

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

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