financial Activities for the year to 31 March 2023 and the recommendation to authorise its submission.

It was clarified that the accounts followed the usual local authority format whereby income is denoted with a minus number.

Richard Hodby confirmed that there was no tax liability as the interest was exempt for a charity.

RESOLVED to:

- a) **Approve the Statement of Financial Activities for the year to 31 March 2023 annexed to this report and**
- b) **Authorise a Council officer to submit data from the Statement to the Charity Commission online before midnight on 31 January 2024 so that annual financial reporting obligations are complied with.**

6/24 33 HIGH STREET, WATLINGTON AND THE TRANSFER OF TRUSTEESHIP OF THE CHARLOTTE COXE TRUST TO WATLINGTON PARISH COUNCIL
(Agenda No. 6)

RESOLVED that the public be excluded during the consideration of the report since it is likely that if they were present during that discussion 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.

Members discussed the report and proposed to amend recommendation b) as follows:

To instruct officers of the Council to write to Watlington Parish Council on behalf of the Trust (i) expressing its ~~disappointment~~ **concern** ~~at the fact it allowed the family into~~ **with the** occupation of the property **by a family** without going through the

procedures mandated by the Committee at its meeting on 28 April 2022, (ii) advising that occupation on the current basis ~~should~~ **must** not carry on beyond 31 August 2024 **without formal arrangements being in place** and (iii) advising that occupation beyond 31 August 2024 will require further renovation work to be carried out at the property so its energy performance rating is improved; **and (iv) reiterating the offer to work collaboratively, including a face to face meeting, to resolve any issues with the occupation of the property and enable a timely transfer of the Trust to Watlington Parish Council;** and

The amendment was agreed and the recommendations as amended were agreed.

RESOLVED:

- (a) To allow the family of Ukrainian refugees currently occupying 33 High Street, Watlington to remain there until the earlier of 31 August 2024 and the date when the transfer of the Trust to Watlington Parish Council has completed (at which point the management of the property will cease to be the Council’s responsibility);**
- (b) To instruct officers of the Council to write to Watlington Parish Council on behalf of the Trust (i) expressing its concern with the occupation of the property by a family without going through the procedures mandated by the Committee at its meeting on 28 April 2022, (ii) advising that occupation on the current basis must not carry on beyond 31 August 2024 without formal arrangements being in place, and (iii) advising that occupation beyond 31 August 2024 will require further renovation work to be carried out at the property so its energy performance rating is improved; and (iv) reiterating the offer to work collaboratively, including a face to face meeting, to resolve any issues with the occupation of the property and enable a timely transfer of the Trust to Watlington Parish Council; and**
- (c) To agree not to pay any of Watlington Parish Council’s legal fees.**

..... in the Chair

Date of signing 2024

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Divisions Affected – Watlington and Chalgrove

CHARLOTTE COXE TRUST COMMITTEE

22 August 2024

33 HIGH STREET, WATLINGTON LIBRARY, AND THE TRANSFER OF TRUSTEESHIP OF THE CHARLOTTE COXE TRUST TO WATLINGTON PARISH COUNCIL

Report by Director of Law and Governance

RECOMMENDATIONS

1. The Committee is RECOMMENDED:
 - (a) To resolve to enter into a year long tenancy of 33 High Street starting on 1 September 2024 with a named local sponsor which will stipulate that the property is to be occupied by Ukrainian refugees and to delegate authority to the Director of Law and Governance and Monitoring Officer to negotiate and conclude the terms of the lease in consultation with the Director of Property and Assets;
 - (b) To resolve that it would be in the best interests of the Trust for trusteeship to remain with the Council rather than to have the Trust's property assets transferred to a "custodian trustee" and have individuals appointed as trustees; and
 - (c) Assuming the recommendation at (b) is accepted, to authorise entering into a formal Memorandum of Understanding with the County Council regarding the library service's occupation of Watlington Library.

Executive Summary

2. 33 High Street, Watlington
New energy efficient storage heaters were installed at the property in May 2024 at a cost of £9,336. These improved its Energy Performance Certificate status from F to E, enabling it to be let out formally.
3. The Council has always been cautious to enter tenancies of the property directly with occupying members of the public, as there is uncertainty over whether this could inadvertently create a Secure Tenancy under the Housing Act 1985. The Council is unable to let properties on Assured Shorthold Tenancies.

4. The original plan had been for the Council to let the property to Watlington Parish Council (WPC), with it then managing the occupation of the property. WPC has decided it does not wish to take on this responsibility.
5. A local sponsor has been very generous in funding the renovation of the property and is closely involved with the Watlington Welcome refugee project. They have offered to take a tenancy from the Council, with Watlington Welcome then managing the occupation of the property.
6. To create a Secure Tenancy the tenant has to occupy the property and as the local sponsor referred to above will not occupy the property (and indeed has no interest in becoming a Secure Tenant), officers consider the risk of creating a Secure Tenancy inadvertently is almost non-existent.
7. The proposed tenancy to the sponsor would be for a year starting on 1 September 2024 at a peppercorn rent. It would contain the usual obligations on the tenant to maintain the property and not to carry out alterations without the Council's consent along with a requirement that it should be occupied solely by Ukrainian refugees. The tenancy could be terminated in the event of any breach.

