

CARTERTON RECREATION GROUND

Reg. Charity No. 202903
Town Hall, Alvescot Road,
Carterton, OX18 3JL
01993 842156
clerk@carterton-tc.gov.uk

Chair: Cllr K Godwin
Vice-Chair: Cllr L Wood
Trustees: Cllr S Baylis, Cllr R Brooks, Cllr R Crapper, Cllr C Croft, Cllr P Godfrey,
Cllr J Guest, Cllr N King, Cllr E Leeming, Cllr N Leverton, Cllr M McBride,
Cllr M Mead, Cllr D Melvin, Cllr M Tarpey, Cllr K Wood

You are hereby summoned to attend the **MEETING** of **CARTERTON TOWN COUNCIL** as **SOLE TRUSTEE** of **CARTERTON RECREATION GROUND (REGISTERED CHARITY NO. 202903)** on **Tuesday 14th May 2024 at 6.00pm** at Carterton Methodist Church.

Under the Openness of Local Government Bodies Regulations 2014 the Council's public meetings may be recorded, which includes filming, audio-recording as well as photography.

We are proud to announce that Carterton Town Council has signed the Civility and Respect Pledge. The Council will treat all Members, Officers, and members of the public, with civility and respect at all times. We please ask that members of the public do the same.



Simon Garwood
Chief Officer/Town Clerk

AGENDA

- 1. APOLOGIES**
Trustees to receive apologies for absence.
- 2. DECLARATIONS OF INTEREST and DISPENSATIONS**
With reference to items on the agenda Trustees are reminded of their responsibility to declare interests accordingly.
- 3. MINUTES OF THE PREVIOUS MEETING**
MOTION: Trustees to approve and sign the minutes of the trustee meeting held on 21.03.2023.
- 4. CHARITY COMMISSION ANNUAL RETURN**
MOTION: Trustees to approve and sign off the Charity Commission Annual Returns for 2022-23 and 2023-24.
- 5. ANNUAL REPORT**
Trustees to note the Annual Report for 2023-24.

6. SECURITY ON THE ARR

MOTION: Trustees to consider and approve options to improve security in the back left corner of the Recreation Ground following the fire in Lawton Avenue and directly behind the Pavilion.

7. GOVERNANCE

MOTION: Trustees to consider the new governance model, set out in the papers; (to become a custodian trustee and set up a Management Committee to be responsible for the day-to-day administration of the charity) and to agree next steps.

MOTION: Trustees to document that no permanent structure is to be erected on the recreation ground outside of the play park and that any existing structures are only used as ancillary buildings as confirmed by the town council's solicitor.

8. DATE OF NEXT MEETING

Date of the next meeting to be confirmed.

Members of the Press and Public Welcome

Please click on any heading underlined to take you to the relevant supporting information.

CARTERTON RECREATION GROUND (REGISTERED CHARITY NO. 202903)
MINUTES OF THE MEETING OF CARTERTON TOWN COUNCIL
AS SOLE TRUSTEE OF CARTERTON RECREATION GROUND
HELD AT THE TOWN HALL ON TUESDAY 21 MARCH 2023 COMMENCING AT 6.30 PM

Present: Cllr N Leverton - Chair
 Cllr J Bull - Vice-Chair

 Cllr M Crossland Cllr M McBride
 Cllr R Crapper Cllr M Mead
 Cllr F Harold Cllr D Wesson
 Cllr N King Cllr K Wood
 Cllr L Little Cllr L Wood

In attendance: Members of the public x 4

Officers: None

12 APOLOGIES

Apologies had been received from Cllr K Baldwin, Cllr S Baylis, Cllr P Handley, Cllr J Sangster.

13 DECLARATIONS OF INTEREST

There were no declarations of interest.

14 MINUTES OF THE LAST MEETING

The minutes of the meeting held on 30 January 2023 were approved as a correct record and signed by the Chair (proposed by Cllr K Wood and seconded by Cllr Bull).

15 ADJOURNMENT FOR MEMBERS OF THE PUBLIC TO RAISE MATTERS

An adjournment of up to 15 minutes for members of the public to raise matters on any items on the agenda.

A member of the public said that the minutes of the last meeting and the Terms of Reference were not available on the Town Council website.

16 TERMS OF REFERENCE FOR THE MEETINGS OF THE RECREATION GROUND CHARITY

The updated Terms of Reference had been circulated with the agenda. It was RESOLVED to APPROVE the Terms of Reference (proposed by Cllr K Wood and seconded by Cllr Mead). Cllr Crossland abstained.

17 HIRE FEES FOR 2023/2024

The Trustees reviewed the hire fees for 2023/2024. The current fees were as follows:

Funfair	£900 per week (£500 deposit)
Circus	£100 per day (50% deposit)
Other commercial	£22 per session
Football Pitch/Pavilion	No charge
Bandstand	No charge
Car Boot Sales/Fayres etc	No charge

Booking is essential to avoid clashes with other events.

It was RESOLVED that the fees should remain unchanged for the year 2023/2024 (proposed by Cllr K Wood and seconded by Cllr Mead). Cllr Crossland abstained.

The meeting ended at 6.53 pm.

Chair

Annual Return 2022-23

ARRG Income *

Council Income - Hatwells	£900.00
Council Income -JRC - Circus	£500.00
	<u>£1,400.00</u>

ARRG Expenditure **

Bank charges 01.05.2022	£8.00
bank charges 31.05.2022	£8.00
bank charges 30.06.2022	£3.00
Bank charges 30.06.2022	£18.15
bank charges 30.09.2022	£0.30
bank charges 30.09.2022	£20.55
bank charges 31.12.2022	£18.60
bank charges 31.03.2023	£0.30
bank charges 31.03.2023	£18.15
	<u>£95.05</u>

ARRG Account

Opening Balance	Closing Balance
8,882.38	10,671.33

Annual Return 2023-2024

ARRG Income *

Hatwells	£900.00
----------	---------

ARRG Expenditure **

Bank charges	£54.30
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ARRG Account

Opening Balance	Closing Balance
10,671.33	11,499.03

*ARRG Income is not a true reflection of all the funds that came in as the council received some of this income into its own accounts.

**ARRG Expenditure is not a true reflection of all the money spent as the council paid for most of the bills, e.g. grass cutting, bins, water and electricity.

ARRG Annual Report 2024

Carterton Recreation Ground
Brownes Lane, Carterton, Oxon OX18 3JH

Charity No. 202903

Registration address:
Carterton Town Council,
Town Hall,
19 Alvescot Road,
Carterton OX18 3JL
Email: kzasada@carterton-tc.gov.uk

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Introduction

Welcome to the Annual Report for the Carterton (Alvescot Road) Recreation Ground (ARRG) for the year 2023-2024. This report is a summary of the efforts, achievements, and challenges faced by the Trustees and stakeholders in managing and maintaining this vital community asset. Over the past few years, meetings and reporting from the trustees has been a little infrequent, however we remain committed to revitalising the operational efficiency of the charity and ensuring the sustained benefit it provides to the Carterton community.

Charity Structure

The foundation of the ARRG dates back to the establishment of Carter's Charter on 11th September 1906, demonstrating a longstanding commitment to provide the residents of Carterton with a large open (green) space for public recreation. Subsequent amendments, notably the Conveyance of 29th September 1937 and the Scheme Sealed on 1st May 1997, have shaped the governance and operations of the charity.

Currently, the ARRG is under the stewardship of Carterton Town Council, acting as the sole trustee.

Aims

The core aim of the ARRG remains rooted in preserving William Carter's vision, as articulated in Carter's Charter of 1906. This includes maintaining the grounds as a public park and recreation area in accordance with the Recreations Ground Act, 1859, and the Open Spaces Act, 1906. Furthermore, the ARRG serves as a social hub fostering community engagement, fundraising endeavours for local groups, and contributing to the overall well-being of residents.

