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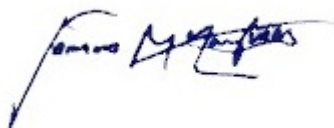
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03 November 2021

To: All Councillors

As a Member or Substitute of the **Ernest Bailey Charity Committee**, please treat this as your summons to attend a meeting on **Thursday 11 November 2021** at **6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN**.

Yours sincerely



James McLaughlin
Director of Corporate and Customer Services

AGENDA

1. APOLOGIES

Please advise the Committee Team on 01629 761133 or e-mail: committee@derbyshiredales.gov.uk of any apologies for absence.

Page Nos.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

03 - 06

11 November 2020

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

4. LAND AT POPE CARR ROAD MATLOCK

07 - 09

To receive a report informing Members of a site that is held by the District Council on behalf of the Trust, seeking approval that authority be delegated to the Estate & Facilities Manager, to part dispose by sale of land that the encroachment affects and the granting of a right of way, subject to legal requirements of the charities regulation and guidance as outlined in Appendix 1.

5. STATEMENT OF FINANCIAL POSITION

10 - 13

To inform Members of the financial position of the Charity as at the end of 2020/21 financial year, together with estimates for 2021/223 and to seek approval for the investment of the Charity's funds.

6. DISTRIBUTION OF CHARITABLE FUNDS

14 - 17

To consider applications for grants from charitable funds.

7. EXCLUSION OF PUBLIC AND PRESS

At this point the Committee will consider excluding the public and press from the meeting for the remaining items of business for the reasons shown in italics.

8. DISTRIBUTION OF CHARITABLE FUNDS

To consider applications for grants from charitable funds.

(The following applications are exempt because they contain information relating to individuals.)

Members of the Committee

Councillors: Jason Atkin (VC), Matthew Buckler, Martin Burfoot, Sue Burfoot, Paul Cruise, Steve Flitter, David Hughes, Dermot Murphy, Garry Purdy, Mark Salt (C), Andrew Statham, Colin Swindell and Steve Wain.

Note:

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ERNEST BAILEY CHARITY COMMITTEE

Minutes of a virtual meeting of the Ernest Bailey Charity Committee held at 6.00pm on Thursday 05th November 2020.

Under Regulations made under the Coronavirus Act 2020, the meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

PRESENT

Councillor Mark Salt - in the Chair

Councillors: Jason Atkin, Martin Burfoot, Sue Burfoot, Paul Cruise, Steve Flitter, Joyce Pawley, Garry Purdy, Andrew Statham and Steve Wain

Karen Henriksen (Director of Resources) and Emma Mortimer (Community Development Officer)

APOLOGIES

An apology for absence was received from Councillor Matthew Buckler.

127/20 - MINUTES

RESOLVED (Unanimously)

That the Minutes of the meeting of the Ernest Bailey Charity Committee held on 28 November 2019 be approved as a correct record.

The Minutes were signed by the Chairman.

128/20 - INTERESTS

There were no declarable pecuniary interests, but for the sake of clarity, Cllr Sue Burfoot declared that she gave funding to Riverside Network through DCC Community leadership Scheme.

129/20 - STATEMENT OF FINANCIAL POSITION

The Committee considered a report, which set out the Charity's financial position as at the end of the 2020/21 financial year, together with estimates for 2021/2022.

The charitable fund administered by the District Council had earned on average an interest rate of 1% during the year.

The amount available in the distribution fund at 1st April 2020, excluding the maintenance provision, was £39,069.

There was discussion on whether we can increase the capital by using any funds left over from Local Projects Fund. This would need approval from all members to make a donation to a charity.

The Committee noted the delay on the Review to consider the Charity's Terms of Reference and administration.

The Review would continue and Members' views would be sought on possible recommendations.

It was moved by Councillor Jason Atkin, seconded by Councillor Joyce Pawley and

- RESOLVED**
(Unanimously)
1. That the financial statement for the 2019/20 financial year be received.
 2. That the funds of the Charity continue to be invested with Derbyshire Dales District Council.
 3. That progress on the Review be noted.

