

Executive Shareholder and Trustee Committee Report
Report of Director of Resources
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Guildford Sports Ground Charity Annual Returns year ending 31 March 2016

Executive Summary

The terms of reference for the Committee include the completion and submission of Charity Annual Account returns and the Charity Annual Trustee Report to the Charity Commission on behalf of the Guildford Sports Ground charity, also known as Woodbridge Road Sports Ground ("the Charity"). Attached at Appendix 1 are the Charity Annual Account returns for the year ending 31 March 2016, which were submitted on 31 May 2017.

Recommendation to Committee

- (1) That the Guildford Sports Ground Charity Annual Account returns for the year ending 31 March 2016, as set out in Appendix 1 to this report, be noted.
- (2) That the Principal Corporate Services Solicitor be authorised in consultation with the Chairman and the Parks and Landscape Manager to draft the Charity's Annual Trustee Report for the year ending 31 March 2016.

Reason for Recommendation:

To comply with the legal requirement that the Charity must keep its registered details up-to-date. If the Trustee fails to submit these returns, it could result in the Charity Commission removing the charity from its register and taking further action.

1. Purpose of Report

- 1.1 This report presents the Charity's Annual Account Returns for the year ending 31 March 2016 for noting. This report also explains the legal requirement to submit the Charity's Annual Trustee Report to the Charity Commission (template attached at Appendix 2).

2. Background

- 2.1 Trustees have overall control of the Charity and are responsible for making sure it is doing what it was set up to do.
- 2.2 Trustees must make sure the Charity complies with charity law requirements and other laws that apply to it. Trustees should take reasonable steps to read relevant guidance and keep the Charity's details on the Charity Commission register up to date. Trustees must ensure they send the right financial and other information to the Commission in their Annual Returns.
- 2.3 Trustees must decide what will best enable the Charity to carry out its purpose, make balanced and adequately informed decisions, thinking about the long term as well as the short term.
- 2.4 Trustees must avoid putting themselves in a position where their duty to the Charity conflicts with their personal interests and / or interests of the Council.
- 2.5 The terms of reference for the Trustee include the completion and submission of an Annual Account return and an Annual Trustee Report to the Charity Commission. The Charity's Annual Account return was submitted on 31 May 2017 with the Annual Trustee Report stated to follow.
- 2.6 The Executive Shareholder and Trustee Committee acts as the Charity's sole Trustee, allowing the management of the Charity to be kept separate, as far as possible, from the usual business of the Council. The Annual Trustee Report can be completed and submitted to the Charity Commission.
- 2.7 The draft Trustee Report and draft policies and procedures will be presented to the Trustee at a future meeting for debate. The Principal Corporate Services Solicitor will seek authorisation from the Trustee to submit the Trustee Report and relevant policies and procedures to the Charity Commission.

3. Financial Implications

- 3.1 There are no financial implications arising from this report.

4. Legal Implications

- 4.1 The bulk of charity law is contained in the Charities Act 2011. The Charity Commission registers and regulates charities in England and Wales. The Commission is responsible for ensuring that charities meet their legal requirements, including providing information on their activities each year.
- 4.2 The Commission has powers to take enforcement action against charities where there is malpractice or misconduct.

5. Human Resource Implications

5.1 There are no human resource implications arising from this report.

6. Conclusion

6.1 The role of the Trustee is to manage the Charity in a manner that is clearly distinct from usual Council business. When making decisions, the Trustee has a duty to act in the Charity's best interests. There is a legal requirement to submit an Annual Trustee Report for the Charity to the Commission.

7. Background Papers

Charity Commission guidance

- Charity trustees and decision making
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/583855/CC27_new.pdf
- Conflicts of interest
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/636091/CC29.pdf

Executive Report 18 July 2017 (Item 11)

<http://www2.guildford.gov.uk/councilmeetings/documents/g604/Public%20pack%2018th-Jul-2017%2019.45%20Executive.pdf?T=10>

8. Appendices

Appendix 1: Charity's Annual Account returns for the year ending 31 March 2016

Appendix 2: Annual Trustee report template