

Delegated Decisions by Cabinet Member for Safer & Stronger Communities

Monday, 4 October 2010 at 1.30 pm

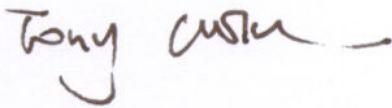
County Hall

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on 12 October 2010 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Tony Cloke
Assistant Head of Legal & Democratic Services

September 2010

Contact Officer: **Kath Coldwell**
Tel: (01865) 815902; E-mail: kath.coldwell@oxfordshire.gov.uk

Note: Date of next meeting: 8 November 2010

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Declarations of Interest

2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am on the working day before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. Petitions and Public Address

4. Integrated Risk Management Plan (IRMP) Oxfordshire Fire & Rescue Authority- Draft Action Plan 2011-12 (Pages 1 - 6)

13:30

Forward Plan Ref: 2010/142

Contact Officer: Nigel Wilson, Assistant Chief Fire Officer, tel (01865) 855206

Report by Chief Fire Officer (CMDSSC4).

The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:

- a) ***(subject to any amendments which the Cabinet Member for Safer & Stronger Communities may consider appropriate) approve the proposed projects to be included in the Draft IRMP Action Plan 2011-12 for 'risk analysis' and consultation as outlined in the report;***
- b) ***ask the Chief Fire Officer to report the outcome of consultation, with any recommendations for amendment, to the Cabinet Member for Safer & Stronger Communities in February 2011, with a view to formal adoption of the Action Plan for implementation from April 2011.***

5. Formulation of an Oxfordshire Disaster Relief Charity (Pages 7 - 18)

13:35

Forward Plan Ref: 2010/141

Contact: Peter Clark, Head of Legal & Democratic Services, Tel (01865) 323907

Report by Head of Legal & Democratic Services (**CMDSSC5**).

The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:

- a) Delegate authority to the County Solicitor to draft and enact a Trust Deed in accordance with the provisions of this report.***
 - b) Delegate to the Chief Executive authority to appoint the first Trustees to the Trust.***
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Division(s): All

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 4 OCTOBER 2010

INTEGRATED RISK MANAGEMENT PLAN (IRMP) OXFORDSHIRE FIRE AND RESCUE AUTHORITY - DRAFT ACTION PLAN 2011-12

Report by Chief Fire Officer

Introduction

1. This report proposes a number of projects to be included within the Fire Authority's Integrated Risk Management Action Plan (IRMP) for the fiscal year 2011-12. The proposals summarise areas where the Service's Senior Leadership Team believe service improvements may be achieved. To meet the requirements of the IRMP process, each proposal is supported by robust evidence, validating both their inclusion and their contribution to improved community engagement and community/firefighter safety. Similarly, each proposal recognises the prevailing economic constraints.
2. These proposals, if approved by the Cabinet, will be adopted in the final version of the IRMP Action Plan 2011-12. The projects will be monitored through established performance management systems, reviewed every quarter and reported to the Cabinet Member responsible for Community Safety.
3. The Fire and Rescue Services Act 2004 received Royal Assent on 22 July 2004. Part 3, Chapter 21 of this legislation requires the Secretary of State to prepare a Fire and Rescue National Framework to which Fire Authorities must have regard when discharging their functions.
4. The Secretary of State initially published the latest Fire and Rescue National Framework in May 2008. The purpose of the Framework was to provide strategic direction from central government whilst ensuring that authorities continue to make local decisions. The Framework set out the Government's objectives for the Fire and Rescue Service and what fire and rescue authorities should do to achieve these objectives. More recently, Ministers have stated that the 2008/11 National Framework remains in force, but the Minister responsible for Fire and Rescue matters no longer expects to enforce the following aspects of it - Regional Management Boards, Equality and Diversity, Workforce Development and Asset management. The Minister made clear that the use of Integrated Risk Management Planning (IRMP) will continue to determine the need for and allocation of local fire prevention, protection and response resource to allow local decisions to be made by practitioners and elected members on the basis of locally assessed risks and circumstances.

