

Role of Lower Central Gardens Trust Board

Tanya Coulter

Object of Charity

Charity Commission Scheme made in 2011 sets out the object as:

- The object of the charity is as set out in the 1873 Indenture, namely, the appropriation and use of the charity's land for public gardens for the use of the inhabitants of Bournemouth and the vicinity, and a building to be used as a public building for the purposes of Commissioners offices and board room, town hall, court house, assembly rooms and offices connected therewith.

Powers of the trustee

Charity Commission Scheme made in 2011 sets out the trustee's powers as:

- In addition to other powers which it has, the trustee may exercise the following powers in furtherance of the objects of the charity:
- Build such buildings or structures as are necessary or desirable for the use of beneficiaries enjoying the charity's land as public gardens provided that the trustee must make provisions for their removal and reinstatement of the garden should they no longer be necessary or desirable, and
- To let or permit to be used the same on terms which ensure they are used and only used in a way which is necessary or desirable for the use of beneficiaries enjoying the charity's land as public gardens.

Powers of the trustee

Continued

- To let or permit to be used any part of the charity's property to another charity provided that the terms of the letting ensure the land must be used in furtherance of the charity's objects.
- To make rules and regulations consistent with this scheme for the management of the charity.

Who is the trustee

The Council is the sole trustee

- It acts through Cabinet which approved the scheme, administration arrangements and conflicts of interest policy in 2011.
- The rules of the trust were agreed at the same time as the scheme.
- The rules set out the governance arrangements – establishment of the lower central gardens trust board and appointment arrangements – political balance and limitation to two three year terms. Substitutions are possible within the rules subject to limits.
- Includes independent members to help manage conflicts of interest and provide independent input.

Role of the Board

The Board's purpose:

- To administer and manage the Charity and its property in accordance with the Rules and subject to the terms of the 2011 Scheme and s29 of the 1985 BBC Act. Is a sub-committee of Cabinet and as the Managing Trustee Cabinet does have power to re-assume control.
- Can delegate powers to act to officers, and decisions taken by officers should be reported to the Trust Board.
- Oversee strategic planning and business plans, and review rules and policies.
- Reserve certain powers re property transactions/major decisions.
- Agree accounts and levels of expenditure delegated to officers.
- Must always act in the interests of the charity and no other interests – Rules refer to each Trust Board member being under an **overriding duty to act in the best interests of the Charity** and in accordance with the provisions of the 2011 Charity Scheme and the 1985 Act.

Conflicts of Interest

The Conflict of Interest Policy:

- The Rules provide for declaration of personal interests in agenda items and withdrawal from room/vote on the matter.
- Conflict of Interest Policy supplements the Rules and provides detailed guidance on dealing with conflicts in various scenarios.
- Key principles – openness, transparency, integrity, acting in the best interests of the Charity.
- Avoiding conflicts – avoid taken part in Council decisions where there is a potential conflict that may arise in future with the business of the Trust Board – priority should be given to Trust Board.

Decision Making

Issues:

- Delegation to officers – how and review/oversight/reporting arrangements.
- Management of meetings – agendas/reports/voting arrangements.
- Overlap and interplay between charity law and local government law.
- Voting and non-voting members – how is this managed and dealt with at meetings.
- Confidential papers and information.
- Officer/member relationship and information sharing between formal meetings.