Objectives

Aligned with its historical mandate, the ARRG pursues several key objectives:

1. Providing an accessible green space for all members of the community.
2. Facilitating social interactions and community cohesion through organized events and gatherings.
3. Ensuring transparent communication and consultation regarding activities held within the ARRG to mitigate any potential disruptions to neighbouring residents.

Area of Benefit

The area of benefit defined by the governing document outlines the geographical scope within which the charity operates, ensuring its services and amenities cater to the needs of residents.

Activities

The ARRG hosts a diverse range of activities and amenities, including a Children's Play Area, Bandstand, and Pavilion. These facilities accommodate various recreational pursuits such as football, cricket, funfairs, and charitable events. Notably, plans for a new playpark, subject to public consultation and funding, underscore our commitment to enhancing community leisure opportunities.

Performance

The ARRG continues to serve as a vibrant focal point for the Carterton community, evidenced by robust attendance and engagement from surrounding areas. While generating modest income through organized events, challenges persist, notably concerning antisocial behaviour in specific areas of the grounds. Efforts to address these issues remain a priority, reflecting our dedication to maintaining a safe and inclusive environment for all residents and visitors.

Governance

Under s.139(1)(b) of the Local Government Act 1972 a local council can be appointed as a sole trustee or a custodian trustee of a charity for the benefit of all or some of the people living in its area.

The ARRG charity must be independent of the council. Decisions about the administration and operation of the charity must be taken solely with a view to furthering its charitable purposes and for no other purpose. In short, the council has a dual role, firstly as a local authority and secondly as a charity trustee and the two roles must be kept entirely separate. All discussions and decisions relating to the charity should be taken at a meeting which is specifically called for that purpose and NOT at a council meeting.

Financial Management

The charity property should be listed in the council's assets register but with a nil value. Responsibility for the insurance of the charity property falls on the managing trustees.

The finances of the trust must be kept separate from those of the council. The assets must be accounted for separately and income and expenditure should be accounted for through separate cost centres. The council may top up the finances of the trust, but no funds should pass from the trust into the council's own account, although the council may, depending on the circumstances, recover administration costs.

Independence

Conflicts of interest can occur if the council fails to appreciate that it must deal with the charity property in accordance with the charitable trusts. To avoid conflict the Charity Commission can appoint the council as custodian trustee with separate management trustees having the day-to-day responsibility for the administration and operation of the charity.

The custodian trustee can only assist the managing trustees it has no power to manage the property and no role in the administration of the charity. The custodian trustee duty is to perform all lawful acts necessary to enable the managing trustees to administer the charity efficiently. The custodian trustee should not act if the matter is a breach of trust or involves liability for the custodian trustee.

Conclusion

In conclusion, the ARRГ remains steadfast in its mission to preserve and enhance public recreation opportunities for the Carterton community. As we navigate the complexities of governance and operational management, we extend our gratitude to all stakeholders for their unwavering support and commitment to the ARRГ's continued success.

Annual Return 2022-23

*ARRG Income**

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ARRG Charity Meeting - 14 May 2024 - Works for Authorisation

At the Town Council Meeting on the 16 April 2024, a request was made to approve the installation of anti-vandal steel fencing at the ARRG, following the arson attack on a mobile home situated in the garden at no 22 Lawton Avenue. (See below)

Steel Fencing at ARRG

The land in the top left-hand corner of the ARRG/Rec as you face the Pavilion is an area for concern. It has been used over the years by youths to build camps, leave rubbish/fly tips and take drugs. It is a popular site as the trees and vegetation there act as a shield from the public. Following a recent fire started by youths, a mobile home was burnt out in one of the gardens that is close to this area. No 22, 24 Lawton Avenue and St Joseph's Catholic Church ground are the properties that back onto this area. After speaking with the victim and TVP, the Town Clerk requested costings for installing **anti-climb/anti-vandalism steel fencing** and to cut back trees /vegetation close to the site.

Note: Prior to installing the steel fencing, a number of trees/vegetation close to installation would have to be cut to cut back/removed.

Option 1 – Steel Palisade Fencing with W Pales designed to give stronger or more resistant boundary against vandalism with sharp and pointed toppings, sharp and pointed pales to act as an extra layer of security.



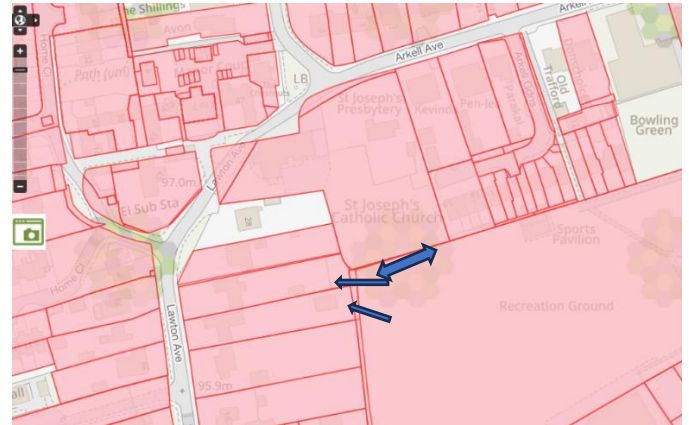
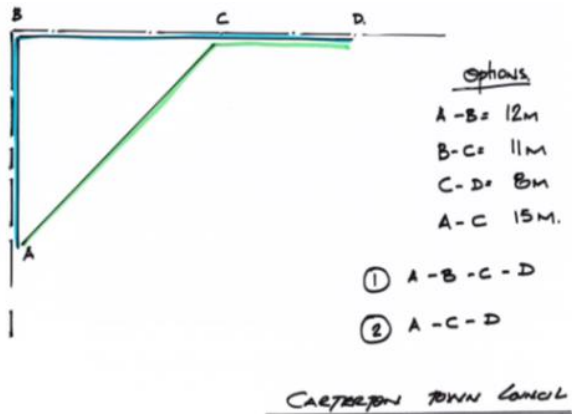
Option 1 – Palisade



Option 2 – 358/Flat Profile Panel

Option 2 – 358 Flat/Profiled Panel to give high level of security. The small mesh is designed to be toe and finger proof, making it an anti-climb and anti-cut fence with high resistance to vandalism.

See diagram below giving two installation options (in blue and green) and diagram of intended location.



Supplier 1 – Warefence

Palisade

Option 1 – A-B-C-D in blue	£3,925.46 + VAT
Option 2 – A-C-D in green	£3,590.87 + VAT

358 Flat/Profiled Panel

Option 1 – A-B-C-D in blue	£3,536.45 + VAT
Option 2 – A-C-D in green	£2,559.15 + VAT

Supplier 2 – Pepler Fine Fencing

Palisade

Option 1 – A-B-C-D in blue	£3,383.00 + VAT
Option 2 – A-C-D in green	£2607.00 + VAT

358 Flat/Profiled Panel

Option 1 – A-B-C-D in blue	£2,792.00 + VAT
Option 2 – A-C-D in green	£2,200.00 + VAT

Supplier 3 – McCracken & Son

To fell and remove laurel hedging and associated planting as agreed to allow access for new security fence line.




Cost: £570.00 +
VAT

To supply and construct 26lm of 1.8m high green palisade security fencing.

Cost: £2,890.00
+ VAT

McCracken's were originally only asked to quote for the removal of trees/vegetation but asked if they could quote for the fencing as well. They have only quoted for the palisade fencing as done at short notice; however if required, they could submit a further quote for the high mesh material later.