5. The 2008-11 Fire and Rescue National Framework requires each Fire and Rescue Authority to produce a publicly available IRMP covering at least a three-year time span which:
 - Is regularly reviewed and revised and reflects up-to-date risk information and evaluation of service delivery outcomes
 - Has regard to the risk analyses completed by local and Regional Resilience Forums including those reported in external Community Risk Registers (CRRs) and internal risk registers, to ensure that civil and terrorist contingencies are captured in their IRMP
 - Reflects effective consultation during its development and at all review stages with representatives of all sections of the community and stakeholders
 - Demonstrates how prevention, protection and response activities will be best used to mitigate the impact of risk on communities in a cost effective way
 - Provides details of how Fire and Rescue Authorities deliver their objectives and meet the needs of communities through working with partners
 - Has undergone an effective equality impact assessment process.
6. Fire and Rescue Authorities should review the effectiveness of 'cross-border' integration arrangements with neighbouring authorities and set these out appropriately in their IRMPs.
7. Oxfordshire Fire and Rescue Authority published its strategic IRMP in April 2008 providing the strategic direction for the next five years. This document is subjected to annual review and updated and amended as required. The current strategic IRMP requires no amendment for the fiscal year 2011-12 and will be refreshed as a new five year strategic document for the fiscal year 2013-14.
8. The projects that have been proposed for the action plan 2011-12 will be subject to consultation for 12 weeks starting on the 15th November 2010. During this period, Oxfordshire Fire Authority will consult with neighbouring Fire and Rescue Services, partner organisations such as the Highways Agency and the Environment Agency, the Fire Brigades Union, Oxfordshire Fire and Rescue Service staff (uniformed and non-uniformed) and members of the public.
9. The Senior Management from Oxfordshire Fire and Rescue Service will respond to the comments made during the consultation period and the responses will be made available to the Cabinet in the final report in 2011 and published on the internet for public access.
10. The following items summarise the projects for inclusion in the IRMP Action Plan for the fiscal year 2011-12:

- **Project 1: To permanently remove the 2nd appliance from Faringdon from the Oxfordshire Fire and Rescue Service (OFRS) fleet.***

Responsible Officer – Service Delivery Manager

**Originally in 2007/08 IRMP – Project 6 Fire Cover Resilience: Review of the second fire engine availability at Faringdon. Appliance was removed from Faringdon in April 2009.*

Objective: To permanently remove the 2nd Fire Appliance from Faringdon from Oxfordshire Fire and Rescue Service fleet, reducing the fire appliance fleet provided by OFRS from 35 to 34.

- **Project 2: To complete the review and commence implementation of the outcome of Project 2 from 2010/11 IRMP- Special Appliance review including aerial rescue appliances and specialist rescue capability*.**

Responsible Officer – Emergency Response Manager

** Where the outcomes of the review will require further consultation, these will be included in the 2012/13 IRMP. Those areas that can be implemented within normal managerial delegation will be acted upon as appropriate.*

Objective: To review the specialist appliances within Oxfordshire Fire and Rescue Service, looking in particular at locations and crewing arrangements. Identifying and delivering ongoing effective working arrangements with neighbouring Fire and Rescue Services under revised mutual agreements to secure the effective provision of specialist appliances.

- **Project 3: To review and further extend existing Safeguarding measures throughout OFRS.**

Responsible Officer – Risk Reduction Manager

Objective: For all Fire and Rescue Service individuals and functions working with and/or having contact with adults/children who are at particular risk of harm as a result of abuse or neglect, to be able to identify at risk individuals, then work in partnership within a multi-agency framework to secure the wellbeing, security and safety of the vulnerable person.

- **Project 4: To develop and implement a strategy to ensure that protection and prevention activities are targeted at those personnel and properties most at risk from fire, particularly in locations remote from early Fire Service intervention in the event of an emergency.**

Responsible Officer – Risk Reduction Manager

Objective: To ensure that resources are dedicated to protecting remote communities, working with the local community on self-help projects to support vulnerable people through the training of Community Fire Safety Advocates.

- **Project 5: To develop the role of Retained Station Support Officers to work as local community advocates to be fully involved in developing and supporting local initiatives in conjunction with local people, delivering the county council's localities agenda through engagement with youth services, education, and healthcare providers.**

Responsible Officer – Service Delivery Performance Manager

Objective: To use a recognised and trusted role model to assist in delivering local initiatives on behalf of Oxfordshire County Council (OCC) and other interested parties for the good of the local community.