130/20 - DISTRIBUTION OF CHARITABLE FUNDS

It was moved by Chair Councillor Mike Salt and

The Committee considered a total of 20 applications for Grant Aid. It was noted that application 4/20 Derwent & Wye Valley Railway Trust had been withdrawn

- RESOLVED**
(Unanimously)
1. That grant awards be made conditional upon them being used for the purpose for which the application was made and in accordance with the objects of the Trust.

131/20 - APPLICATION 1/20 BONSALL VILLAGE HALL COMMITTEE

It was moved by Councillor Steve Flitter, seconded by Councillor Steve Wain and

- RESOLVED**
- That a grant of £150 be awarded to First Taste for Bonsall Village Hall Committee towards improvement to access ramp.

Voting:

In favour	9
Against	1
Abstentions	0

The Chairman declared the CARRIED.

132/20 - APPLICATIONS 2/20, 3/20, 5/20 & 6/20

It was moved by Councillor Jason Atkins seconded by Councillor Martin Burfoot and

- RESOLVED**
(Unanimously)
- That no grant will be awarded to: Cauldwell Mill Trust, Cromford Playgroup, Northwood & Tinkersley Parish Council, 2nd Matlock Guides.

133/20 - APPLICATION 7/20 - MATLOCK FIRST RESPONDERS

It was moved by Councillor Martin Burfoot, seconded by Councillor Steve Flitter and

RESOLVED That a grant of £100 be awarded to Matlock First Responders towards monitoring equipment.

Voting:

In favour 8
Against 2
Abstentions 0

The Chairman declared the CARRIED.

134/20– APPLICATION NO 8/20 - RIVERSIDE NETWORK

It was moved by Councillor Joyce Pawley, seconded by Councillor Steve Wain and

RESOLVED That a grant of £100 be awarded be to Riverside Network toward refurbishment of food bank.
(Unanimously)

135/20 - APPLICATIONS 9/20 - 13/20

It was moved by Councillor Joyce Pawley, seconded by Councillor Jason Atkin and

RESOLVED That no grant be awarded to: Darley Dale Pre School, Matlock & Derbyshire Dales Stand up to Racism, Grand Pavilion Ltd and Tansley Fete Field Committee.
(Unanimously)

136/20 - MOTION TO INCREASE THE SUGGESTED GRANTS

It was moved by Councillor Joyce Pawley, seconded by Councillor Jason Atkin and

RESOLVED The extra funding of £350 to come out of the capital, although £121 was added to the capital last year due to an underspend
(Unanimously)

137/20 - EXCLUSION OF PUBLIC AND PRESS

To hear applications from residents.

It was moved by Councillor Jason Atkin and seconded by Councillor Steve Wain

RESOLVED That the public and press be excluded for the remaining items of business for the reasons as set out in the report.
(Unanimously)

138/20 APPLICATIONS 14/20 - 16/20 and 18/20 - 20/20: 6 LOCAL RESIDENTS

It was moved by Councillors Mark Salt, seconded by Councillors Martin Burfoot and

RESOLVED That a grant of £40 for Matlock resident to help with winter heating.
(Unanimously)

That a grant of £60 for Matlock residents for furniture

That a grant of £150 for Matlock residents for an oven

That a grant of £250 for Bonsall resident for allergy relief

That a grant of £300 for Matlock resident for bankruptcy

That a grant of £211 for Matlock resident for carpet

MEETING CLOSED - 7:00pm

CHAIRMAN

Ernest Bailey Charity Committee
11th November 2021

Report of the Director of Regulatory Services

LAND AT POPE CARR ROAD MATLOCK

PURPOSE OF REPORT

This report updates the Ernest Bailey Charity Committee (EBCC) in relation to a site that is held by Derbyshire Dales District Council (DDDC) on behalf of the Trust and seeks consent from the EBCC for part disposal.

RECOMMENDATION

That authority be delegated to Mike Galsworthy, Estates & Facilities Manager at DDDC to enable:-

1. the sale of land that the encroachment effects, subject to legal requirements of the charities regulation and guidance, as outlined below and in Appendix 1.
2. the granting of a right of way, subject to legal requirements of the charities regulation and guidance, as outlined below and in Appendix 1.

