

Council - 26 February 2007

Barr Beacon Trust - Establishment of a Management Committee

Service Area: Constitutional Services

Wards: Pheasey Park Farm and Streetly

Summary of report

Barr Beacon was established by a Declaration of Trust on 30 October 1918 following a conveyance of a substantial piece of land to the Lord Mayors of Birmingham, Walsall and Sutton Coldfield who constituted the original Trustees.

There has, over the years, been a number of fresh schemes of Trust, the most recent being in 1972. Following re-organisation under the Local Government Act, 1972, the trusteeship passed to the Walsall MBC. This means that the Council alone can administer the affairs of the Charity and a meeting of the Trustees requires a meeting of all Members of the Council.

The Council is currently involved in a number of significant initiatives and projects which will achieve improvements to the site, including the "Black Country as an Urban Park" project. These require the approval of the Trust and may also require the approval of the Charity Commission.

In order to take advantage of the external funding streams available for improvements to the site, the Trust will need to meet regularly. However, the current Trust scheme is complex and the administration arrangements are cumbersome. This consequently presents difficulties when consultation is required and speedy decisions need to be made as many of the projects are already the subject of bids.

The Charity Commission recognises this and is willing to offer a further scheme clarifying the provisions of the existing scheme. Officers will be liaising with the Charity Commission in this respect, however, this may prove a lengthy process. In the circumstances, and in accordance with the terms of the existing scheme, it is suggested that a Management Committee be established to administer the Charity on behalf of the Trust and that the offer from the Charity Commission is pursued. A report will be submitted to the Council as Trustees at that time.

Recommendations

That a Barr Beacon Trust Management Committee be established in accordance with the Terms of Reference attached in the Appendix to the report and that the Management Committee be delegated authority accordingly.

Resource and legal considerations

The Charitable purposes of the Barr Beacon Trust as specified in the Trust Scheme is as follows:-

- “(1) for the provision and maintenance thereon of an open space and recreation ground for the benefit of the inhabitants of the Urban District of Aldridge-Brownhills and the Counties of Stafford and Warwick and, subject thereto, of any other persons (hereinafter together referred to as “the beneficiaries”) without distinction of sex, or of political, religious or other opinions and in particular for use for the purposes of physical exercise and training and such other forms of recreation and leisure-time occupation, having the object of improving the conditions of life for the beneficiaries as the Council shall from time to time think fit.

- (2) The Council shall maintain and keep in repair the Memorial erected on Barr Beacon in the year 1932 to commemorate the men and women of the Counties of Warwick and Stafford who gave their lives in the Great War of 1914 to 1918.”

Following Local Government re-organisation in 1972, the whole of Barr Beacon covered by the Trust now falls within the Pheasey Park Farm and Streetly Wards. It is suggested, therefore, that the most appropriate membership of the Management Committee is the Councillors for these wards, together with the Cabinet Member(s) whose portfolio includes regeneration and leisure. However, whoever the Council choose to be Members should be aware of their responsibilities, should a conflict of interest arise. Guidance from the Charity Commission in respect of Local Authority Members as Trustees states that:-

“It is especially important when this is the case that the Local Authority as Trustee, or its Members as Trustees, are clear when they are dealing with charity business and when they are dealing with Local Authority business. When they are dealing with charity business, they must consider the best interests of the charity and not those of the Local Authority.”

The Management Committee will be supported by officers from Constitutional Services and other relevant service areas from within existing resources.

Consultation

The Charity Commission has been consulted on these proposals and are satisfied that it falls within the Scheme of Trust.

Background papers

Correspondence from Charity Commission, Trust Schemes 1918, 1930, 1955 and 1972, advice of Legal Services.

Signed:

Acting Assistant Director - Legal and Constitutional Services and Clerk to the Trustees

Date: 14 February 2007

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Barr Beacon Trust Management Committee

Terms of Reference

The Barr Beacon Trust Management Committee shall have the delegated authority to make decisions, including the application of income, on behalf of the Trust in accordance with the provisions of the Trust Scheme with the exception of the sale/leasing of land and the expenditure of capital. (This would also require the permission of the Charity Commission).

Managing Trustees

The body of Managing Trustees shall consist of the following Members:-

- Councillors for the Pheasey Park Farm and Streetly Wards
- Cabinet Members whose portfolio includes regeneration and leisure

The body shall also have the power to co-opt representatives of local interest groups in an advisory capacity each Municipal Year.

Meetings of Managing Trustees

The Managing Trustees shall meet as and when necessary, subject to there being held at least 2 meetings in the Municipal Year.

Chairman

The Managing Trustees at their first meeting shall elect one of their number as Chairman for the Municipal Year. If at any meeting the Chairman is not present 10 minutes after the time appointed, the Managing Trustees present shall choose one of their number to be Chairman of the meeting.

Quorum

There shall be a quorum where 3 Managing Trustees are present at the meeting.

Voting

Every matter shall be determined by a majority of votes of the Managing Trustees present. In the case of an equality of votes, the Chairman of the meeting only shall have a casting vote whether he or she has or has not voted previously on the same question.

Minutes

Minutes of the meetings of the Managing Trustees shall be kept.

Accounts

The Managing Trustees shall be kept informed of the financial position of the Trust at their meetings.

Report to Trustees

All Trustees shall be kept informed of the work of the Management Committee by way of an annual report to Council.

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