See supplier quotes below:

  					
Client: Carterton Town Council		Date: 08/04/2024			
Site: Recreation Field Carterton		QT no. 3802			
		Unit	Quantity	Rate	
To supply and erect 1.8m high fencing to rear corner of playing field Quote is based on all trees/ limbs/ cleared prior to our commencement. New fencing erected in front of existing fence Two options have been shown for the fence line taken, option one, in blue , and option 2 in Green		Item	1.00	£3,925.46	£3,925.46
Supply and erect 1.8m high steel palisade fence, 2mm W pales, on 2 x 50 x 50 RSA rails, on 102 x 44 RSJ posts set in concrete foundation, all galvansied and polyester powder coated green RAL 6005 Option 1 marked in blue		item	1.00	£3,590.87	£3,590.87
Option 2 Marked in Green Supply and erect 1.8m high WF358 mesh fixed to post set in concrete foundations at 2.5m centres, all galvanised and polyester powder coated green RAL 6005 Option 1 marked in blue		Item	1.00	£3,536.45	£3,536.45

Option 2 Marked in Green	item	1.00	£2,559.15	£2,559.15
<p>Due to the volatile prices of steel and the availability issues of some construction materials, prices are current day only. Please check prices before ordering.</p> <p><i>Rates have been calculated assuming reasonable access and reasonable digging conditions, no allowance has been made for breaking out. We specifically exclude suction/vacuum excavation.</i></p> <p><i>All rates are NET and may not be subjected to further discounts</i></p> <p><i>No design or lifting plans are included within this quote</i></p> <p><i>Price is based on the understanding that the Principal/Main Contractor will provide welfare facilities in accordance with Schedule 2 of the Construction (Design & Management) Regulations 2015 throughout our employees' attendance on site.</i></p>				

Pepler Fine Fencing Ltd

Lanes Farm
 Goosey, Faringdon
 Oxfordshire
 SN7 8PA
 01367 718682
 VAT Registration No.: 807 7576 00



Estimate

ADDRESS

Carterton Town Council
 Town Hall
 Alvescot Road
 Carterton
 OX18 3JL

ESTIMATE NO. 2932

DATE 09/04/2024

TERMS

30 days

DESCRIPTION	QTY	RATE	VAT	AMOUNT
Quote Option One A -B- C- D Powder coated 358 black 1.8m high mesh panels. Quote based on the understanding that the fence line will be cleared of tree's and over hanging branches.				

All materials and labour 1 2,792.00 20.0% 2,792.00
S

Option Two
A- C- D as above £2200.00 plus Vat

SUBTOTAL 2,792.00
VAT TOTAL 558.40
TOTAL **£3,350.40**

TAX SUMMARY

RATE	TAX	NET
VAT @ 20%	558.40	2,792.00

Pepler Fine Fencing Ltd
Lanes Farm
Goosey, Faringdon
Oxfordshire
SN7 8PA
01367 718682
VAT Registration No.: 807 7576 00



Estimate

ADDRESS
Carterton Town Council
Town Hall
Alvescot Road
Carterton
OX18 3JL

ESTIMATE NO. 2933
DATE 09/04/2024

TERMS
30 days

DESCRIPTION	QTY	RATE	VAT	AMOUNT
-------------	-----	------	-----	--------

Quote to install galvanized W shaped triple point palisade at
1.8m high.
A_ B- C- D

Quote based on the understanding that the fence line will be
cleared of tree's and over hanging branches.

All materials and labour 1 3,383.00 20.0% 3,383.00
S

Option two as above.
A- C- D
£2607.00 plus Vat

SUBTOTAL 3,383.00
VAT TOTAL 676.60
TOTAL **£4,059.60**

TAX SUMMARY

RATE	TAX	NET
VAT @ 20%	676.60	3,383.00



McCRACKEN & SONS LTD

Landscape Construction & Grounds Maintenance Contractors

Established 1971

VAT Reg No: 195 7948 91

QUOTATION

Carterton Town Council
Ms Lyndy Dennis
Alvescot Road
Carterton
Oxon

Quotation No	1128
Quotation Date	11/04/2024
Order No	
Account Ref	C004

Quantity	Description	Unit Price	Net Amt	VAT %	VAT
	Re: ARRG Security Fencing				
	To fell and remove laurel hedging and associated planting as agreed to allow access for new security fence line.	570.00	570.00	20.00	114.00
	To supply and construct 26lm of 1.8m high Green palisade security fencing.	2,890.00	2,890.00	20.00	578.00

Recommendation

The council asked that we contact a commercial fencing company that specializes in security fencing to ask what fencing material they would recommend for this area.

Warefence Commercial Fencing was suggested and is one of the companies that provided a quote for the 16 April 2024.

L Dennis contacted them for their advice. Please see email text below.

Security fencing



Steve McBride <steve@warefence.co.uk>
To Lyndy Dennis

Reply Reply All

You replied to this message on 09/05/2024 14:23.



Hi Lyndy,

Further to our conversation re the fencing, we would recommend the 358 mesh fencing, over the steel palisade, for this site.

The mesh is a far less aggressive looking fence and gives good security as it is very difficult to climb.

As this is an area where, by its nature, children are going to gather, there is far less risk of anybody hurting themselves. Fixings can all be done from one side to minimise any sharp protrusions.

Hope this helps

Regards

Steve

Steve McBride
Warefence
Ventura Park
Broadshires Way
Carterton

See quote QT3802 quote below:

Client: Carterton Town Council	Date: 08/04/2024																																				
Site: Recreation Field Carterton	QT no.: 3802																																				
	<table border="1"> <thead> <tr> <th>Unit</th> <th>Quantity</th> <th>Rate</th> <th></th> </tr> </thead> <tbody> <tr> <td colspan="4">To supply and erect 1.8m high fencing to rear corner of playing field Quote is based on all trees/ limbs/ cleared prior to our commencement. New fencing erected in front of existing fence</td> </tr> <tr> <td colspan="4">Two options have been shown for the fence line taken, option one, in blue , and option 2 in Green</td> </tr> <tr> <td colspan="4">Supply and erect 1.8m high steel palisade fence, 2mm W pales, on 2 x 50 x 50 RSA rails, on 102 x 44 RSJ posts set in concrete foundation, all galvanised and polyester powder coated green RAL 6005</td> </tr> <tr> <td>Option 1 marked in blue</td> <td>Item</td> <td>1.00</td> <td>£3,925.46 £3,925.46</td> </tr> <tr> <td>Option 2 Marked in Green</td> <td>item</td> <td>1.00</td> <td>£3,590.87 £3,590.87</td> </tr> <tr> <td colspan="4">Supply and erect 1.8m high WF358 mesh fixed to post set in concrete foundations at 2.5m centres, all galvanised and polyester powder coated green RAL 6005</td> </tr> <tr> <td>Option 1 marked in blue</td> <td>Item</td> <td>1.00</td> <td>£3,536.45 £3,536.45</td> </tr> <tr> <td>Option 2 Marked in Green</td> <td>item</td> <td>1.00</td> <td>£2,559.15 £2,559.15</td> </tr> </tbody> </table>	Unit	Quantity	Rate		To supply and erect 1.8m high fencing to rear corner of playing field Quote is based on all trees/ limbs/ cleared prior to our commencement. New fencing erected in front of existing fence				Two options have been shown for the fence line taken, option one, in blue , and option 2 in Green				Supply and erect 1.8m high steel palisade fence, 2mm W pales, on 2 x 50 x 50 RSA rails, on 102 x 44 RSJ posts set in concrete foundation, all galvanised and polyester powder coated green RAL 6005				Option 1 marked in blue	Item	1.00	£3,925.46 £3,925.46	Option 2 Marked in Green	item	1.00	£3,590.87 £3,590.87	Supply and erect 1.8m high WF358 mesh fixed to post set in concrete foundations at 2.5m centres, all galvanised and polyester powder coated green RAL 6005				Option 1 marked in blue	Item	1.00	£3,536.45 £3,536.45	Option 2 Marked in Green	item	1.00	£2,559.15 £2,559.15
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WAREFENCE, UNIT J, Ventura Park, Broadshires Way, Carterton, Oxon, OX18 1AD
Warefence is a trading name of SJ McBride Limited. Registered in England and Wales number 4698967.
VAT registration number 750 0168 65.