AREAS AFFECTED

Matlock All Saints, Matlock St. Giles & Tansley, Darley Dale, Masson, Stanton, Winster & South Darley

STRATEGIC LINK

Not applicable as the EBCC is acting as Trustee of a charitable fund.

1 BACKGROUND

- 1.1 DDDC became the sole Trustees of the Ernest Bailey Charity following approval by the Charity Commissioners on 12th April 1985. This function was later delegated to the EBCC. In DDDC's role as sole Trustee a land holding is registered under title number DY413773. The original conveyance and trust deed forming the basis of this title is dated 8th October 1985. The land was originally part of the Ernest Bailey Secondary School and is currently vacant.
- 1.2 There has been encroachment on the west boundary of land in the title DY413773 by the owner of No. 8 Pope Carr Road.
- 1.3 In order to resolve the encroachment discussions have been held and the owner has indicated that they are prepared to purchase the area of land that is subject to the encroachment to resolve the issue.

2 REPORT

- 2.1 The owner of No. 8 Pope Carr Road built a new house and relocated the drive on land he considered was part of his land holding. Unfortunately, in doing so there was encroachment and this was discovered during the conveyance process when the new property was being sold. The sale could not proceed as he did not have title to the land.
- 2.2 To determine the extent of the encroachment a topographical survey was arranged with reference to the original conveyance plan. This survey resulted in a correction to the existing registered boundary and clarified the extent of the encroachment.
- 2.3 The survey confirmed that part of the new property and drive encroached on the Trust land.
- 2.4 An independent valuation has been commissioned which complies with the requirements of the Charities Act and determines the market value of the encroached land and right of way as £18,500.
- 2.5 Having undertaken the work to date officers are of the opinion that negotiations with the owner of No. 8 should be progressed with the aim of securing a sale in line with the recommendations as follows –
 - Sale price of £18,500 for the encroached land and right of way
 - The purchaser is to pay EBCC's and Council reasonable costs in relation to this transaction.

3 RISK ASSESSMENT

3.1 Legal

The sale of land must comply with the requirements of the Charities Act 2011. This will be checked by legal prior to the completion of the sale

As the sale will follow the Charity Commission's regulations and guidance, the legal risk is low.

3.2 Financial

The sale proceeds, net of reasonable expenses incurred, will be paid into the Trust and invested along with the current trust balance. The financial risk is assessed as low.

4 OTHER CONSIDERATIONS

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

- 5.1 Mike Galsworthy - Estates and Facilities Manager,
Tel: 01629 761207
Email: mike.galsworthy@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

