

Divisions Affected – Watlington and Chalgrove

CHARLOTTE COXE TRUST COMMITTEE

22 JUNE 2022

FUTURE MANAGEMENT OF THE TRUST

Report by Director of Law and Governance

RECOMMENDATIONS

1. The Committee is RECOMMENDED to

- (a) 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) and
- (b) Consider whether Watlington Parish Council would be an appropriate body to transfer the trusteeship to, after considering the written representations from Watlington Parish Council annexed to this report and raising questions with representatives of Watlington Parish Council at the meeting.

Executive Summary

- 2. Before the Committee was established, the Director of Law and Governance took responsibility (through the powers in Part 7.1 Paragraph 6.4(e) of the Council's constitution) for managing the Trust on behalf of the Council, although there was no written definition of those responsibilities.
- 3. The Director of Law and Governance sought external advice on this and was advised that such an arrangement was not "fit for purpose" as:
 - (a) there was vagueness over the extent of her responsibilities;
 - (b) there was no accountability or transparency;
 - (c) there was no duty to debate and discuss; and
 - (d) she was exposed to allegations of conflict of interest.
- 4. The Director of Law and Governance accepted the advice and is of the view that for the reasons set out in paragraph 3 above it would not be appropriate for her to assume management responsibility again.
- 5. The Committee may decide that for the time being it is appropriate for the Trust to continue to be managed by the Council, but under the supervision of the Committee. That would ensure continuity and ensure the Trust would continue to benefit from the services of the Council's in house legal and financial staff.

6. If the Committee decides to transfer management of the Trust to an external body or group of people, the Committee has a duty to ensure that any successor to the Council is able to manage the Trust to a reasonable standard. Factors to be taken into account in assessing this include experience of managing “community assets” and projects satisfactorily, satisfactory experience of dealing with a regulator, having an appropriate medium and long term plan for the Trust, having suitable governance and safeguarding procedures in place, having connections to the geographical area benefitted by the Trust and having access to necessary financial and legal support.
7. Watlington Parish Council has asked for management and the Trust’s assets to be passed to it and the Committee needs to take into account the factors set out in paragraph 6 above when considering its request.

Financial Implications

8. As the Trust’s assets are separate from the Council’s own assets, changes in Trusteeship should not have direct financial implications for the Council.

Comments checked by:

Richard Quayle, Chief Accountant richard.quayle@oxfordshire.gov.uk

Legal Implications

9. The legal advice obtained by the Trustees is that appointing Watlington Parish Council as replacement Trustee would require notification to the Charity Commission, but would not require approval by the Charity Commission. Neither notification nor approval would be required if the Trust remained with the Council.

Comments checked by:

Richard Hodby, Solicitor richard.hodby@oxfordshire.gov.uk

ANITA BRADLEY
Director of Law and Governance

Annex: Statement by Ian Hill on behalf of Watlington Parish Council

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13 June 2022