Additional Recommendation for the Pavillion

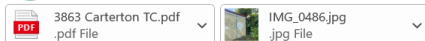
Following this meeting, more concerns have been expressed by a resident whose property backs onto the Recreation Ground by the Pavilion. Young People have been climbing onto the roof of the pavilion and throwing things into their garden. This has been another longstanding issue.

The Town Clerk and L Dennis measured up the area at the rear of the Pavilion from the back of the building (left & right) to the back of the fencing and got a quote to fit steel fencing there at the same time. This is to stop young people from climbing up onto the roof. Anti-climbing paint has been used in the past.

RE: Security fencing



Steve McBride <steve@warefence.co.uk>
To Lyndy Dennis



To: Steve McBride <steve@warefence.co.uk>
Subject: RE: Security fencing

Hi Steve

Thank you for your recommendation. I believe I did ask Gary to for the quote for the 358mesh fencing as well unless there are a lot of variations .

On another note, would it also be possible for you to quote for the for another area we have identified as possible vandalism site.

The Pavilion which stands in the middle of the Rec is prone to young people climbing on the sloping roof to the rear of the property. We have tried anti-vandalism paint but this doesn't stop them for long. There is a gap that runs along the back which we were thinking about putting fencing up either side, possibly palistrade with spikes or the 358 mesh fencing. I have attached some images but the area is quite overgrown at the moment. The width from the back of the Pavilion to the fence is approximately 2.8 metres.

Let me know if that is possible.

Kind regards
Lyndy

Categorize

Categorize this item.

Categories applied to a conversation will be applied to all current and future items in the conversation.

Fri 10/05/2024 15:00

RE: Security fencing



Steve McBride <steve@warefence.co.uk>
To Lyndy Dennis



Start your reply all with: [Thank you!](#) [It does. Thank you!](#) [Very helpful. Thank you!](#) [Feedback](#)

Hi Lyndy,

I'd suggest 358 for this one too.

Use two panels either end of the pavilion and run it past the roof line to maintain the height.

Hope this helps

Regards

Steve

Steve McBride
Warefence
Ventura Park
Broadshires Way
Carterton
Oxon

See quote 3863 below:



Quote no: **3863**

Carterton Town Council

Date 10-05-2024

For the attention of: Lyndy Dennis

Re: Carterton Rec

Dear Lyndy,

Further to the above contract we are pleased to provide our quotation. The price, time and scope of the works are in accordance with the following contract documents, special terms and our standard terms and conditions (without design) on the reverse of this quotation.

**Carterton,
Oxfordshire**

Head Office
Ventura Park, Broadshires
Way, Carterton, Oxon
OX18 1AD
T: 01993 845279
F: 01993 840551

Supply and fit 4 No bays (2 each side of the pavilion) totaling approximately 9.6m, of 2.4m high 358 mesh. Mesh fitted on heavy walled posts to allow 8mm self tapping security fixings.

Unit	Quantity	Rate
------	----------	------

Mesh to run past the edge of the building to make the sloping roof slightly less accessible.
All steelwork to be galvanised and coated green.

item	1.00	£1,864.00
------	------	-----------

Contract Documents and Special Terms

1. Specification QL and enclosed pages
2. Drawings –
3. Payment Terms are 30 days



Unit J · Ventura Park · Broadshires Way · Carterton · Oxon OX18 1AD
T: 01993 845279 F: 01993 840551

The Old Stables · Manor Farm · Coate · Devizes · Wilts · SN10 3LP
T: 01380 860729 F: 01380 860652

Warefence is a trading name of S J McBride Ltd registered in England and Wales number 4698967 Registered office: Unit J, Ventura Park, Broadshires Way, Carterton, OX18 1AD VAT No. 750 0168 65

info@warefence.co.uk · www.warefence.co.uk

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Governance

1. Overview, Motion and Background Information.
2. Historical Governing Docs
3. Terms of Reference (March 2023)
4. Example of a new Governing Document as a Custodian Trustee

MOTION: “Trustees to consider the new governance model, set out in the papers (to become a custodian trustee and set up a Management Committee to be responsible for the day-to-day administration of the charity) and to agree next steps.”

Introduction

In March 2023 the council agreed Terms of Reference for its role as a sole trustee of the Carterton Recreation Ground Charity (which most people refer to as the ARRG and therefore the terms may be used interchangeably within this document). However, these Terms of Reference have not been followed in practice and therefore this is a pause to ask, is this still the right model of governance or is there an alternative? Some councils for example have changed their governing document to make themselves a Custodian Trustee as opposed to a Sole Trustee and then set up a group of managing trustees to run the day to day matters of the charity.

Background

Under s.139(1)(b) of the Local Government Act 1972 a local council can be appointed as a sole or custodian trustee of a charity for the benefit of all or some of the people living in its area. Most frequently, the charities will be for recreational purposes.

If the council is the sole trustee, it should set up a committee. The committee members are not individual charity trustees, the council remains the sole trustee, and the committee will be governed in accordance with charity law and decisions made in the best interests of the charity and not the council.

The governing document will determine whether the committee can be made up of both council and non-council members.

Independence

The Carterton Recreation Ground charity must be independent of the council. Decisions about the administration and operation of the charity must be taken solely with a view to furthering its charitable purposes and for no other purpose. In short, the council has a dual role, firstly as a local authority and secondly as a charity trustee and the two roles must be kept entirely separate. All discussions and decisions relating to the charity should be taken at a meeting which is specifically called for that purpose and NOT at a council meeting.

It is sensible to keep all correspondence regarding the charity separate from other council correspondence. Letters sent by the council in connection with charity business should ideally have a separate letterhead bearing the charity's name and registration number and can be signed: Carterton Town Council, Trustee of the Carterton Recreation Ground Charity.

Conflicts of interest can occur if the council fails to appreciate that it must deal with the charity property in accordance with the charitable trusts.

Custodian Trustees

To avoid conflict the council can choose to become a Custodian Trustee with a separate group of Management Trustees having the day-to-day responsibility for the administration and operation of the charity.

The custodian trustee can only assist the managing trustees; it has no power to manage the property and no role in the administration of the charity. The custodian trustee's duty is to perform all lawful acts necessary to enable the managing trustees to administer the charity efficiently. The custodian trustee should only act if the matter is a breach of trust or involves liability for the custodian trustee.

The charity property should be listed in the council's assets register but with a nil value. Responsibility for the insurance of the charity property falls on the managing trustees.

If the council is the sole trustee it is the corporate body that holds the property and oversees its application as charity trustee.

Appointment of Trustees

s.300 of the 2011 Act gives some local councils powers to appoint some or all the trustees of the charity.

s.300 of the 2011 Act gives some local council powers to appoint trustees of certain types of charities for public recreation.

Trustees appointed by a local council under s.300 of the 2011 Act have the same duties and responsibilities as other trustees. They must act independently of the council which appointed them and act only in the best interests of the charity.