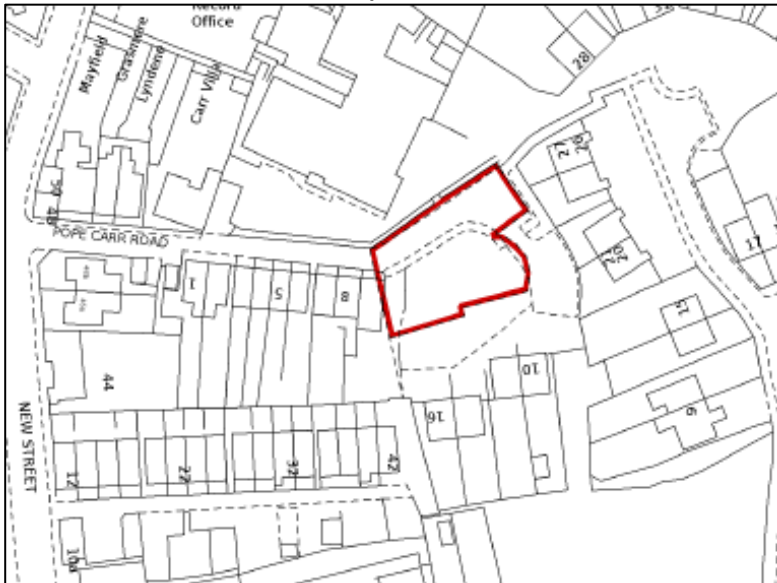
6.1 None

7 ATTACHMENTS

7.1 Appendix 1 – Area of land proposed for sale.

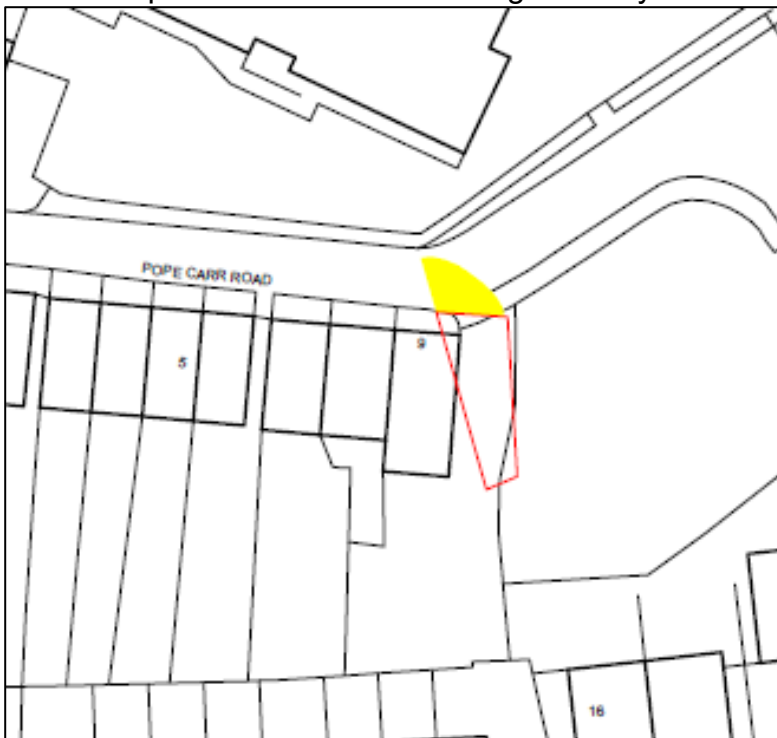
APPENDIX 1: AREA OF LAND PROPOSED FOR SALE

1. Extent of Ownership



Land outlined in red held under title DY413773

2. Proposed land for sale and right of way



Proposed sale of land outlined in red (approx. 48m²)
Right of way shaded yellow

Ernest Bailey Charity Committee
11th November 2021

Report of the Director of Resources

STATEMENT OF FINANCIAL POSITION

PURPOSE OF REPORT

This report sets out the financial position of the Charity as at the end of the 2020/21 financial year and provides estimates for 2021/22. The report also seeks approval for the investment of the Charity's funds.

RECOMMENDATION

1. That the financial statement for the 2020/21 financial year be received.
2. That the funds of the Charity continue to be invested with Derbyshire Dales District Council.
3. That progress on the Review be noted.

WARDS AFFECTED

Matlock All Saints, Matlock St. Giles & Tansley, Darley Dale, Masson, Stanton, Winster South Darley

STRATEGIC LINK

Not applicable as the Committee is acting as Trustee of a charitable fund.

1 REPORT

1.1 Financial Statement

The tables below detail the various financial transactions for 2020/21 and 2021/22. The charity holds land but its value is not included in the figures in this report. The Charity's annual accounts must be submitted to the Charity Commissioners within ten months of the financial year end.

Table 1: Actual income and expenditure for 2020/21

<u>ERNEST BAILEY CHARITY ACCOUNT 2020/2021</u>			
	<u>CAPITAL</u> £	<u>REVENUE</u> £	<u>TOTAL</u> £
<u>Balance Brought Forward</u>	<u>117,076.00</u>	<u>39,069.45</u>	<u>156,145.45</u>
<u>Interest / Donations</u>		1,420.00	1,420.00
<u>Grants Payments</u>		(1,361.00)	(1,361.00)
<u>Balance Carried Forward</u>	<u>117,076.00</u>	<u>39,128.45</u>	<u>156,204.45</u>

Table 2 : Estimated income and expenditure for 2021/22

<u>ERNEST BAILEY CHARITY ACCOUNT FORECAST FOR 2021/22</u>	
	£
Balance brought forward	156,204.45
Interest receivable	420.00
Grant payments	(420.00)
Balance carried forward	156,204.45

Note: The table above assumes that the amount available for distribution is £420 being equal to the estimated interest receivable in the year. Should the Committee decide to award grants totaling more than this level, the result would be a reduction in the amount available for distribution in the future. If the Committee wishes to do so, it could award grants totaling £420 plus up to £6,204 and still retain the £150,000 investment. Any grants awarded over the £420 forecast will, of course, reduce the balance carried forward.