- **Project 6: In light of Oxfordshire County Council's Business Strategy and the emerging financial situation, continue the 2010/11 IRMP project 6* – ("Review the current provision of Fire Appliances to ensure operational resilience and value for money") to ensure continued, cost effective, resilient service provision*.**

Responsible Officers – Service Delivery Manager

**Is not likely to be concluded in 2010/11 due to changes in national priorities – continuation for 2011/12.*

Objective: To review the current provision of fire appliances to ensure operational resilience and value for money.

Financial and Staff Implications

11. Each project will fully recognise the prevailing economic constraints, delivering efficiencies or allowing existing/additional services to be delivered more effectively.

RECOMMENDATION

12. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:**
 - (a) **(subject to any amendments which the Cabinet Member for Safer & Stronger Communities may consider appropriate), approve the proposed projects to be included in the Draft IRMP Action Plan**

2011-12 for 'risk analysis' and consultation as outlined in the report;

- (b) ask the Chief Fire Officer to report the outcome of consultation, with any recommendations for amendment, to the Cabinet Member for Safer & Stronger Communities in February 2011, with a view to formal adoption of the Action Plan for implementation for April 2011.**

DAVID ETHERIDGE
Chief Fire Officer

Background papers: National Framework document for the Fire and Rescue Service
Oxfordshire Fire Authority Integrated Risk Management Plan 2008-13
The Fire and Rescue Service National Framework 2008-11.

Contact Officer: Nigel Wilson, Assistant Chief Fire Officer
Tel: 01865 855206

September 2010

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Division(s): N/A

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 4 OCTOBER 2010

FORMULATION OF A DISASTER RELIEF CHARITY

Report by County Solicitor and Monitoring Officer

Introduction

1. Leaders of the Political Groups in May 2010 supported a proposal that a Charitable Trust be set up with the County Council as sole Trustee with the object to include the undertaking of any necessary emergency appeal, the collection of funds and the distribution of aid to those most in need.
2. Whilst there are certain restrictions on Local Authorities operating as Charitable Trusts, nonetheless, there is a statutory provision to allow for the Council to be a Trustee under Section 139 of the Local Government Act 1972. This gives the Council the power to hold and accept gifts of land and other property (including money) for the benefit of people living in Oxfordshire but the Council is specifically prevented from doing anything that is related to the relief of poverty.
3. As a corporate body, the Council is permitted to be a sole Trustee of a Charitable Trust under the Charities Acts and general trusts law. The benefit of the Council being sole Trustee is that individual Officers or Members would not have the responsibility and liabilities of named Trustees. In addition, there is a significant advantage in this arrangement as the Trust would, in reality, be dormant until required and would, therefore, not be dependent on amending details because of any change of personnel nor would it incur additional financial costs by submitting detailed annual accounts other than a simple Trustees annual report.
4. Officers and Members of the Local Authority involved in the Charity's affairs would be acting under the delegated authority of the Council and would need to make decisions in accordance with the Council's usual procedures and Constitution. It needs to be emphasised, however, that those involved would need to act in the best interests of the Charity rather than the County Council when making decisions and arrangements for handling possible conflicts of interest are incorporated into the governance model.
5. The trust is not an incorporated body and so is not a separate legal entity. Appointing Oxfordshire County Council as a Corporate Trustee means that it can enter into contracts on behalf of the Trust and will be responsible for meeting any losses or liabilities incurred by the Trust that cannot be satisfied from the Trust's assets. Officers or Members acting on behalf of the County Council in administering the Trust will not be personally liable for any losses or

liabilities (although individual officers who commit Oxfordshire County Council (OCC) to an action which results in a breach of trust may be in turn liable to compensate OCC under local government law).