Nonfunctioning Managing Trustees

Charities can lose all their managing trustees or have insufficient trustees to be quorate. The custodian trustee would still have no power to manage the charitable property and no role in the administration of the charity. To reactivate the charity the Charity Commission has the power to appoint trustees and under Section 36 of the Trustee Act 1925 the remaining trustee(s) may have the power to appoint other trustees.

Charity Fund Management

The finances of the trust must be kept separate from those of the council. The assets must be accounted for separately and income and expenditure should be accounted for through separate cost centres. The council may top up the finances of the trust, but no funds should pass from the trust into the council's own account, although the council may, depending on the circumstances, recover administration costs.

To be able to claim VAT on some of the works done by the trust the trust will need to be managed as a sole trustee as if it owns the asset. If the council is Custodian Trustee, then the charity will not be able to claim back VAT.

If the council uses money from the precept (or other income or reserves held as a local authority) to help meet expenditure by the charity, this should be shown in both the council and the charity's accounts as a grant to the charity.

Changes to the Governing Document

If the original terms of the charity can no longer be realistically followed because circumstances have changed, the council can approach the Charity Commission to see if the charity's governing document can be amended or updated. The Charity Commission can advise on the most appropriate way of doing this.

The statutory power of amendment set out in s.280 of the Charities Act 2011 allows for the Governing Document to be amended to allow the introduction of a Management Committee for instance.

Power of Amendment

Under s.280 of the Charities Act 2011 the council have the right to appoint a Management Committee made up of 5 councillors (including the Chair/Mayor) and 4 members of the public elected by all those in attendance at an Annual General Meeting.

The Management Committee

The Management Committee would run the Carterton Recreation Ground on a day-to-day basis ensuring that the recreation ground is clean, tidy and kept in good repair. They will meet monthly taking a minuted record of the meeting. They will report to the AGM of their activities. They will make representation to the council if the charity requires funding for items which are cause for concern under Health and Safety.

References

nalc, National Association of Local Councils, LTN 28 Basic Charity Law, 28 Feb 2022

Charity Commission for England and Wales, Carterton Recreation Ground,
<https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/202903/charity-overview>

Charity Commission Councillor's Guide: to a council's role a charity trustee

Acre Action with Communities in Rural England, Village halls run by parish councils as sole trustee, February 2015

Please note that Charity reporting and accounting: the essentials (CC15b),
<https://www.gov.uk/government/publications/charity-reporting-and-accounting-the-essentials-cc15b> Withdrawn 7 August 2023

Charity reporting and accounting: the essential November 2016 (CC15d),
<https://www.gov.uk/government/publications/charity-reporting-and-accounting-the-essentials-november-2016-cc15d>

Dated 11th September 1906

William Carter Esq

to

**The Trustees of the Carterton
Recreation Club**

=====

CONVEYANCE

**of Freehold land and hereditaments at
Carterton Black Bourton in the County
of Oxford for the purposes of a Recreation
Ground and Public Park**

CHARITY COMM

23809

at

20 SEP 1906

This Indenture made the Eleventh day of September one thousand nine hundred and six **Between William Carter** of The Hermitage Pavestone in the County of Dorset Esquire (hereinafter called the Grantor) of the one part and Mr Charles Maclean Gallacher, Elizah Cornish, Henry Yeats, Thomas Maitland, Adolphus Horatio Parker, Arthur Giles Gee, Robert Lavender, Thomas Cutler, William Rossiter, Joseph Benjamin Faulder, Robert Irving and David Jackson, all of Carterton Black Bourton in the County of Oxford. Gentleman and Emerson Balston Carter of No.27 Essex Street Stroud in the County of London. Gentleman (the present Trustees of the Carterton Recreation Club (hereinafter called 'The Trustees') of the other part. **Whereas** the Grantor being seized of the hereditaments hereinafter described and hereby conveyed for an Estate of Inheritance in fee simple in possession free from incumbrances is described as conveying the same to the Trustees for the purpose of a Public Park and Recreation Ground for the Carterton Estate at Black Bourton in the County of Oxford. **And Whereas** the Trustees are the present Trustees of the Carterton Recreation club and in consideration of the assurance to them of such hereditaments as aforesaid have agreed to enter into the covenants hereinafter contained **with this Indenture witnesseth** that in pursuance of such desire as aforesaid and in consideration of the covenants on the part of the Trustees hereinafter contained, the Grantor as Beneficial Owner hereby grants and conveys to the Trustees and their Successors **All That** piece or parcel of land being part of the Carterton Estate at Black Bourton in the County of Oxford containing an area of five acres two roods* and twenty perches* and now as the occupation of the Trustees, which said piece or parcel of land with the attached boundaries and measurements thereof is for the purpose of general identity only and not by way of limitation delineated on the plan drawn in the fold hereof and thereon coloured red. Together with the use at all times and for all purposes of access to the said piece or parcel of land of the foot or passage ways one between plots 9 and 10 leading from the said land to Shill Bridge Road and being twenty feet in width and the other being part of plot 45 leading to Bourton Road and being four feet in width on the Carterton Estate aforesaid such passage ways being coloured yellow on the plan before mentioned, the said Trustees paying their proportion of the expense of maintaining and keeping the said passages and footway in repair at all time. **To hold** the same unto and to the use of the Trustees in fee simple to be held by them as a Public Park and Recreation Ground for the purposes of the Recreation Grounds Act 1859. **Thus** it is hereby **declared** that the management and direction thereof shall be vested in the Trustees of the Carterton Recreation Ground for the time being. **Thus** the Trustees for themselves their successors and assigns hereby covenant with the Grantor his heirs, executors, administrators and assigns to erect and maintain in good repair along each

side of the said piece or parcel of land hereby conveyed a Substantial Boundary Fence or Wall not less than three feet in height with good and sufficient gates to the passages or entrances to such land and also at all times hereafter to maintain and keep the said piece or parcel of land in good order and condition, to plant trees and shrubs of an ornamental nature thereon and to place and provide sufficient seating accommodation for the general public thereon and to keep the same open as a Public Park and Recreation Ground at all times during the daytime between the hours of sunrise and sunset. **And further** not to permit, commit or suffer anything to be done upon the said land hereby conveyed which might be to the annoyance, damage or disturbance of the adjoining owners or the neighbourhood. **And** also not to allow upon the said hereditaments or on any part thereof any gipsy encampment hut, tent or caravan or house on wheels of any description or nature whatsoever without the previous consent in writing of the Grantor first had and obtained. **Thus it is hereby declared** that the Trustees may in their discretion close the said land to the general public during ten days in the year and hold a Flower Show, Cattle or poultry Show or Band Contest thereon and on such occasion shall be at liberty to make a charge for admission to such ground but any profits arising from such show shall be used for the improvement solely of the said Recreation Ground and in connection therewith. **Thus it is hereby lastly agreed and declared** that the number of Trustees of the said Carterton Recreation Club shall not be less than twelve and in the event of any vacancy occurring in the number of such Trustees either by death or retirement or otherwise such vacancy shall be filled from the inhabitants of Carterton by a majority of the votes of the continuing Trustees. The Chairman at the Meeting to have a casting vote in the event of equality. **Provided nevertheless** that in the event of a vacancy occurring through the death or retirement of the said Emerson Balston Carter such vacancy shall be filled by the appointment of such one of the Directors of Homesteads Limited as the Directors of such Company shall determine between themselves. **Thus** the Grantor hereby acknowledges the right of the Trustees to production and delivery of copies of a certain Indenture of Conveyance dated the twenty fourth day of May one thousand nine hundred and made between William Cobbett Arkell of the one part and the Grantor of the other part and hereby undertakes for the safe custody thereof.

In Witness whereof the said parties to these present have hereto set their hands and seals the day and year first before written.