Table 3 : Maintenance Provision 2021/22

<u>ERNEST BAILEY CHARITY 2021/2022 MAINTENANCE PROVISION</u>	
	£
Balance Brought Forward	3,600.00
Provision in Year	0.00
Balance Carried Forward	<u>3,600.00</u>

1.2 Review

Members will recall that at the Committee meeting held 21 November 2017, it was resolved that a review of the Charity would be undertaken. As officers have been addressing other, higher priority, work areas, the review remains on hold for the time being.

2 RISK ASSESSMENT

2.1 Legal

The District Council became the sole Trustees of the Ernest Bailey Charity following approval by the Charity Commissioners on 12th April 1985. This function was later delegated to the Ernest Bailey Charity Committee.

The Trustees have a legal duty to protect the charities assets and apply them for the charity's charitable purposes. This report updates the trustees of the assets available and the amount available for distribution. It is not making decisions on how to distribute the funds. The legal risk is therefore low.

2.2 Financial

The Charity has £150,000 invested with Derbyshire Dales District Council and for 2020/21 interest was earned at an average rate of 0.28%.

The amount available in the Distribution Fund at 1st April 2021 excluding the maintenance provision was £39,128.45. In accordance with normal practice, the amount available for distribution this year has been calculated as £420 being equal to the estimated interest receivable in the year.

Should the Committee decide to award grants totalling more than this level, the result would be a reduction in the amount available for distribution in the future. If the Committee wishes to do so, it could award grants totalling £420 plus up to £6,204 and still retain the £150,000 investment. Any grants awarded over the £420 forecast will, of course, reduce the balance carried forward.

Interest rates remain low and are not expected to increase significantly during 2021/22.

The charity holds land but its value is not included in the figures in this report.

As sole Trustee, the Council is under an obligation to look after the assets of the Charity with the same care as it would do its own money. The actual and estimated income and expenditure set out in the report show a proper and prudent management of the Charity's assets.

3 OTHER CONSIDERATIONS

- 3.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

- 4.1 Karen Henriksen - Director of Resources
Telephone: 01629 761284
Email: karen.henriksen@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

- 5.1 None

6 ATTACHMENTS

- 6.1 None

Ernest Bailey Charity Committee
11th November 2021

Report of the Director of Community & Environmental Services

DISTRIBUTION OF CHARITABLE FUNDS

PURPOSE OF REPORT

To consider applications for grant aid.

RECOMMENDATION

1. That consideration is given to the applications for grant aid as set out in the attached schedules.
2. That grants be made conditional upon their being used for the purpose for which the application was made and in accordance with the objects of the Trust.
3. That the availability of funds be advertised at the appropriate time to enable applications to be considered in 2021.

WARDS AFFECTED

Matlock All Saints, Matlock St. Giles & Tansley, Darley Dale, Masson, Stanton, Winster & South Darley

STRATEGIC LINK

Not applicable as the Committee is acting as Trustee of a charitable fund.

1 BACKGROUND

The terms of reference for the Ernest Bailey Charity Committee are to ensure that funds are applied for the general benefit of the inhabitants of Matlock and district in one or more of the following ways:

- For the relief of the aged and poor
- For the relief of distress and sickness
- To provide or support facilities for recreation and other leisure time activities
- To provide or support educational facilities, or
- In such other ways as the Trustee thinks fit.

The area of benefit is the former area of the Matlock Urban District Council i.e. Matlock, Matlock Bath, Bonsall, Cromford, Darley Dale, Northwood and Tinkersley, Rowsley (part) South Darley, Starkholmes and Tansley.

