

Colsterworth and District Youth Centre

Notes of meeting Wednesday 5th June 2019

Present:

Fran Selby - Chair

Derek Cox

John Hannam – Treasurer (notes)

1) Options for consideration for a new Youth Activities Charity (prepared by Parish Councillors Caroline Hainsworth and Andrea Walden)

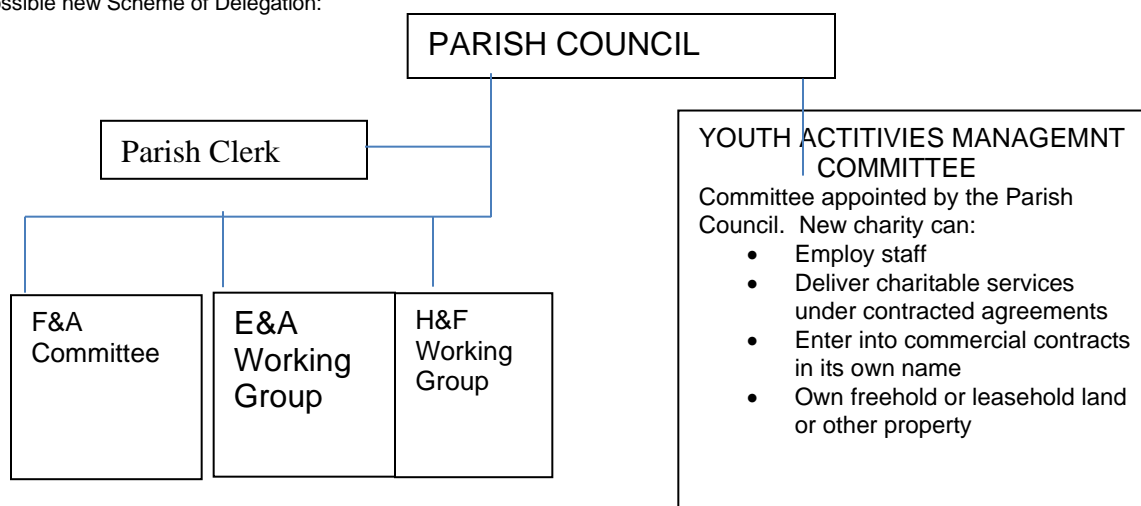
OPTIONS FOR YOUTH ACTIVITIES CHARITY

<p>Option 1 - Do nothing - maintain the status quo</p>	<p><u>Consequences:</u></p> <ul style="list-style-type: none"> • Trustees remain financially liable • Charity at risk of being lost to the Parish • Insufficient Trustees. A need to recruit more which is proving nigh impossible given the financial aspect. • If decision is taken to do nothing Trustee positions must be properly advertised • There would also be a need for a treasurer and secretary • Risk of dissolution and “handing” charity to the Charities Commission
<p>Option 2 – Parish Council as Sole Trustee</p>	<ul style="list-style-type: none"> • Sub Committee consisting of a mix of Cllrs and others with Cllrs preferably in the majority • No individual financial liability unless there is a provable “Breach of Trust. • Sub Committee can appoint its own Chair and hold its own open meetings as a sub-committee of the Parish Council. • Sub Committee reports to PC who then vote on recommendations; unlikely to refuse anything. • Sub Committee keeps its own Minutes and Accounts (possibly circulated among Councillors) • Sub Committee reports to Council at monthly meeting. • Charity Bank Accounts are totally separate from PC's <p>Advantage is that the Charity (with new Governing Document and the consent of the Charity Commissioners to make the necessary changes) remains in Colsterworth. No individual is financially vulnerable. Charity continues to operate much as now but with a better understanding of Charity Law</p>

Six steps to set up new Charity:

1. Find Trustees – at least three
2. Make sure Charity has a “charitable purpose for the public benefit” -
3. Choose a name for the Charity
4. Choose a structure for the Charity (e.g., ICO)
5. Create a “Governing Document” (constitution) – templates on Charity Commission website
6. Register as a charity

Possible new Scheme of Delegation:



The Colsterworth and District Youth Centre Management committee supports the Parish Council's initiative (OPTION 2) which would result in the transfer all assets into a new Youth Activities Charity and the closure of the current charity. Action: JH to notify Parish Council of decision in order that this can be an Agenda item for next Parish Council Meeting.