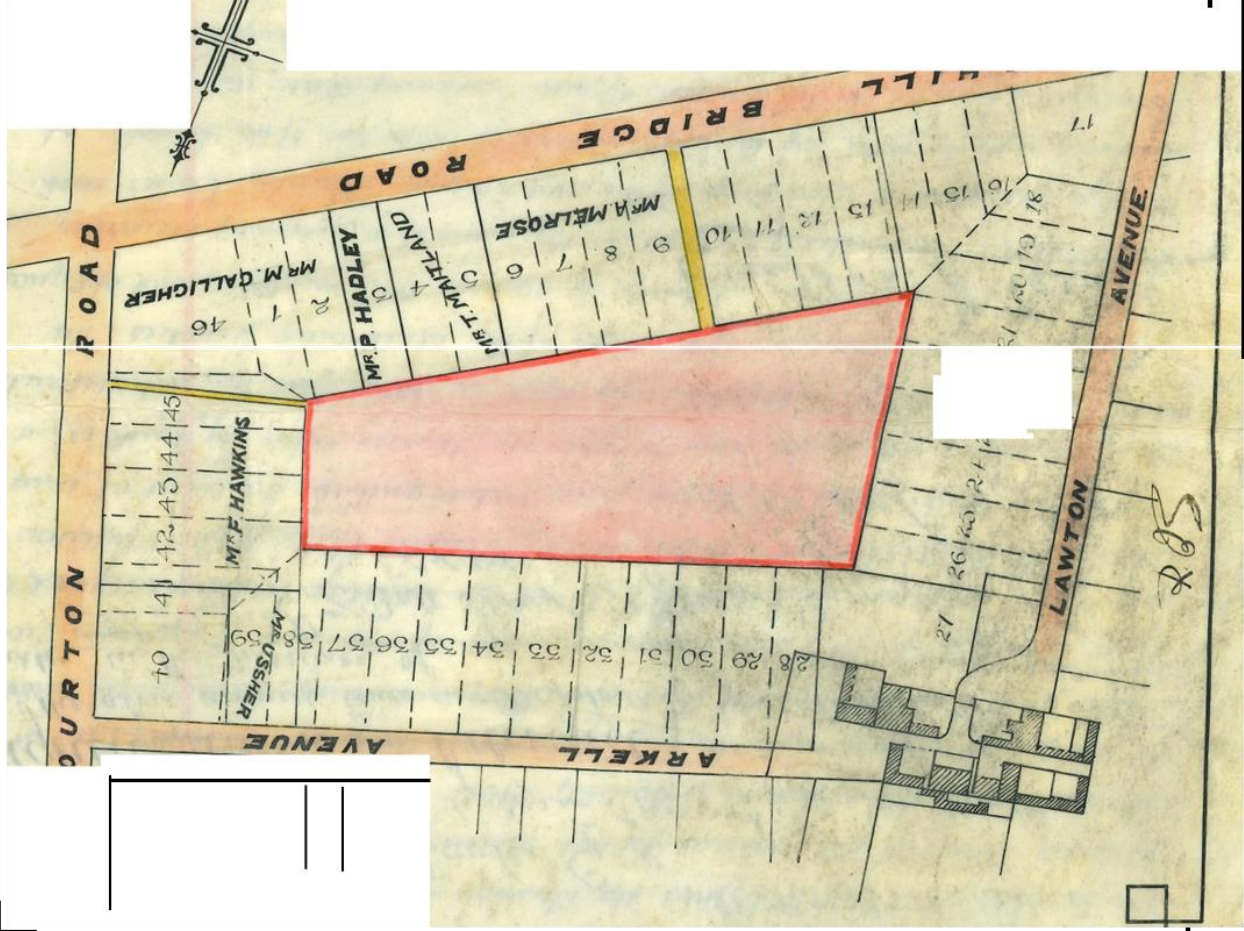
Signed Sealed and Delivered by the above named William Carter in the presence of Emerson B Carter, Parkestown Company.

Signed Sealed and Delivered by the above named Charles Maclean, Mr Gallacher, Elizah Cornish, Henry Yeats, Thomas Maitland, Adolphus Horatio Parker, Arthur Giles Gee, Robert

Lavender, Thomas Cutler, William Rossiter, Joseph Benjamin Faulder, Robert Irving and David Jackson, in the present of Arthur Cooke Gee, Carterton Owner, Retired Spinner.

Signed Sealed and Delivered by the above named Emerson Balston Carter in the presence of Thomas Maitland, Ramsdon Bell House, Essex.

**One rood = quarter of an acre. One perch = 5½ yards or 16½ feet*



Dated 29th September 1937

The Trustees of the Carterton
Recreation Club

to

The Black Bourton Parish
Council

Conveyance

of

The Recreation Ground situate
at Carterton Black Bourton
Oxon

RECEIVED
22 DEC 1961
CHARITY COMMISSION

This Conveyance is made the twenty ninth day of September one thousand nine hundred and thirty seven **Between** Elijah Cornish of Vitry Carterton in the county of Oxford, Retired Engineer Henry Yeats of Carterton, aforesaid Nurseryman Joseph Benjamin Faulder of Carterton, aforesaid Farmer David Jackson of Carterton, aforesaid General Merchant Frederick Walmsley of Carterton, aforesaid Joiner Thomas Richens of Carterton, aforesaid Market Gardener John Charles Ball of Carterton, aforesaid Butcher Frederick William Blunt of Carterton, aforesaid Retired Poultry Farmer John Lancashire Watson of Carterton, aforesaid Rating Officer Archie Rose of Carterton, aforesaid Nurseryman and Geoffrey Owen Game of Carterton, aforesaid (hereinafter called "the Trustees") of the one part and The Black Bourton Parish Council (hereinafter called "the Local Authority") of the other part.

Whereas by a Conveyance dated the eleventh day of September one thousand nine hundred and six and made between William Carter of the one part and Charles Maclean Gallacher, Elijah Cornish, Henry Yeats, Thomas Maitland, Adolphus, Horatio Parker, Arthur Giles Gee, Robert Lavender, Thomas Cutler, William Rossiter, Joseph Benjamin Faulder, Robert Irving, David Jackson and Emerson Balston Carter (hereinafter called "the Original Trustees") of the other part, the open space known as Carterton Recreation Ground and hereinafter more particularly described was conveyed unto and to the use of the Original Trustees in fee simple to be held by them as a Public Park and Recreation Ground for the purposes of the Recreation Grounds Act 1859 subject to the covenants and conditions therein expressed concerning the same.

And Whereas the Trustees are the present Trustees of the said Carterton Recreation Ground for the purposes of the trusts declared concerning the same by the said Conveyance dated the eleventh day of September one thousand nine hundred and six.

And Whereas pursuant to the provisions of the Open Spaces Act 1906 at a meeting of the Trustees duly convened and held on the twenty first day of August one thousand nine hundred and thirty six a resolution was passed and was confirmed at a subsequent duly convened meeting of the Trustees held on the [blank] day of [blank] one thousand nine hundred and thirty seven that the said open space should be transferred to the Local Authority as a free gift absolutely to the intent that the Local Authority should hold the same upon and subject to the same trusts and conditions as the Trustees hold the same.

And Whereas it has been agreed between the Trustees and the Local Authority that the Local Authority shall hold the said open space upon the terms and conditions hereinafter expressed.

Now this Deed **witnesseth** as follows:-

1 **In** pursuance of the said agreement and in consideration of the premises the Trustees as trustees and in exercise of the power or authority for this purpose given to them by the

Open Spaces Act 1906 and of all other powers (if any) them enabling hereby convey unto the Local Authority in fee simple. **In** that open space known as Carterton Recreation Ground situate and being in the Parish of Black Bourton in the County of Oxford particulars whereof are set out in the Schedule hereto. **To** the intent that the said open space may be preserved for the enjoyment of the public for ever.