2 FUNDING OF APPLICATIONS

A total of 19 applications have been received which are summarised on the attached schedule. Based on merit and the financial position of the applicants, suggested grants have been identified from within the estimated amount for distribution of up to £2785.

3 RISK ASSESSMENT

3.1 Legal

The District Council became the sole Trustees of the Ernest Bailey Charity following approval by the Charity Commissioners on 12th April 1985. This function was later delegated to the Ernest Bailey Charity Committee.

The Trustees may apply income for charitable purposes either directly or by way of donations or subscriptions to institutions or organisations which apply and which undertake in return to apply the whole or part of their income for such charitable purposes.

The Charity is not to relieve public funds. The Trustee shall not apply income or Charity directly in relief of rates, taxes or public funds, but may apply income in supplementing relief or assistance provided out of public funds.

3.2 Financial

The balance of the distribution fund at April 2021 £39,128.45. The usual practice is to consider current grant applications from within the current year's interest receipts, estimated at £420. If the Committee wishes to do so, it could award grants totalling £420 plus up to £6,204 and still retain the £150,000 investment. Any grants awarded over the £420 forecast will, of course, reduce the balance carried forward.

4. OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equality of opportunity, environmental, health, legal and human rights, financial, personnel and property considerations.

5. CONTACT INFORMATION

- 5.1 Emma Mortimer – Community Development Officer
Tel: 01629 761392
Email emma.mortimer@derbyshiredales.gov.uk

6. BACKGROUND PAPERS

Date	Description	File
September / October 2021	Applications and supporting documents, numbered 1/21 – 19/21	CD/Grants/Ernest Bailey 2021

The Ernest Bailey Charity Schedule of Applications for Grant Aid 2021

NO	ORGANISATION	REG. CHARITY	PROJECT/PURPOSE	TOTAL COST £	AMOUNT STILL TO BE RAISED £	GRANT REQUESTED IF STATED £	ACCOUNTS RECEIVED	COMMENTS	GRANTS AWARDED TO DATE £	SUGGESTED GRANT £
1/21	Tansley Junior Football Club		Provide a defibrillator for the 11 teams that use the site as well as the village	1999	1000	1000	yes	They are applying for LPF		250
2/21	Matlock Derwent valley lion club		The creation of a peace garden for memory of those who died and worked through the pandemic	6500	5750	750	yes	There are no plans drawn up yet and this project is some time off.		0
3/21	All saints Church PCC		Replace old flooring with new slip resistant vinyl floor to create a better and safer environment for the 1400 people a month who use the church hall	7832.64	2900	500	yes	Expect to raise £5000 from investments and looking to apply for LFP & BDDF		200
4/21	Matlock preschool play group	512263	Purchase a new slide for the outdoor play area to encourage the children to be more active	152.96		152.96	Waiting			50
5/21	St Marys Church		A group of volunteers provide afternoon tea for the elderly residents of South Darley. The volunteers pay for the costs but many are on pensions.	The costs are ongoing		200	No formal accounts			100
6/21	South Darley PC		Contribute towards a defibrillator for residents of Oaker & Snitterton who live too far from the other defib in the ward	1345	745	745	Yes	There 2 other defib in the ward and they can apply to LPF		145
7/21	Darley Dale primary school		Purchase of trees, shrubs and wildflowers to improve the natural diversity of the school grounds and develop the childrens interest.	2500	1500	1000	no			100

8/21	Bonsall village hall committee	1019671	Purchas equipment to improve facilities for families with babies and young children. Baby changing unit, toddler insert toilet seats and step stools	413.06	213.06	200	yes	Received funding last year and can apply for other grants	2020 - £150	50
9/21	Matlock Town FC		Provide Christmas day lunch and a gift for senior citizens who would otherwise be alone.	1500	1000	500	No as its one off project	It's a very worthy activity but this is third time they have applied in 4 years. EBC can't fund any project continually. Suggest one more year as its still difficult with covid and important for the beneficiaries to have something like this for Christmas	2018 - £100 2019 - £100	100

BACK TO AGENDA