

DERBYSHIRE COUNTY COUNCIL

**CABINET MEMBER FOR STRATEGIC LEADERSHIP,
CULTURE AND TOURISM**

23 September 2020

Report of the Director of Legal & Democratic Services

Appointment of Charity Trustees

1. Purpose of the Report

To ask the Cabinet Member to make nominations for the appointment of trustees to the Coke's Educational Charity and Dr Bland's Alms Houses Charity.

2. Information and Analysis

Coke's Educational Charity

The Council has been approached by the Coke's Educational Charity to appoint a trustee to the charity to replace Mr Jeremy Dunn who has recently resigned as a trustee. Mr Dunn has been the County Council's nominated trustee for more than 20 years.

The charity was first established in 1689 by the Will of Dame Katherine Coke to assist young persons living in the parishes of Longford, Alkmonton, Hollington and Rodsley in connection with their education and training and is now governed by a Charity Commission Scheme approved in 1979. The Scheme provides that Derbyshire County Council has the power to appoint one of the nominative trustees who remains in post until his or her successor is appointed. The appointed trustee does not have to be a member of the County Council.

The income of the charity is to be applied as follows:-

In advancing either generally or individually the education (including social and physical training) of persons under the age of 25 years who are resident, or who have a parent or parents resident, in the area of benefit (i.e. the 4 parishes referred to above) in one or more of the following ways or in such ways as the trustees think fit:

- (i) in awarding to such persons exhibitions or grants tenable at any secondary school, college of education, university, or other institution of further education as the trustees think fit;
- (ii) in providing financial assistance, outfits, clothing, tools, instruments, books or other equipment to enable such persons leaving school, university, or any other educational establishment to prepare for or to enter a profession, trade or calling;
- (iii) in providing financial assistance to such persons to study music or other arts or to travel to further their education;
- (iv) in providing such special benefits of any kind not normally provided by the local education authority for any school in the said area of benefit or substantially serving the same as may from time to time be agreed between the school governors or managers and the trustees after consultation with the local education authority.

The trustee body has considered who might be suitable to act as the County Council's nominative trustee and unanimously agreed to invite the County Council to nominate Mr James P Angus to the trustee body as its nominative trustee. The trustee body has explained that Mr Angus is a respected member of the local community who has lived in Longford, one of the 4 parishes served by the charity for over 23 years. Mr Angus's background is in the aerospace and air transport research industry and he has a strong interest in environmental issues.

Dr Bland's Alm Houses Charity, Sandiacre

The Council has also been approached by the Dr Bland's Alm Houses Charity in Sandiacre.

The charity was established under a Will in 1909 and is now governed by a scheme approved by the Charity Commissioners in 1986. The charity now has 4 alms houses in Sandiacre which are available for individuals aged over 55 who have some connection to Sandiacre. The charity scheme provides that the trustee body shall consist of 5 individuals, 4 ex-officio trustees and one nominative trustee. The ex-officio trustees include the County Council member for Sandiacre and Councillor Wayne Major currently fulfils this role. The charity scheme provides that the nominative trustee shall be appointed by Derbyshire County Council for a term of 4 years. The nominative trustee must be a person who through residence, occupation or employment or otherwise has special knowledge of the parish of Sandiacre and does not need to be a member of the County Council.

As the County Council is represented on the trustee body by the local member for Sandiacre the trustee body would like to propose to the Charity Commission that the County Council's rights to nominate a further trustee

should be removed from the scheme and are seeking the Council's views on whether it would support such an approach to the Charity Commission.

Alternatively, the County Council has the right to appoint a nominative trustee to serve on the trustee body of the charity for a period of 4 years.

3. Other Considerations

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, and property considerations.

4. Key Decision No

5. Call-in Is it required that call-in be waived in respect of the decisions proposed in the report? No

6. Background Papers Held by the Director of Legal & Democratic Services

7. OFFICER'S RECOMMENDATIONS That the Cabinet Member:

- 7.1 approves the appointment of James P Angus as the Council's nominated trustee of the Coke's Educational Charity.
- 7.2 decides whether to support a request to the Charity Commission by the trustee body of Dr Bland's Alm Houses Charity to remove the County Council's nominative rights as set out in the Scheme of the Charity Commissioners dated 23 July 1986 or alternatively to appoint a nominative trustee to the board of trustees of the charity for a term of 4 years.

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