6. As a Corporate Trust this will allow the Council to appoint relevant persons to assist in the work of any disaster and affords complete flexibility as to involvement of appropriate persons such as Chief Executives and Lead Members of particular District Councils that may be affected by a particular disaster. It is essential for appropriate local involvement but until it is clear what the nature and extent of a particular disaster is, it is not possible to foresee who the appropriate members would be to be involved in advising and deciding on relevant appeals, collection and distribution of aid.
7. The Draft Trust Deed (see Annex 1) allows the County Council to decide within the scope of Local Government law what mechanisms should be used to reach decisions in its name as Corporate Trustee. Appointed postholders will need to bear in mind that the County Council as Trustee of the Trust must act in the best interests of the Trust and not in the best interests of the County Council.
8. The Trust, by law, is only required to register with the Charity Commission when its income reaches £10,000 per annum. However, earlier registration of the Trust might be considered advisable as this provides some assurance with regard to its bona fides in advance of any emergency appeal. Registration, however, is not a certainty as the Charity Commission may refuse to register a dormant charity and must be satisfied that it is appropriate to register even through it is below the £10,000 per annum minimum and must be satisfied that there is no conflict of interest between that of the Trust and that of the County Council.

RECOMMENDATION

9. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:**
 - (a) **delegate authority to the County Solicitor to draft and enact a Trust Deed in accordance with the provisions of this report;**
 - (b) **delegate to the Chief Executive authority to appoint the first Trustees to the Trust.**

Peter G Clark
County Solicitor and Monitoring Officer

Background papers: Nil

September 2010

CMDSSC5

Annex 1

DRAFT

DATED

2010

OXFORDSHIRE COUNTY COUNCIL

TRUST DEED
Establishing a charity called the
OXFORDSHIRE DISASTER RELIEF FUND

THIS TRUST DEED is made the day of 2010
BY

OXFORDSHIRE COUNTY COUNCIL of County Hall, New Road, Oxford, OX1 1ND and any successor body that carries out its functions (“the First Trustee”)

The First Trustee holds the sum of £1.00 (one pound) on the trusts declared in this deed and expects that more money or assets will be acquired on the same trusts.

The First Trustee shall act initially as sole corporate trustee of the Charity, and may continue to act as sole corporate trustee of the Charity.

NOW THIS DEED WITNESSES as follows:

1 Administration

The charitable trust constituted by this deed (“the Charity”) and its trust property (“the trust fund”) shall be administered and managed by the Trustees. (In this deed, the expression “the Trustees” refers to the individuals(s) and/or organisation(s) who are the Trustees of the Charity at any given time. It includes the First Trustee and its successors. The word “Trustee” is used to refer to any one of the Trustees).

2 Name of Charity

The Charity shall be called the Oxfordshire Disaster Relief Fund but the Trustees may by resolution change the Charity’s name from time to time. Before doing so they must obtain the written approval of the Charity Commission for England and Wales (“the Commission”) for a new name

3 Trustees

The Trustees of the Charity and the trust fund shall be the First Trustee and/or such other Trustees as may be appointed by the Trustees.

4 Application of Income

The Trustees must apply the income of the Charity in furthering the following objects (“the Objects”)

The relief of financial need and suffering among inhabitants of Oxfordshire who are victims of natural or other kinds of disasters in the form of money (or other means deemed suitable) for persons bodies and organisations affected (including the provision of medical aid and emergency accommodation).

5 Application of Capital

At their discretion the Trustees may spend all or part of the capital of the Charity in furthering the Objects

6 Powers of Trustees

In addition to any other powers, the Trustees may exercise any of the following powers in order to further the objects (but not for any other purpose):

- (i) to raise funds. In exercising this power, the Trustees must not

undertake any substantial permanent trading activity and must comply with any relevant statutory regulations.

- (ii) to buy, take on, lease or in exchange, hire or otherwise acquire property and to maintain and equip it for use (except property which once transferred to the Charity would be held by the Charity in trust for an ecclesiastical charity or for a charity for the relief of poverty);
- (iii) to sell, lease or otherwise dispose of all or any part of the property belonging to the Charity. In exercising this power, the Trustees must comply as appropriate with sections 36 and 37 of the Charities Act 1993, as amended by the Charities Act 2006.
- (iv) to borrow money and to charge the whole or any part of the property belonging to the Charity as security for repayment of the money borrowed. The Trustees must comply as appropriate with sections 38 and 39 of the Charities Act 1993, as amended by the Charities Act 2006, if they wish to mortgage land owned by the Charity;
- (v) to co-operate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them;
- (vi) to establish or support any charitable trusts, associations or institutions formed for any of the charitable purposes included in the objects;
- (vii) to acquire, merge with or enter into any partnership or joint venture arrangement with any other Charity formed for any of the objects;
- (viii) to create such advisory committees as the Trustees think fit;
- (ix) to employ and remunerate such staff as necessary for carrying out the work of the Charity;
- (x) to do any other lawful thing that is necessary or desirable for the achievement of the objects.