2 **The** Local Authority shall hereinafter undertake the entire care maintenance and management of the said open space for ever for the purposes of the Recreation Grounds Act 1859 and the Open Spaces Act 1906 and will hold the same upon and subject to the same trusts covenants and conditions as are declared concerning the same by the before recited Conveyance dated the eleventh day of September one thousand nine hundred and six.

In Witness whereof the Trustees have hereunto set their respective hands and seals and the Chairman and two Members of the Black Bourton Parish Council have hereunto set their hands and seals the day and year first before written.

The Schedule above referred to

In that piece or parcel of land being part of the Carterton Estate at Black Bourton in the County of Oxford containing an area of five acres two roods and twenty perches, which said piece of land with the abutments boundaries and measurements thereof is for the purpose of general identity only and not by way of limitation delineated on the plan drawn on the before mentioned Conveyance dated the eleventh day of September one thousand nine hundred and six thereon coloured red, together with the use at all times and for all purposes of access to the said piece or parcel of land of the three foot or passage ways one between plots 9 and 10 leading from the said land to Shill Bridge Road and being twenty feet in width one other being part of Plot 45 leading to Bourton Road and being ten feet in width and the third being part of Plot 32 and leading to Arkell Avenue.

Signed Sealed and Delivered
by the said Elijah Cornish in the
presence of

Elijah Cornish
J B Faulder, Farmer Carterton Oxford

Signed Sealed and Delivered
by the said Henry Yeats in the
presence of

Henry Yeats
J B Faulder, Farmer Carterton

Signed Sealed and Delivered
by the said Joseph Benjamin
Faulder in the presence of

J B Faulder
John Watson, Rating Officer Carterton Oxford

Signed Sealed and Delivered
by the said David Jackson in
the presence of

David Jackson
W F Blunt, Carterton Oxford, Poultry Farmer

Signed Sealed and Delivered
by the said Frederick Walmsley
in the presence of

Fred Walmsley
Archie Rose, Nurseryman, Carterton Oxford

Signed Sealed and Delivered
by the said Thomas Richens in the
presence of

Thomas Richens
J C Ball, Butcher, Carterton Oxford

Signed Sealed and Delivered
by the said John Charles Ball in
the presence of

J C Ball
A Rose, Nurseryman, Carterton Oxford

Signed Sealed and Delivered
by the said Frederick William
Blunt the presence of

F W Blunt
G O Game Ret'd

Signed Sealed and Delivered
by the said John Lancashire
Watson in the presence of

J W Watson
J B Faulder, Farmer, Carterton Oxford

Signed Sealed and Delivered
by the said Archie Rose in the
the presence of

Archie Rose
Henry Yeats, Nurseryman, Carterton Oxford

Signed Sealed and Delivered
by the said Geoffrey Owen Game
in the presence of

G O Game
H W Watson, Rating Officer, Carterton Oxford

Signed Sealed and Delivered
by the said John Charles Ball, Joseph
Benjamin Faulder and David
Jackson, being the Chairman and
Two Members of the Black Bourton
Parish Council in the presence of

J C Ball
H W Watson, Chair to the Council

J B Faulder

David Jackson

Sealed 1st May 1997

W 111(s)
97

County - Oxfordshire
Parish - Carterton
Charity - Carterton Recreation
Ground

CD(T)
202,903

Scheme

CHARITY COMMISSION

In the matter of the Charity known as the Carterton Recreation Ground, in the Parish of Carterton, in the County of Oxfordshire, comprised in conveyance dated the 11th September 1906; and
In the matter of the Charities Act 1993.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER that the following Scheme be approved and established.

SCHEME

1. Administration of Charity. The above-mentioned Charity and the property thereof shall be administered and managed upon the subsisting trusts thereof as varied or affected by the provisions of this Scheme.

2. Disposal. The Trustees may dispose of the rights over the property of the above-mentioned Charity specified in the schedule hereto and may do and execute all proper acts and assurances for carrying any such disposal into effect subject nevertheless to complying with the restrictions on disposition imposed by Section 36 of the Charities Act 1993, unless the disposal is excepted from such restrictions under Section 36(9)(b) or (c) or Section 36(10) of that Act.

3. Proceeds of Disposal. (1) Unless the Commissioners otherwise direct the clear proceeds of any such disposal as aforesaid shall be invested in trust for the Charity.

(2) The income arising from the investing proceeds shall be applied by the Trustees in furthering the objects of the Charity.

1. Questions under Scheme. Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Commissioners upon such application made to them for the purpose as they think sufficient.

SCHEDULE

Rights of Village Hall users to park cars in defined parking bays on the car park belonging to the Recreation Ground.

Sealed by Order of the Commissioners this 1st day of May 1997.



A handwritten signature in blue ink that reads "B. Withers".

ASSISTANT COMMISSIONER

L.S.

DT2558.95x(3) 24.10.95 TR

Carterton Town Council

Carterton Recreation Ground Charity No 202903

TERMS OF REFERENCE AND ADMINISTRATIVE POLICY

This policy was adopted by the Council meeting as sole trustee for the Carterton Recreation Ground Charity (also known as the Alvescot Road Recreation Ground) on the.....

This document provides clarity about the role of the Town Council in relation to Carterton Recreation Ground Charity No 202903 and the legal requirements for administration of the charity.

1. Background.

The registered charity no 202903 was registered with the Charity Commission in 1962. The Trust Deed (see Appendix 1 for a transcript) dated 11 September 1906 concerns an area of land in Carterton which was subsequently conveyed to the Recreation Ground Charity in 1937.

The Trust Deed specifies that the land should be “for the purpose of a Public Park and Recreation Ground.”

2. Sole managing trusteeship.

The conveyances had the effect of making Black Bourton Parish Council (now Carterton Town Council) the sole Managing Trustee of the Charity responsible for the day-to-day management of the Recreation Ground. The Town Council is the single corporate trustee and as such individual Town Councillors are not Trustees of the Charity; instead the Council as a corporate body acts properly as a charity trustee. Whilst individual councillors are not Trustees, they must however act in a responsible way to ensure that the council acts properly as the charity trustee. The Council must continue holding and using the Recreation Ground land in accordance with the charitable trusts declared in the original Trust Deed, i.e. as a public park and recreation ground.

3. Administrative arrangements.

3.1 General

The charity is governed by the conveyances dated 11 September 1906 and 29 September 1937 as amended by the scheme sealed 1 May 1997, however the documents provide little guidance about how the charity should be administered. Instead, minimum standards for Town and Parish Councils acting as sole managing trustees are provided by the Charity Commission. These minimum standards are conveyed in the following sub-sections.

It should be noted that the Charity Commission has advised that there is little need to amend the Trust Deed in order to provide suitable administrative rules to govern the charity provided the minimum standards referred to above are followed.

3.2 Meetings.

Meetings of the council when it is acting as a charity trustee should take place separately from those of ordinary or other council meetings. Meetings will be held quarterly. Such meetings may need to be held for example to:

- a) Draft/review health and safety policies/risk assessments for the Recreation Ground.
- b) To consider proposals to improve facilities (e.g. to create a car park or to provide changing rooms) and apply for associated funding.
- c) Agree to make a request to the Town Council to undertake services (e.g. grass cutting or mole control) on its behalf on a grant-in-kind basis.
- d) Any other matter solely relating to the Recreation Ground.

Meetings as charity trustees should be governed by the same Standing Orders that are adopted by the Council for its ordinary meetings and its committee meetings. However, care should be taken not to refer to charity trustee meetings as committee meetings. They are meetings of the Council acting as sole trustee for the charity.