Assuming Councillors approve Option 2 then a meeting of representatives of the YC/PC should be convened to move this forward. Action: ALL

Supplementary information JH/CH/AW 08.06.19

Clarification of Option 2 "Six steps to set up new Charity (1) Trustees "Trustees" and "Managing Trustees"

Cllr Caroline Hainsworth

The Parish Council will be Sole Trustees as a Corporate Body... there will be no need or purpose then for Custodian Trustees ... the Parish Council will have the legal framework to act to protect the Charity through its own Sub-Committee Structure

The Sole Trustees (Council) will "appoint" a management committee which is to some degree autonomous to Council acting solely in the interests of the charity.

In terms of how this is done we haven't quite worked that out but I understand ----- and Andrea will correct me if I am wrong----- the YC would have to apply to the Charities Commission (in conjunction and with the support of the PC) to change status - I think this was referenced in the solicitors letter PC shared with you although not too much detail

CLLR Andrea Walden

I concur with all that Caroline has said. As Sole Trustee CAD would assemble a sub-Committee with delegated powers to act as Managing Trustees of the Charity. As you know sub committees can co-opt members who are not Councillors but who have specific skills or knowledge which enhances the sub-committee's skill-set. I believe that co-opted members do not have a vote. The sub-Committee would meet at regular intervals and report to Council as do the other sub committees and groups.

I can add here that the Charity Commissioners are almost certain to be sympathetic to the proposals as they do not like to see charities dissolved and their assets lost to the area which they were intended to benefit. They will guide us through the necessary process and ensure that it is watertight.

(Thanks to CH/AW for above additional input)

2) Future Charity/Constitution

Consideration of how local institutions like Scouts/Brownies or the local school could be somehow be affiliated to the new charity e.g to benefit from grants from the income derived from the rent of the YC building. Action: YC/PC for discussion

3) Youth Disco held on May 30th 2019. Disappointing response with only 2 young persons attending. Cheque to Colsterworth and Social Club approved £35.

4) Social Club summer event. A grant of £300 towards youth activities was agreed – details required – Action FS and DC

5) Finance.

a) Funds as at 31.03 2019 £10,759.66 (HSBC)

b) Transfer of £2,750 from the HSBC Community Account to the interest bearing HSBC Business Money Manager account approved.

Next meeting: TBA

**BRIEFING PAPER AND PROPOSAL FOR PARISH COUNCIL 02 JULY 2019**

1. Colsterworth & District Council (CAD) is the Custodian Trustee of Colsterworth Youth Centre, a Registered Charity.
2. The aim of the Charity was to provide a Youth Club and associated activities for the youth of CAD. However, due to a lack of membership the club closed at the end of 2014. Attempts to restart the Youth Club have proved unsuccessful and it has been reluctantly decided that a structured Club is not what the young people of today are seeking.
3. The Charity has an asset, the Youth Centre Building on Colster Way, which is let to the Little Legs Nursery. This is a tenancy which is desirable to retain as it provides a valuable service to the area and is also a local employer. The Charity maintains and insures the building and has used its surplus funds in a number of ways to provide youth activities in the villages. This asset provides the Charity with regular income and should be retained within the Charity.
4. As Custodian Trustees the Parish Council is named on the Youth Centre Building as holding Absolute Title and it is listed on the Parish Council's Asset Register but with a zero value as it is not, in Law, a Council asset.
5. With the current lack of support for the Youth Club as it stands, the question of whether or not the Charity can still legally function arose. Legal advice was sought by the Parish Council and shared with the Youth Centre Committee. This advised that, unless the scope of the Charity was widened, its Governing Document re-written and the whole thing put on a proper footing there was a real danger that the Charity and its assets could be removed from CAD and given to a similar charity which could be anywhere in the country.
6. As things stand at present the Trustees are jointly and severally liable financially should the occasion ever arise when Charity funds are insufficient to cover Charity liabilities. This makes the appointment of new Trustees very difficult for obvious reasons.
7. It has been agreed by the Youth Centre Committee that, in order to protect the Charity and enable it to remain safely within CAD they will put forward a proposal to Council about how they wish to proceed.

Cllr C Hainsworth

Cllr A Walden

12 June 2019