7 Statutory Powers

Nothing in this deed restricts or excludes the exercise by the Trustees of the powers given by the Trustee Act 2000 as regards investment, the acquisition or disposal of land and the employment of agents, nominees and custodians.

8 Delegation

- (i) In addition to its statutory powers, the Trustees may delegate any of their powers or functions to a committee of two or more Trustees. A committee must act in accordance with any directions given by the Trustees. It must report its decisions and activities fully and promptly to the Trustees. It must not incur expenditure on behalf of the Charity except in accordance with a budget previously agreed by the Trustees.
- (ii) The Trustees must exercise their powers jointly at properly convened meetings except where they have:

- (a) Delegated the exercise of the powers (either under this provision or under any statutory provisions), or
 - (b) Made some other arrangements, by regulations under clause 22.
- (iii) The Trustees must consider from time to time whether the powers or functions which they have delegated should continue to be delegated.

9 Duty of care and extent of liability

When exercising any power (whether given to them by this deed, or by statute, or by any rule of law) in administering or managing the Charity, each of the Trustees must use the level of care and skill that is reasonable in the circumstances, taking into account any special knowledge or experience that he or she has or claims to have (“the duty of care”).

No Trustee, and no one exercising powers or responsibilities that have been delegated by the Trustees, shall be liable for any act or failure to act unless, in acting or in failing to act, he or she has failed to discharge the duty of care.

10 Appointment of Trustees

- (i) There must be at least three Trustees unless a corporate Trustee is appointed. A corporate Trustee may act as sole Trustee or jointly with other Trustees. For the avoidance of doubt a sole corporate Trustee can exercise any of the powers and will have all of the responsibilities given to the Trustees under this Deed or by law. Apart from the First Trustee every Trustee must be appointed by a resolution of the Trustees passed as a special meeting called under clause 15 of this deed.
- (ii) In selecting individuals for appointment as Trustees, the Trustees must have regard to the skills, knowledge and experience needed for the effective administration of the Charity.
- (iii) The Trustees must keep a record of the name and address and the dates of appointment, re-appointment and retirement of each Trustee.
- (iv) The Trustees must make available to each new Trustee, on his or her first appointment:
 - (a) a copy of this deed and any amendments made to it;
 - (b) a copy of the Charity’s latest report and statement of accounts.

11 Eligibility for Trusteeship

- (i) No one shall be appointed as Trustee:
 - (a) if he or she is under the age of 18 years; or

- (b) if he or she would at once be disqualified from office under the provisions of clause 12 of this deed.
- (ii) No one shall be entitled to act as a Trustee whether on appointment or on any re-appointment as Trustee until he or she has expressly acknowledged, in whatever way the Trustees decide, his or her acceptance of the office of Trustee of the Charity.

12 Termination of Trusteeship

A Trustee shall cease to hold office if he or she:

- (i) is disqualified for acting as a Trustee by virtue of section 72 of the Charities Act 1993 or any statutory re-enactment or modification of that provision;
- (ii) becomes incapable by reason of mental disorder, illness or injury of managing his or her own affairs;
- (iii) is absent without the permission of the Trustees from all their meetings held within a period of six months and the Trustees resolve that his or her office be vacated; or
- (iv) notifies to the Trustees a wish to resign (but only if enough Trustees will remain in office when the notice of resignation takes effect to form a quorum for meetings).

13 Vacancies

- (i) If a vacancy occurs the Trustees must note the fact in the minutes of their next meeting. Any eligible Trustee may be re-appointed.
- (iii) If a sole corporate Trustee has not been appointed and fewer than three natural persons have been appointed as Trustees, none of the powers or discretion conferred by this deed or law on the Trustees shall be exercisable by the Trustees except the power to appoint new Trustees
- (iv) A sole corporate Trustee may not resign unless another corporate body or at least one natural person has been appointed as a Trustee

14 Ordinary meetings

The Trustees must hold at least one ordinary meeting each year. One such meeting in each year must involve the physical presence of those Trustees who attend the meeting. Other meetings may take such form, including videoconferencing, as the Trustees decide provided that the form chosen enables the Trustees both to see and to hear each other.

