

Name of meeting: Corporate Governance & Audit Committee

Date: 22 July 2020

Title of report: Joshua Wood Charity

Purpose of report: To consult with Corporate Governance & Audit Committee (CGAC) and to ascertain whether CGAC would wish the council to have a right to nominate a Trustee of the Joshua Wood Charity

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	No

Electoral wards affected: Heckmondwike

Ward councillors consulted: Cllr Viv Kendrick, Cllr Steve Hall, and Cllr Aafaq Butt

Public or private: Public

Has GDPR been considered? Yes

1. Summary

The purpose of this report is to consult with and ascertain from CGAC whether it considers that the council should have the right to nominate a trustee of the Joshua Wood Trust which is a charity that exists for the relief of poverty.

At present the council in its capacity as Corporate Trustee is one of the three trustees of the Joshua Wood Trust. It is the council's Cabinet that has the authority under the constitution to make the decisions of the council in its capacity as Corporate Trustee. It has though proved to be difficult to conduct trustee business as meetings of the trustees can only take place at the same time as when there are meetings of the council as Corporate Trustee. The council in its capacity as Corporate Trustee has therefore been requested by the other two trustees that it will cease to be trustee.

The council in its capacity as Corporate Trustee wishes to know though whether the council corporately would wish to have a continuing involvement with the charity through the ability of the council to nominate a Trustee. If the council corporately does wish to be able to nominate a trustee then the three existing Trustees (including the council as Corporate Trustee) will need to alter the governance of the Joshua Wood Trust to provide for the retirement of the council in its capacity as Corporate Trustee and to be replaced by instead by a nominee of the council.

2. Information required to take a decision

The Joshua Wood Trust

2.1 The Joshua Wood Charity is a charitable trust created by the Will of Joshua Wood that came into being on his death in 1734.

The terms of the will trust

2.2 The Will trust provided for a bequest of £30 to be used to purchase land in or near to Heckmondwike and for the rental income to be used for the twice purchase of bread and its distribution amongst the poor of Heckmondwike.

The Current Trustees

2.3 There are three trustees of the Joshua Wood Charity.

- (i) The Vicar of the Parish of Birstall
- (ii) The churchwarden of Heckmondwike
- (iii) Kirklees Council as the statutory successor to the Overseer of the poor.

2.4 The vicar of the parish of Birstall and the churchwarden of Heckmondwike are trustees by virtue of their office and are known as ex officio trustees.

Proposals for Change

2.5 The Vicar of the Parish of Birstall and the churchwarden of Heckmondwike have provisionally agreed that the ex officio trusteeship of the vicar of the parish of Birstall should be replaced with the ex officio trusteeship of the parish of Heckmondwike and they have requested that the council in its capacity as Corporate Trustee should cease to be shall cease a Trustee.

2.6 They have also asked whether the council would wish to have the right to nominate a Trustee. The nominee would not need to be a ward member for Heckmondwike (although it could be a ward member) but the nominee should have an affinity with Heckmondwike either because for example they are a ward member or they live in Heckmondwike or because they were brought up there. The nominee would in essence be a community representative.

- 2.7 If the council considers it appropriate that it should be able to nominate a Trustee then the current Trustees have indicated that they would be happy to alter the governance of the Trust to provide for this.

Assets

- 2.8 The charity has a cash asset of approximately £65,000. This currently constitutes permanent endowment. However, the Trustees intend to take the appropriate steps with the Charity Commission to ensure that this cash asset can be used as revenue funds as the current Trustees feel that this will enable the Trust to deliver a much greater impact in the community of Heckmondwike in respect of its charitable object of the relief of poverty in that area.

3. Implications for the Council

- **Working with People**

The ability of the Council to nominate a Trustee will mean that the council has an opportunity to work with the church community in Heckmondwike

- **Working with Partners**

The ability of the Council to nominate a Trustee will mean that that council has an opportunity to work with the Church in Heckmondwike

- **Place Based Working**

The ability of the council to nominate a Trustee with an affinity with Heckmondwike will promote the “Place Based Working” approach.

- **Climate Change and Air Quality**

The change to the governance arrangements of the Trust will not practically change carbon emissions.

- **Improving outcomes for children**

There will be no impact

- **Other (eg Legal/Financial or Human Resources)**

There are no financial or human resource implications in the implementation of the officers' recommendations.

There are no legal implications in the council exercising its nomination rights. However, the nominee will need to be aware that they will need to discharge their duties of trusteeship.

4. Consultees and their opinions

The council in its capacity as Corporate Trustee has indicated that it is minded to agree with the other trustees of the Joshua Wood Trust to resolve to amend the charity's governance to provide for the council to corporately have a right to nominate a trustee – if this is a right that the council corporately would consider it to be appropriate to have.

Ward members have been consulted. Cllr Kendrick has indicated that a nomination right would be a useful to ensure that the council still had involvement with the Joshua Wood Trust.

5. Next steps and timelines

If the officer recommendation is accepted by Corporate Governance & Audit Committee then the following steps will be taken:

- (i) The Trustees of Joshua Wood Trust will resolve to change the governance of the Trust to provide that the three trustees of the Trust should be: The Vicar of St James' Church Heckmondwike; the Churchwarden of St James' Church Heckmondwike; A nominee of the Council of the Borough of Kirklees – the nominee having an affinity with the locality of Heckmondwike.
- (ii) The parties group business managers will then determine who should be nominated as by the council as Trustee of the Joshua Wood Trust and the duration of the nomination.

6. Officer recommendations and reasons

Officers recommend that Corporate Governance & Audit Committee endorse the proposed resolution of the Trustees of the Joshua Wood Trust to change the composition of the Trustees from the current composition (being the Vicar of Batley; the Churchwarden of St James Heckmondwike; and Kirklees Council as corporate trustee) to the Vicar of St James Heckmondwike, the Churchwarden of St James Heckmondwike and a nominee of Kirklees Council who has an affinity with the locality of Heckmondwike.

Officers make this recommendation because it will lead to improved governance of the Joshua Wood Trust in that decisions will be able to be made more quickly and it will have a more local focus.

7. Cabinet Portfolio Holder's recommendations

Not applicable

8. Contact officers

Martin Dearnley Head of Risk, Corporate Strategy & Public Health
martin.dearnley@kirklees.gov.uk 01484 221000

Mark Nicholson, Senior Legal Officer, Legal Governance & Commissioning,
mark.nicholson@kirklees.gov.uk 01484 221000

9. Background Papers and History of Decisions

None

10. Service Director responsible

Julie Muscroft, Services Director – Legal Governance & Commissioning 01484 221000