In addition, such meetings should have separate agendas (with the same notice periods as for other council meetings) and minutes.

Ordinary meetings of the council and those meetings held as charity trustees may be run back-to-back providing a clear distinction is made between the two in the agendas and minutes and by the Chairman of the meeting.

3.3 Financial arrangements.

As the charity receives a small amount of income, this should be used towards the running costs of the trust. Any additional support from the council can either be given as a grant to the trust, or in the form of goods or services.

Carterton Town Council will fund the grass cutting, electricity, water, litter collection, dog bins, hedge and tree maintenance, and pavilion maintenance for Carterton Recreation Ground. Funds raised by the charity will be used to maintain and improve the amenity of the area, for example, the provision of benches and additional planting.

3.3.1 Banking.

A separate bank account for the charity is required as the charity receives income from its activities (such as hire of the recreation ground).

There may also be VAT implications. Under the circumstances the charity may also need to adopt practices set out in the Council's Financial Regulations (e.g. for cheque/bank signatories)

3.3.2 Accounts.

Where the Town Council, as Trustees of the management of the Recreation Ground, has incurred expenditure in fulfilling its responsibilities for the management of the land (e.g. grass cutting, fence repairs etc.), such expenditure should be entered into the council's own cashbook. The cashbook includes an analysed cost centre solely for income and expenditure relating to the charity in order that total charity income and expenditure can be easily viewed.

A separate spreadsheet is held for receipts and payments relating to the separate charity bank account, which will be regularly reconciled. The finances of the trust must be kept entirely separate from those of the council and the assets must be accounted for separately. The local authority may top up the finances of the trust but no funds should pass from the trust into the council's own accounts.

3.3.3 Financial reserves.

A provision for a separate financial reserve should be earmarked, if required, taking into account the yearly income and expenditure.

3.3.4 VAT.

The council may reclaim VAT incurred on any invoice relating to the charity where it has agreed to pay this as a grant-in-kind to the charity. Therefore, the council can reclaim VAT on fencing works, grass cutting etc. as long as the relevant invoice is addressed to it and a suitable power has been identified to allow the expenditure to take place.

3.3.5 Asset register.

All equipment previously placed on the charity land should be treated as being grants-in-kind to the charity by the council, including certain capital items which have been previously purchased by the council with grant-aid from external bodies. Conditions relating to these grants may prevent the council from disposing of these capital items without the consent of the

funder (and may involve claw back of funding). It could be argued that the council has disposed of items to the charity and therefore may be in breach of conditions. To avoid any such confusion at a later date future grant applications should make clear that ownership of any capital items will pass to the charity.

Both the charity land and any associated capital items should be recorded on the council's asset register in a way that could easily identify it as belonging to the charity. The value of these charity items should not be shown in the council's annual return. However, they should be included in the insurance schedule.

3.3.6 Insurance

There is no need to have separate insurance cover in place for either charity land, capital items owned by the charity or for other insurance cover (e.g. public liability insurance). However, any insurer should be made aware that the council is the sole managing trustee when including the charity items under any wider insurance policy.

3.3.7 Charity Commissioners returns.

a. Trustee's Annual report.

The Charity Commission requires all charities, (irrespective of income) to produce a Trustee's Annual report (which is only submitted to the Charity Commission if charity gross income exceeds £25K) and will contact the council at the end of the financial year to do so.

The Annual Report should be drafted by the Clerk and approved by the council whilst meeting as the charity trustee.

b. Annual Update/Return.

The Charity Commission also requires charities to complete an Annual Update (or annual Return if the income exceeds £10K) and will contact the council at the end of the financial year to do so.

This Update provides simple administrative information about the charity. The Update should be completed by the Clerk and submitted online.

c. Annual Accounts.

All charities are required to produce accounts. Under this policy the charity will produce accounts on a receipts and payments basis. The

accounts will indicate that some expenditure of the Trust “is paid by Carterton Town Council as grant-in-kind”. The Charity Trustee meets on a regular basis to review land management, risks and policies held.

Carterton Recreation Ground

Example of Potential New Governing document

Charity Name: Carterton Recreation Ground (Charity No. 202903)

1. Name and Nature

1.1. The name of the charity is Carterton Recreation Ground (hereinafter referred to as "the Charity").

1.2. The Charity is established as a charitable trust.

2. Objectives

2.1. The objectives of the Charity, aligned with its historical mandate are:

- Providing an accessible green space for all members of the community.
- Facilitating social interactions and community cohesion through organised events and gatherings.
- Ensuring transparent communication and consultation regarding activities held within the ARRG to mitigate any potential disruptions to neighbouring residents.

3. Trusteeship

3.1. The trusteeship of the Charity shall be held by Carterton Town Council (hereinafter referred to as "the Custodian Trustee").

3.2. The Custodian Trustee shall hold legal title to the assets of the Charity but shall not engage in the day-to-day management of the Charity.

4. Managing Trustees

4.1. The day-to-day management and administration of the Charity shall be entrusted to a board of managing trustees (hereinafter referred to as "the Managing Trustees").

4.2. The Managing Trustees shall be appointed by *the election by members / appointment by the Custodian Trustee*.

4.3. The Managing Trustees shall have the authority to make decisions regarding the operation, management, and administration of the Charity in accordance with its objectives and this constitution.

5. Powers of the Managing Trustees

5.1. The Managing Trustees shall have the power to:

- Manage the assets and funds of the Charity.
- Enter into contracts and agreements on behalf of the Charity.
- Employ staff or engage volunteers as necessary for the conduct of the Charity's activities.
- Take any other action necessary for the furtherance of the Charity's objectives.

6. Meetings

6.1. The Managing Trustees shall meet regularly (*quarterly?*) to conduct the business of the Charity.

6.2. In addition, the Management Trustees must hold an AGM between May and December each year to elect trustees and agree the Annual Financial Statements and the Annual Return to the Charity Commission.

6.2. Meetings of the Managing Trustees shall be convened by the secretary or chair.

6.3. Decisions of the Managing Trustees shall be made by majority vote.

7. Finance

7.1. The financial affairs of the Charity shall be managed in accordance with sound financial practices and principles.

7.2. The Managing Trustees shall ensure that proper accounting records are maintained and that annual accounts are prepared and submitted in accordance with applicable laws and regulations.

7.3. The finances of the trust shall be kept separate from those of the council, however the Charity may apply to the Town Council for funds to help support its running costs.

8. Amendments to the Constitution

8.1. Any amendments to this constitution shall be made by a resolution passed by the Managing Trustees and approved by the Custodian Trustee.

9. Dissolution

9.1. In the event of the dissolution of the Charity, any remaining assets shall be transferred to the Custodian Trustee or as otherwise determined by the Managing Trustees with the approval of the Custodian Trustee.

10. Adoption

10.1. This constitution shall be adopted upon approval by Carterton Town Council.

11. Interpretation

11.1. In this constitution, unless the context otherwise requires, words importing the singular shall include the plural and vice versa, and words importing a gender shall include all genders.

12. Governing Law

12.1. This constitution shall be governed by and construed in accordance with the laws of the United Kingdom, particularly in respect of the following acts:

- Open Spaces Act 1906
- Local Government Act 1972
- Charities Act 2011

Signed:

Signature.....

Position..... Date.....

(on behalf of the Custodian Trustee)

Signature.....

Position..... Date.....

(on behalf of the Managing Trustees)

This governing document outlines the roles and responsibilities of the Custodian Trustee (town council) and the Managing Trustees, as well as the objectives and operational procedures of the charity. It's important to review and customise this template to ensure it aligns with the specific needs and circumstances of the charity and complies with relevant laws and regulations. Additionally, legal advice should be sought to finalise and formalise the document appropriately.