15 Calling meetings

The Trustees must arrange at each of their meetings the date, time and place of their next meeting, unless such arrangements have already been made. Ordinary meetings may also be called at any time by the person elected to chair the meetings of the Trustees or by any two Trustees. In that case not less than ten days' clear

notice must be given to the other Trustees. The first meeting of the Trustees must be by the First Trustee or, if not meeting has been called within three months after the date of this deed, by any two of the Trustees.

16 Special meetings

A special meeting may be called at any time by the person elected to chair meetings of the Trustees or by any two Trustees. Not less than four days' clear notice must be given to the other Trustees of the matters to be discussed at the meeting. However, if those matters include the appointment of a Trustee or a proposal to amend any of the trusts of this deed, not less than 21 days' notice must be given. A special meeting may be called to take place immediately after or before an ordinary meeting.

17 Chairing of meetings

The Trustees at their first ordinary meeting in each year must elect one of their number to chair their meetings. The person elected shall always be eligible for re-election. If that person is not present within ten minutes after the time appointed for holding a meeting, or if no one has been elected, or if the person elected has ceased to be a Trustee, the Trustees present must choose one of their number to chair the meeting.

The person elected to chair meetings of the Trustees shall have no other additional function or powers except those conferred by this deed or delegate to him or her by the Trustees.

18 Quorum

(i) Subject to the following provision of this clause, no business shall be conducted at a meeting of the Trustees unless at least one third of the total number of Trustees at the time, or two Trustees (whichever is the greater) are present throughout the meeting.

(ii) The Trustees may make regulations specifying different quorums for meetings dealing with different types of business.

19 Voting

At meetings, decisions must be made by a majority of the Trustees present and voting on the question. The person chairing the meeting shall have a casting vote whether or not he or she has voted previously on the same question but no Trustee in any other circumstances shall have more than one vote.

20 Conflict of interest

A Trustee must absent himself or herself from any discussions of the Trustees in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the Charity and any personal interest (including but not limited to any personal financial interest).

21 Minutes

The Trustees must keep minutes, in books kept for the purpose or by such other means as the Trustees decide, of the proceedings at their meetings. In the minutes the Trustees must record their decisions and, where appropriate, the reasons for

those decisions. The Trustees must approve the minutes in accordance with the procedures, laid down in regulations made under clause 22 of this deed.

22 General power to make regulations

The Trustees may from time to time make regulations for the management of the Charity and for the conduct of their business, including:

- (i) the calling of meetings;
- (ii) methods of making decisions in order to deal with cases or urgency when a meeting is impractical;
- (iii) the deposit of money at a bank;
- (iv) the custody of documents; and
- (v) the keeping and authenticating of records. (If regulations made under this clause permit records of the Charity to be kept in electronic form and requires a Trustee to sign the record, the regulations must specify a method of recording the signature that enables it to be properly authenticated.)

The Trustees must not make regulations which are inconsistent with anything in this deed.

23 Accounts, Annual Report and Annual Return

The Trustees must comply with their obligations under the Charities Act 1993, as amended by the Charities Act 2006, with regard to:

- (i) the keeping of accounting records for the Charity;
- (ii) the preparation of annual statements of account for the Charity;
- (iii) the auditing or independent examination of the statements of account of the Charity;
- (iv) the transmission of the statements of account of the Charity to the Commission;
- (v) the preparation of an annual report and its transmission to the Commission;
- (vi) the preparation of an annual return and its transmission to the Commission.

24 Registered particulars

The Trustees must notify the Commission promptly of any changes to the Charity's entry on the Central Register of Charities.

25 Bank account

Any bank or building society account in which any of the funds of the Charity are

deposited must be operated by the Trustees and held in the name of the Charity. Unless the regulations of the Trustees make other provision, all cheques and orders for the payment of money from such an account shall be signed by at least one Trustee.

