

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 24th September 2020

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WARD(S): All

PART I FOR DECISION

CHANGE OF TERMS OF REFERENCE OF THE TRUSTEE COMMITTEE TO INCLUDE STABMONK PARK CHALVEY MILLENNIUM GREEN

1 **Purpose of Report**

To seek the Council's resolution to amend the terms of reference of the Trustee Committee to include within the list of charities administered by that Committee, the charity known as the Chalvey Millennium Green Trust.

2 **Recommendation(s)/Proposed Action**

The Council is requested to resolve that the amendments to the terms of reference of the Trustee Committee appended to this report be agreed.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The Trustee Committee's primary duties are to promote the objects of the trusts administered by that committee. The general plans and strategies of the Council may be considered by that Committee but where there is any conflict between those plans and strategies and the interests of those trusts, the interests of those trusts must prevail for the Trustee Committee.

4 **Other Implications**

(a) **Financial**

The Council, as corporate trustee, will become responsible for maintaining the Stabmonk Park Chalvey Millennium Green. The Financial considerations are those set out in the Report to Council in Agenda item 6 for its meeting on 21 May 2020.

(b) **Risk Management**

Recommendation from section 2 above	Risks/Threats /Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
To resolve that the amendments	Risk of maladministration of	The establishment of the Trustee	Legal / Regulatory	Adoption by full Council of the changed

to the Trustee Committee's terms of reference appended to this report be agreed.	charitable trust property of which the Council is the corporate trustee.	Committee to administer the trusts of all charitable assets transferred to the Council in accordance with the objects of the relevant trusts of such assets.	Likelihood: Almost impossible (1) Impact: Negligible (2) Risk Score: 2	terms of reference for the Committee.
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(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act implications arising from this Report. Upon the transfer of the Stabmonk Park Chalvey Millennium Green to the Council, The Council will become the corporate trustee responsible for administering the trusts of that land in accordance with the terms of the trust deed relating to it. Under the Open Spaces Act 1906 the current Trustees can transfer the trust land to the Council and the Council may accept the same subject to the trusts affecting such land.

5 Supporting Information

- 5.1 On 29 January 2020 the Trustee Committee received a report from the Council's Principal Asset Manager concerning the request that the Council had received from the Trustees of the Chalvey Millennium Green Trust, who administer the trusts of the Chalvey Stabmonk Park Millennium Green, to take over the administration of that trust, and management of the Stabmonk Park Chalvey Millennium Green, due to the difficulties that the trust was experiencing in recruiting new trustees.
- 5.2 On that occasion the Trustee Committee resolved to recommend to Cabinet and to full Council that the Stabmonk Park Chalvey Millennium Green be transferred from the Chalvey Millennium Green Trust to the Council.
- 5.3 On 16 March 2020 the Cabinet agreed to recommend to full Council to accept, in principle and subject to due diligence and the requirements of the charity commission, the offer by the Chalvey Millennium Green Trust to transfer the Stabmonk Park Chalvey Millennium Green to the Council.
- 5.4. On 21 May 2020 full Council resolved to accept, in principle and subject to due diligence and to the requirements of the Charity Commission, the offer of the transfer of the Stabmonk Park Chalvey Millennium Green by the Chalvey Millennium Green Trust to the Council.
- 5.5 The Council's external Solicitors have, therefore, been in the process of carrying out due diligence in connection with completing the transfer of the Stabmonk Park Chalvey Millennium Green to the Council. It is anticipated that the due diligence investigations are unlikely to reveal any matters which would require any re-consideration of the Council's decision to accept the transfer and that the consent of the charity commission is likely to be forthcoming shortly.

- 5.6 In anticipation, therefore, of the transfer being completed shortly it is necessary to change the Committee's terms of reference to include the Stabmonk Part Chalvey Millennium Green within the Trustee Committee's terms of reference to enable the Committee to administer the trusts of the Stabmonk Park Chalvey Millennium Green, as soon as it is transferred to the Council.
- 5.7 The Council's external Solicitors have, therefore, prepared draft changed terms of reference for the Committee which are set out in the appendix to this report.
- 5.8 At their meeting on 20 July 2020 the Trustee Committee agreed to the proposed change in their terms of reference being put to the Council for approval.
- 5.9 The Council is asked, therefore, to approve the changed terms of reference set out in the appendix to this Report.

6 **Comments of Other Committees**

At their meeting on 20 July 2020 the Trustee Committee agreed to the proposed change in their terms of reference being put to the Council for approval.

7 **Conclusion**

Approval of the proposed changes terms of reference for the Trustee committee set out in the appendix to this report will enable the trusts of the Stabmonk Park Chalvey Millennium Green to be administered properly and appropriately as soon as the land is transferred to the Council in its capacity as the corporate trustee.

8. **Appendices Attached**

Amended Terms of Reference for the Trustee Committee.

7 **Background Papers**

Report to Council on 21 May 2020 – Agenda Item 6.