

Minutes of an Extraordinary Meeting of the **FINANCE AND GOVERNANCE COMMITTEE** held at the Town Hall, Swanage on **MONDAY, 17th JULY 2023** at 9.30 a.m.

PRESENT:- Councillor T Foster (Town Mayor) – Chairman

Councillor J Bishop
Councillor M Bonfield
Councillor A Harris
Councillor C Moreton

Also in attendance: -

Dr M Ayres Town Clerk

There were no members of the public present at the meeting.

1. **APOLOGIES**

Apologies for their inability to attend the meeting were received from Councillors Tomes, Trite and Whitwam.

2. **DECLARATIONS OF INTEREST**

Members were invited to declare their interests and consider any requests for Grants of Dispensations in accordance with Section 9 and Appendix B of the Council's Code of Conduct.

No declarations were made on this occasion.

3. **APPOINTMENT OF THE CAPITAL PROJECTS SUB-COMMITTEE**

It was proposed by Councillor Bishop, seconded by the Town Mayor and
RESOLVED UNANIMOUSLY:-

That Councillors Bonfield, Bishop, Foster, Harris
and Tomes be elected to form the Capital Projects
Sub-Committee for 2023/24.

4. **ITEMS OF INFORMATION AND MATTERS FOR FORTHCOMING AGENDAS**

No items of information or matters for forthcoming agendas were raised on this occasion.

EXCLUSION OF PRESS AND PUBLIC

Proposed by the Town Mayor, seconded by Councillor Moreton and
AGREED:-

That, under Standing Order No. 1 c), in the public interest, the press and public be excluded from the Meeting in view of the confidential nature of the business to be transacted under agenda item 5 (in relation to legal advice received).

5. **REVIEW OF CHARITABLE TRUST GOVERNANCE – CONSIDERATION OF LEGAL ADVICE**

Consideration was given to a briefing note prepared by the Town Clerk which summarised legal advice which had been obtained further to Minute No. 12 of the Finance & Governance Committee Meeting held on 9th November 2022.

Particular attention was drawn to the need to ensure that complexities relating to the legal status of Sandpit Field and Weather Station Field are resolved prior to the commencement of the proposed seafront ground stabilisation works. It was noted that it is currently understood that although these properties are owned by the Town Council, they are both the subject of charitable trusts (the De Moulham Trust and Gift of Public Pleasure Grounds respectively).

Consideration was given to the legal advice received, which included a recommendation that the Town Council should take steps to ensure that it could manage the land in future solely in its corporate capacity as a local government body. It was proposed by Councillor Bonfield, seconded by Councillor Bishop and **RESOLVED UNANIMOUSLY:**

TO RECOMMEND:

That, in order to ensure that the Council has the legal power to undertake the stabilisation of Sandpit Field and the Weather Station Field, agreement in principle be given to the Council's outright acquisition of those parcels of land from the De Moulham Trust and the Gift of Public Pleasure Grounds Charity, in accordance with the legal and valuation advice received, and to agree to this proposed course of action being referred to within the forthcoming public engagement and consultation process in connection with the seafront stabilisation scheme.

It was noted that if this recommendation were to be approved by the Town Council the next step would be for each of the charitable trusts to consider this proposal to ensure that such action would be in accordance with their legal obligations. Subsequent to that, the matter would be brought back before the Town Council for final determination.

Further to discussion at the committee meeting on 9th November 2022, it was noted that officers had had a further discussion with Lloyds Bank regarding their wish to stand down as Trustee of the James Day Will Trust, which owns the residual freehold of the Swanage Cricket Club ground and administers a small investment portfolio for the benefit of Day's Park. Although the Cricket Club holds a 999-year lease, given the proximity of the cricket ground to the Council's property at Day's Park and Journey's End, it was proposed by Councillor Bonfield, seconded by Councillor Bishop and **RESOLVED UNANIMOUSLY:**

TO RECOMMEND:

That the Town Council should inform Lloyds Bank that it is willing to take over the role of corporate trustee of the James Day Will Trust.

Discussion then turned to legal advice that consideration should be given to the amalgamation of the James Day Will Trust, the Gift of Public Pleasure Grounds Charity and the De Moulham Trust. It was noted that this step would most likely require engagement with the Charity Commission, but if achieved it would simplify the Council's role as Corporate Trustee of these bodies. It was proposed by Councillor Moreton, seconded by Councillor Bishop and **RESOLVED UNANIMOUSLY:**

TO RECOMMEND:

That the potential amalgamation of the De Moulham Trust, Public Pleasure Grounds Charity and James

Day Will Trust should be further explored, and that legal advice should be sought accordingly.

Finally, in respect of the King George V Playing Field Trust, it was noted that a management agreement had been drafted further to Minute No. 12 of the Finance & Governance Committee held on 9th November 2022 and will be presented to a forthcoming Council Meeting.

Thanks were offered to the Town Clerk for providing a comprehensive report on these complex matters.

6. **DATE OF NEXT MEETING**

The date of the next scheduled meeting was noted as 26th July 2023.

The meeting concluded at 10.05 a.m.