26 Trustees not to benefit financially from their Trusteeship

- (i) (a) No Trustee may buy goods or services from the Charity, or sell goods or services to the Charity, or receive any other financial benefit from Charity or from any trading company owned by the Charity, except in accordance with this deed or the prior written approval of the Commission and any condition it prescribes
- (b) The Trustees may employ, or enter into a contract for the supply of goods or services with, one of their number. Before doing so, the Trustees must be satisfied that it is in the best interests of the Charity to employ, or contract with, that Trustee rather than someone who has no connection with the Charity. In reaching that decision, they must balance the advantage of employing a Trustee against the disadvantages of doing so (especially the loss of the Trustee's services as a result of dealing with the Trustee's conflict of interest as required by the next sub-clause). The remuneration or other sums paid to the Trustee must not exceed an amount that is reasonable in all the circumstances. The Trustees must record the reason for their decision in their minute book.
- (c) A Trustee must be absent from the part of any meeting at which his or her employment or remuneration, or any matter concerning the contract, are discussed. He or she must also be absent from the part of any meeting at which his or her performance in that employment, or his or her performance of the contract, is considered. He or she must not vote on any matter relating to his employment or the contract and must not be counted when calculating whether a quorum of Trustees is present at the meeting.
- (d) At no time may a majority of the Trustees benefit under this provision.
- (iii) This clause applies to a firm or company of which a Trustee is:
 - (a) a partner;
 - (b) an employee;
 - (c) a consultant;
 - (d) a director; or
 - (e) a shareholder, unless the shares of the company are listed on a recognised stock exchange and the Trustee

holds less than 1% of the issued capital, as it applies to a Trustee personally.

- (iv) In this clause:
- (a) "Charity" shall include any company in which the Charity:
- holds more than 50% of the shares; or
 - controls more than 50% of the voting rights attached to the shares; or
 - has the right to appoint one or more directors to the Board of the company.
- (b) "Trustee" shall include any child, parent, grandchild, grandparent, brother, sister or spouse of the Trustee or any person living with the Trustee as his or her partner.

27 Repair and insurance

The Trustees must keep in repair and insure to their full value against fire and other usual risks all the buildings of the Charity (except those buildings that are required to be kept in repair and insured by a tenant). They must also insure suitably in respect of public liability and employers' liability.

28 Expenses

The Trustees may use the Charity's funds to meet any necessary and reasonable expenses which they incur in the course of carrying out their responsibilities as Trustees of the Charity.

29 Amendment of Trust Deed

- (i) The Trustees may amend the provisions of this deed, provided that:
- (a) no amendment may be made to clause 4 (Application of income), clause 9 (Duty of care), clause 26 (Trustees not to benefit financially from their Trusteeship), clause 31 (Dissolution) of this clause without the prior consent in writing of the Commission; and
- (b) no amendment may be made whose effect is that the Charity ceases to be a Charity at law.
- (ii) Any amendment of this deed must be made by deed following a decision of the Trustees made at a special meeting.
- (iii) The Trustees must send to the Commission a certified copy of the deed effecting any amendment made under this clause within three months of it being made.

31 Dissolution

The Trustees may dissolve the Charity if they decide that it is necessary or desirable to do so. To be effective, a proposal to dissolve the Charity must be passed at a special meeting by a two-thirds majority of the Trustees. Any assets of the Charity that are left after the Charity's debts have been paid ("the net assets") must be given:

- (i) to another charity (or other charities) with objects that are no wider than the Charity's own, for the general purposes of the recipient charity (or charities); or
- (ii) to any charity for use for particular purposes which fall within the charity's objects.

The Commission must be notified promptly that the Charity has been dissolved and, if the Trustees were obliged to send the Charity's accounts to the Commission for the accounting period which ended before its dissolution, they must send the Commission the Charity's final accounts.

32 Interpretation

In this deed, all references to particular legislation are to be understood as references to legislation in force at the date of this deed and also to any subsequent legislation that adds to, modifies or replaces that legislation.

IN WITNESS whereof this deed has been executed by Oxfordshire County Council and is delivered on the date first above written the parties have hereunto set their respective hands the day and year first before written.

Executed as a deed by Oxfordshire County Council
By affixing the common seal of Oxfordshire County Council
in the presence of:

.....

County Solicitor/Designated Officer