

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO COUNCIL

### REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

25<sup>TH</sup> APRIL 2018

#### NANTYMOEL WORKMEN'S INSTITUTE

#### 1. Purpose of Report

- 1.1 To seek Council approval from the Council's elected members in their capacity as Trustees of the Charity, the Nantymoel Workmen's Institute, to close and wind up the existing charity and to exercise their statutory powers under sections 267-274 of the Charities Act 2011 to transfer all of the charity's assets to a charitable incorporated organisation established with substantially similar charitable objectives, the Nantymoel Boys and Girls Club and Community Centre.

#### 2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The proposal links to the Council priorities of smarter use of resources and encouraging communities to be more self-reliant.

#### 3. Background

- 3.1 Following the closure of the Berwyn Centre in 2012, the Council contacted the Charity Commission to seek their consent to the proposed demolition of the building based on health and safety grounds. The Charity Commission advice was that the Council had the power to demolish the building but also flagged up that the demolition would cause other long term issues which would need to be addressed in due course.
- 3.2 The Berwyn Centre was held in trust by the Council, with each of its elected members acting as a trustee of the charity responsible for it, namely the Nantymoel Workmen's Institute. The charitable purposes of the Nantymoel Workmen's Institute are narrowly set as:

*"the provision and maintenance of a Community Centre for the use of the inhabitants of Nantymoel... without distinction of political, religious or other opinions, including for meetings, lectures and classes, and for other forms of recreation and leisure-time occupation, with the object of improving the conditions of life for the said inhabitants".*

- 3.3 Following demolition of the Berwyn Centre the Council as trustee for the charity would no longer be able to fulfil that purpose. As such the Charity Commission set out a range of options for the Council's consideration with regard to the future of the site and the charity's assets. The preferred option that emerged from ongoing work in the community was the land on which the Berwyn Centre was sited (not the wider piece of land that surrounded the centre) and the funds held by the existing charity be transferred to another local charity with substantially similar charitable objectives.

- 3.4 To that end the Council supported the establishment of a new Charitable Incorporated Organisation, the Nantymoel Boys and Girls Club and Community Centre, which was established with charitable purposes that are substantially similar to all of the purposes of the Nantymoel Workmen's Institute. Those charitable purposes include the power to establish and maintain a community centre in furtherance of the following objects:

*“To educate boys and girls resident in the area of the Ogmore Valley through their leisure time occupation so as to develop their physical, mental and spiritual capacities that they may grow to full maturity as individuals and members of society and that their conditions of life may be improved.*

*To benefit the residents of the Ogmore Valley and the neighbourhood, without distinction of sex, sexual orientation, race or of political, religious or other opinions by associating together the said residents and the local authorities, voluntary and other organisations in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure time occupation with the objective of improving the conditions of life for the residents of the whole community.”*

- 3.5 This preferred option aligned with other work that had gone on locally for a number of years to develop a business plan and proposal to spend the capital sum of £200,000 that was allocated in the Capital Programme when the Berwyn Centre closed, towards the development of alternative or enhanced community facilities in Nantymoel. A number of options for investing the money locally were explored, including developing a new building on the Berwyn Centre site, enhancing facilities at the local school, at the local bowls club, and developing facilities at Nantymoel Boys and Girls Club to improve community access for all local community groups. This process was undertaken to get to a stage where there was support from the community for a preferred option and a fully developed business plan. The process took over 5 years and required various extensions to be granted by the Council with regard to the deadline for spending the capital allocation. The main issue from the Council's point of view was ensuring that the presented business plan was sufficiently robust to provide comfort that the funds would be spent prudently and in a way that would support a financially sustainable model. A report was approved by Cabinet in November 2017 agreeing to release the capital allocation to Nantymoel Boys and Girls Club based on a plan to extend and improve the existing facilities to accommodate additional community use.
- 3.6 The report to Cabinet in November 2017 also highlighted that the community group had requested that the Council follow the necessary process to release the sum of money held in trust, in order to supplement the £200,000 of allocated capital funding. The report highlighted at that time that the sum of money held was approximately £46,000. The current value of the fund is £49,274.69.

#### **4. Current Situation/ Proposal**

- 4.1 Further Charity Commission advice was sought on the process of transferring the assets of the existing charity based on this preferred option. In summary the process entailed holding a public meeting in accordance with clause nine of the Charity Commission Scheme for the Nantymoel Workmen's Institute, following the statutory provisions contained within sections 267-274 of the Charities Act 2011 and to that end seeking the consent of the Charity Commission to the transfer of all of the Charity's assets to the newly created Charitable Incorporated Organisation.
- 4.2 Appropriate notices and the relevant delegated power were thereby given of the intention to hold a public meeting for the purpose of seeking local public opinion on the dissolution of the existing charity, Nantymoel Workmen's Institute, and the transfer of all of the charity's assets to a charitable incorporated organisation established with substantially similar objectives, the Nantymoel Boys and Girls and Club and Community Centre. The meeting was duly held on 28<sup>th</sup> March 2018 in Nantymoel Boys and Girls Club with those eligible to vote on the proposals being over the age of eighteen and resident in Nantymoel. The meeting was chaired by the Deputy Leader and set out what was proposed in full and allowed local residents the opportunity to pose any questions or concerns that they had. The resulting ballot resulted in unanimous support for the proposal.
- 4.3 The necessary process now requires that the Council, informed by local opinion and the ballot at the public meeting, consider whether the above proposal is in the best interests of the charity in furtherance of its charitable purpose and, if it considers it to be so, to pass a transfer power resolution in accordance with the statutory provisions contained within sections 267-274 of the Charities Act 2011 to transfer all of the charity's assets to the Nantymoel Boys and Girls Club and Community Centre and dissolve the existing charity. This will then allow a further formal approach to be made to the Charity Commission for their consent to the proposed dissolution of the existing charity and transfer of its assets.

## **5. Effect upon Policy Framework and Procedure Rules**

- 5.1 There is no effect on the Council's policy framework and procedure rules.

## **6. Equalities Impact Assessment**

- 6.1 No equalities impact assessment is necessary or been carried out with regard to this particular report, but the Council as part of its assessment of the business plan submitted to expand and enhance Nantymoel Boys and Girls Club considered by Cabinet in November 2017, assessed that the proposal would ensure greater access to community facilities to all local individuals and groups.

## **7. Financial Implications**

- 7.1 The proposal to dissolve the existing charity and transfer its assets will result in a sum of £49,274.69 being transferred to Nantymoel Boys and Girls Club and Community Centre, subject to formal Charity Commission approval. In addition the area of land that the Berwyn Centre previously occupied before its demolition will be transferred to the above charitable incorporated organisation. The objectives of the charity will prevent it from being sold for commercial gain.

## 8. Recommendation

- 8.1 That Council approve the proposal above to dissolve the existing charity, the Nantymoel Workmen's Institute, and pass a transfer power resolution in exercise of their statutory powers under sections 267-274 of the Charities Act 2011 to transfer all of the charity's assets to a local Charitable Incorporated Organisation established with charitable purposes substantially similar to all of its charitable purposes, the Nantymoel Boys and Girls Club and Community Centre.
- 8.2 That Council approve that the Charity Commission are formally approached to complete the process of dissolving the existing charity and transferring all of its assets as set out above.

**Mark Shephard**  
**CORPORATE DIRECTOR - COMMUNITIES**  
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### **Background Documents:**

Cabinet Report - Nantymoel Community Facilities - November 2017  
Cabinet Report - Nantymoel Community Building Investment - February 2017