

Report To: Council
Date: 18th May 2023
Subject: James Elliman's Trust
Chief Officer: Stephen Taylor – Monitoring Officer
Contact Officer: Stephen Dorrian – HB Law
Ward(s): All
Exempt: No
Appendices: None

1. Summary and Recommendations

- 1.1 This report seeks the Council's resolution to agree to act as corporate trustee of the James Elliman's Trust, and to agree to amend the terms of reference of the Trustee Committee to include the James Elliman's Trust within the list of charities administered by the Trustee Committee.

Recommendations:

Council is recommended to:

- (a) Agree to act as corporate trustee of the charity known as the James Elliman's Trust in place of the current named individuals trustees.
- (b) Appoint the Trustee Committee to discharge its responsibilities as corporate trustee of the James Elliman's Trust.
- (c) Subject to agreeing to (a) and (b) above, note that officers will amend the terms of reference of the Trustee Committee to include the James Elliman's Trust within the list of charities administered by that Committee, and update the register of trustees at the Charity Commission to record that Slough Borough Council is the sole corporate trustee of the charity

Reason: For recommendations

To bring the James Elliman's Trust within the remit of the Trustee Committee.

Commissioner Review

The report has been reviewed by the Commissioner.

2. Report

Introductory paragraph

- 2.1 The Council administers and manages a number of charitable trusts as corporate trustee, and has delegated its corporate trustee duties to the Trustee Committee.

- 2.2 Due to an oversight when setting up the Trustee Committee, the James Elliman's Trust was not included as one of the trusts for which the Council is responsible for under the Trustee Committee Terms of Reference.
- 2.3 Individual Councillors currently act as trustees of the James Elliman's Trust, but the Trustee Committee meeting on 8 February 2023 asked officers to take action to bring the James Elliman's Trust within the remit of the Trustee Committee.
- 2.4 Council is therefore required to agree to act as corporate trustee of the James Elliman's Trust and to agree to discharge its responsibilities through the Trustee Committee, so that officers can take the necessary action to put this in place.

Options considered

- *Not to ask Council to act as corporate trustee of the James Elliman's Trust and for the named individual trustees to continue to act as trustees*

Officers have rejected this option because the Trustee Committee has asked officers to bring the James Elliman's Trust within the remit of the Trustee Committee. The Trustee Committee was the vehicle set up by the Council to govern all Council Trusts but the James Elliman's Trust was excluded from the arrangements in 2020 due to an oversight. The individual trustees (mainly the members of the Trustee Committee) therefore agreed to act as James Elliman Trustees in the meantime until the transition to the Council as corporate trustee could be completed. Therefore this report is seeking to remedy that oversight.

Background

At its meeting on 8 February 2023, the Trustee Committee asked officers to explore how to bring the James Elliman's Trust within the remit of the Trustee Committee.

The Council acts as corporate trustee in relation to the following charities, and has appointed the Trustee Committee to discharge its responsibilities as corporate trustee:

- The War Memorial Garden at Slough – Charity No. 1010350
- The Salt Hill Playing Fields – Charity No. 215385
- Langley War Memorial Fields – Charity No. 1055955
- Chalvey Millennium Green Trust – Charity No. 1073976

The James Elliman's Trust (Charity number: 300325) is registered at the Charity Commission to make grants to individuals and organisations for the provision, or in assisting in the provision, of facilities for the inhabitants of Slough for recreation or other leisure-time occupation, in the interests of social welfare with the object of improving the conditions of life for the said inhabitants.

It does not appear to have awarded any grants or had any expenditure for at least the last five financial years, although it's income is minimal, £458 pa in the last two financial years.

The charity was first registered at the Charity Commission on 22 August 1962, de-registered briefly in September 2011, and then re-registered on 26 October 2011.

The charity does not own and/or lease land or property.

Trustees are the people responsible for controlling the work, management and administration of the charity on behalf of its beneficiaries.

Trustees are appointed for a term of four years by the Council. There are currently seven named registered trustees.

Name	Role	Date of appointment
Nicholas Pontone	Trustee	19 May 2022
Cllr Preston Brooker	Trustee	19 May 2022
Cllr Joginder Bal	Trustee	20 May 2021
Cllr Waqas Sabah	Trustee	20 May 2021
Cllr James Swindlehurst	Trustee	20 May 2021
Cllr Fiza Matloob	Trustee	20 May 2021
Cllr Satpal S Parmar	Trustee	19 May 2015

However, this record of trustees at the Charity Commission is not up to date. Annual cabinet on 19 May 2022 agreed the appointment of Cllrs Bal, Sabah, Swindlehurst, Matloob, and Parmar to the James Elliman's Trust.

Council is asked to agree to rectify the omission to include the James Elliman's Trust as one of the trusts for which the Council acts as corporate trustee through the Trustee Committee, by agreeing to act as corporate trustee and including the James Elliman's Trust under the remit of the Trustee Committee.

3. Implications of the Recommendation

3.1.1 *Financial Implications*

There are no direct financial implications arising from this proposal.

3.2 *Legal implications*

3.2.1 Trustees are the people responsible for controlling the work, management and administration of the charity on behalf of its beneficiaries. As corporate trustee the Council is responsible for discharging the Council's duties and responsibilities as corporate trustee. The Council has decided to delegate these duties to the Trustee Committee. The Trustee Committee's primary duties are to promote the objects of the various trusts administered by that Committee.

3.2.2 The Council acts as the corporate trustee in relation to the other council charities set out above. However, rather than requiring all decisions to be reached by full Council, the Council has appointed the Trustee Committee to committee to discharge its responsibilities as corporate trustee.

3.2.3 As corporate trustee of the James Elliman's Trust, the Council will become responsible for administering and managing the Trust, though the Trustee Committee.

3.2.4 There are certain legal requirements to update the Charity Commission's register of charities which will be followed up.

3.3 *Risk management implications*

3.3.1 There are no risks identified from the recommendations in this report

3.4 *Environmental implications*

3.4.1 None arising directly from this report

3.5 *Equality implications*

3.5.1 None arising directly from this report

3.6 *Procurement implications*

3.6.1 None

3.7 *Workforce implications*

3.7.1 None

3.8 *Property implications*

3.8.1 None

4. **Background Papers**

None