Transfer of the Trust to Watlington Parish Council

8. Watlington Parish Council (WPC) has now indicated that it would not be willing to replace the Council as trustee of the Trust. All it is willing to do is to act as a "Custodian Trustee" of the property assets in the Trust. The Official Custodian for Charities is willing to provide a similar service – it simply involves holding the trust's property assets (ie being a name on the title), but without assuming any responsibility for management or liability in the event of mismanagement. The new trustees would have to be members of the public. It has been further suggested by WPC that the new trustees would want to be protected by being members of a Charitable Incorporated Organisation, which would mean that they did not have personal liability to the Trust for their acts and omissions. No names have been put forward yet.
9. Having a permanent body as trustee gives continuity and security to the trust. The Council has unlimited liability for its acts and omissions, and has its own staff, resources and internal scrutiny. The fact the Council has continuously acted as trustee since 1949 speaks for itself. However committed they are, members of the public on their own could not give the same kind of continuity and stability. Members of the public have to juggle other priorities in their lives, may move away or lose capacity, and eventually die and have to be replaced. An excellent initial set of trustees might be replaced by an unsatisfactory second set or indeed not even replaced at all, if none could be found. The Council has a duty to the Trust to ensure that any replacement trustees can provide equivalent continuity and security to that it provides and officers do not consider members of the public to be able to do that.
10. WPC has requested that if the trusteeship remains with the Council, it should be able to nominate members of the Committee. Such a proposal would need approval of Full Council, but officers recommend that the request should not be referred to Full Council at this stage. The views of local residents are taken

seriously by the members of the Committee. Members of the public are entitled to attend meetings and address the Committee, as well as liaising privately with members if there are issues of concern to them. It is difficult to see that external nominees would bring significant benefit to the work of the Committee. The matter can, of course, be kept under review.

Library

11. At its meeting on 4 November 2022, the Committee approved the transfer of the Trust assets to WPC subject to a lease back of Watlington Library to the Council. The key terms of the lease (apart from it being “rent free”) were that it should:
 - (a) Demise all the current space occupied by the library;
 - (b) Include 4 parking spaces to the rear (1 of which is suitable for disabled access);
 - (c) Limit usage to a library (with a broad understanding of “library” along the lines of it being “a collection of books and digital information resources made available for the general public along with space for users to sit and multi-functional space for non-commercial exhibitions, public meetings, educational and cultural activities to take place”);
 - (d) Have a term of 60 years from its completion date;
 - (e) Be terminable by the landlord on 12 months’ notice at any time once 40 years of the term had elapsed and be terminable by the tenant on 12 months’ notice at any time;
 - (f) Permit alterations and additions (including structural ones) subject to the landlord’s reasonable consent (which may not unreasonably be withheld); and
 - (g) Make the tenant responsible for maintaining the interior of the library, but make the landlord responsible for the repair and insurance of the main structure of the building (subject to the tenant contributing an appropriate service charge based on the space within the building that the tenant occupied).
12. If members accept the recommendation not to proceed with the transfer of the Trust to Watlington Parish Council at paragraph 1(b) above, the Council in its capacity as the responsible authority for library provision will continue to occupy a trust asset without agreement in place as to the basis of the occupation. The Council as trustee cannot grant a lease to itself.
13. Officers consider that the best solution would be for there to be a Memorandum of Understanding drawn up and signed by the Chair of the Committee (on behalf of the Trust) and the Service Manager for Libraries and Heritage (on behalf of the County Council’s library service) setting out that the terms of the library service’s continued occupation of the library, which will be in line with those detailed at paragraph 11 above.

Financial Implications

14. The proposed Memorandum of Understanding between the Trust and the Library Service would involve the Council (in its capacity as library authority) committing itself to pay a service charge relating to the Library’s shared occupation of the building at 33-35 High Street, Watlington. Fair sharing of expenses is normal for any premises the Council occupies.

15. As the Trust's funds are separate from the Council's own funds this report otherwise has no direct financial implications for the Council.

Comments checked by:

Lorna Baxter, Director of Finance and S151 Officer,
lorna.baxter@oxfordshire.gov.uk

Legal Implications

16. Letting 33 High Street to a named local sponsor with a lease requiring it to be occupied solely by Ukrainian refugees is an effective way of ensuring a Secure Tenancy is not inadvertently created.
17. The Council does have a fiduciary duty to the Trust to ensure that any arrangement for replacing it as trustee protects the Trust's interests. It is for the Committee to come to a decision as to whether members of the public acting as trustees could provide the security and continuity that a statutory body like the Council provides.
18. The Council in its capacity as Trustee cannot grant a lease to itself in its capacity as library authority. Any lease drawn up which purported to do this would be invalid. A Memorandum of Understanding would help formalise the arrangement and should be legally enforceable in the event of any future dispute.

Comments checked by: Richard Hodby, Solicitor, Legal Services
richard.hodby@oxfordshire.gov.uk

Staff Implications

19. Retaining responsibility for the Trust will mean the Council's staff have an ongoing role with the management of the Trust. Staff involved include those in finance, legal services and estates. A charge can be made to the Trust for their time. The oversight of their work and review of charging will rest with the Committee.

Equality & Inclusion Implications

20. The library provides a community hub and, as well as providing a traditional book lending service, also contains public access computers, enabling those without computers at home to access the internet. Entering a Memorandum of Understanding between the Trust and the Library Service will help protect the Library's long-term presence in Watlington.
21. Ensuring 33 High Street is occupied for another year to Ukrainian refugees is consistent with the Council's policy of providing support to those affected by the war in Ukraine.

Sustainability Implications

22. The work done to 33 High Street in May to bring it up to an energy efficiency standard acceptable for letting will ensure energy consumption in future is lower than is has been to date.

Risk Management

23. The efforts detailed above to avoid creating a Secure Tenancy and to retain trusteeship in order to provide long-term stability for the Trust reflect the Council's cautious approach to risk in connection with the Trust.

ANITA BRADLEY
Director of Law and Governance

Contact Officer: Richard Hodby, Solicitor, Legal Services
richard.hodby@oxfordshire.gov.uk 07825 75552

14 August 2024

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