

**Swillington Educational Charity**  
**Draft Minutes of Trustees meeting No.21 held on Friday 14th November 2014**  
**in Bowers Row Chapel meeting room**

**Present:**, Reverend Canon Rosemarie Hayes (Chair), Councillor Ian Wallace, Councillor Judith Woodhead. Councillor Jacqui Smith.

Councillor Janet Taylor attended to introduce herself but had to leave before the meeting started.

**1. Apologies:** Councillor Andrea McKenna, Councillor Janet Taylor. Minute taker Margaret Forth.

**2. Minutes of last meeting:**

The minutes of 24th October 2014 were accepted as true record.

**3. Matters Arising.**

**Item 6, Special meeting 24-10-2014.** In accordance with the rule12 of the Scheme the two newly elected co opted Trustees had signed their Declarations and Acceptance of Office prior to the meeting and were registered with the Charity Commission. The Trustee body was now complete.

**3.1** The chair thanked and welcomed the new Trustee, Cllr Jacqui Smith.

**4.Charity Commission Correspondence.**

A reply had been received from the Charity Commissioners. Copies were distributed to members and a copy filed with the minutes. The questions asked and answers given (in bold) were as follows:-

**4.1.Q1.** *Is it possible to keep £5000 of the income from the sale of the property in an accessible account to be able to consider applications for grants under the current Scheme 'application of benefit' before investing the remainder?. This will give time for the investment fund to release interest from the capital to give the Charity its only income. The Charity will have minimal administration costs.*

**A1.** *The trustees will need to apply to the Commission for permission to keep £5000 of the income, giving reasons.*

**4.2.Q2.** *Under the power to make regulations, can the Trustees increase the number of co-opted Trustees from two to four before any major Scheme changes are made?*

**A2.** *Under section 282 Charities Act 2011 the trustees can pass a resolution to alter the make-up of the trustee body, however if the trustees intend to do this then before any changes are made, the agreement of the Ex-officio trustee and the nominating body for the Nominative Trustee (if these are to be changed) must be obtained. If any changes are made then a copy of the Resolution showing the changes should be forwarded to the Commission to amend our records.*

**4.3.Q3.** *If a request to wind up the Charity is made to the Commissioners who can decide how any capital is distributed?*

**A3.** *Under what circumstances would the trustees consider winding up the charity?. For your help the following guidance is available*

*<https://www.gov.uk/how-to-close-a-charity>.*

**4.4.Q4.** Under the current Scheme is it possible to give financial assistance to the uniform groups e.g. to enable them to secure storage facilities.

**A4.** I do not understand this question. The Scheme is quite clear at clause 27 'Application of Income', as to where and on whom the charity's funds can be spent. I am not sure how your request fits in with clause 27.

The answer to Q1 is self explanatory.

The answer to Q2 confirms the Trustees have the power to alter the make up of the Trustee body but require a) in the case of nominated members, the permission of the the respective councils and, in the case of the ex officio member, the diocese, to change the make of that part of the body. The Trustees have the power in increase the number of co-optees if they so desire.

The answer to Q3 is self explanatory.

The answer to Q4. The Commissioner is quite clear in pointing out Clause 27 of the Scheme.

**RESOLVED:** It was proposed By Cllr Woodhead and seconded by Cllr Smith that a request be made to the Charity Commission to retain £5000 from the capital. This would enable the Charity to begin receiving applications for grants.

## **5. Public Statements on Charity Business by third Parties.**

Members were given copies of a statement sent to Swillington Parish Council and which appeared on social media sites by a Leeds City Councillor who has no official connection with the Charity. In the statement it refers to the money generated from the sale is to be used to, quote "offer small grants on a very restrictive way that currently seems to be the case". This is untrue and such misleading statements do nothing to assist the process. The Trustees have **not** passed any resolutions on the distribution of funds or set any cap on grant application as required by Clause 27(2) of the Scheme. If they had it would have been recorded in the minutes for all to see.

Clause 28 of the Scheme 'Appropriation of Benefits' states – *'The appropriation of the benefits of the Charity shall be made by the Trustees at meetings of their body and not separately by any individual Trustee or Trustees'*. All decisions are recorded and copies of the minutes from July 2012 are on the SEC page accessible via both Parish Council web sites. These are the only true and accurate accounts of the decisions taken by the current Trustees.

Leeds City Council now have a Councillor representative on the Trustee board and Swillington Parish Council have two who are quite capable of making statements if needs be. Statements made by Trustees are made as a body and should reflect the minutes.

**RESOLVED:**

After discussion it was decided not to take the matter further at this time.

## **6. Governance Document Review**

The Governance Document, the Scheme, was discussed and it was agreed changes were required .

**RESOLVED:** Members will read the document individually and recommend changes. The opinions would then be pooled and changes agreed at the next meeting. The proposals would then be put forward at the open meeting (see 10).

## **7. Receive Financial Report and Charity Official Investment Funds (COIF) Accounts options:**

**7.1** The current account stands at £51,011.84

**7.2** The Trustees are legally obliged to invest the capital income from the sale. Money will have to be transferred into a **COIF** Investment Fund as soon as possible. Only the dividend from this investment fund will be available for distribution under the Scheme. Investment returns on this account currently stands at 4%

**7.3** Dividends from the Investment Fund would go into a **COIF** accessible Deposit Account which also pays interest. The HSBC current account would need to be retained for administration purposes.

**7.4** The **COIF** accounts would be managed by the **Churches, Charities and Local Authorities (CCLA)** organisation which invests funds on behalf of the three sectors.

**7.5** It was proposed by Reverend Canon Rosemarie Hayes and seconded by Councillor Jacqui Smith that £45000 be transferred into a CCLA investment account to be named SEC Investment and £5000 into a CCLA deposit account to be named SEC Deposit. The latter would be dependant on the Charity Commission approval.(see 4.1 ). The resolution was unanimously agreed.

### **RESOLVED:**

The application forms for both accounts should be completed as soon as possible.

**7.6** It was proposed by Reverend Canon Hayes and seconded by Councillor Jacqui Smith that the required four signatories be the two of the nominated Trustees and the two co opted Trustees for both Investment and Deposit accounts. The resolution was unanimously agreed.

### **RESOLVED.**

Councillor Ian Wallace and Councillor Judith Woodhead would be the nominated Trustee signatories. Councillor Janet Taylor and Councillor Jacqui Smith would be the co opted Trustee signatories. Trustees present completed and witnessed the applications

## **8 . Any Other Business:**

**8.1**Councillor Smith said she had received a request from the Rothwell Record for a contribution to the Christmas edition and asked if she could include an update of the Charity's work.

**RESOLVED:** It was agreed that Cllr Smith proceed with a draft copy to be agreed by the Trustees before submitting.

**8.2** For official and administration reasons it was suggested a first point of contact was required.

**RESOLVED:**This will be an agenda item for the next meeting

## **9. Date of next Trustees meeting.**

**9.1** Friday 19th December 2014 , 2.00 pm. In Bowers Row Chapel meeting room.

## **10. Date of Open Meeting.**

**10.1** Tuesday 8 January 2015 7.30pm Swillington Miners Welfare Club. Although any member of the public may attend, only residents of Swillington and Great and Little Preston will be able to participate. In the absence of the Reverend Canon Hayes Councillor McKenna to Chair the meeting. Agenda will be decided at the next Trustees meeting.

**Signed**

\_\_\_\_\_Chairperson.\_\_\_\_\_Minutes Secretary