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Monday, 20 November 2023

To All Councillors:

As a Member of the **Ernest Bailey Charity Committee**, please treat this as your summons to attend a meeting on **Tuesday, 28 November 2023 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

Paul Wilson
Chief Executive

This information is available free of charge in electronic, audio, Braille and large print versions, on request.

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AGENDA

1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email committee@derbyshire.gov.uk of any apologies for absence.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 3 - 8)

17 November 2022

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, their partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at the time.

4. ELECTION OF THE CHAIR AND VICE-CHAIR

To appoint a Chair and Vice-Chair to the Ernest Bailey Charity Committee.

5. STATEMENT OF FINANCIAL POSITION (Pages 9 - 14)

This report sets out the financial position of the Charity as at the end of the 2022/23 financial year and provides estimates for 2023/24. The report also seeks approval for the investment of the Charity's funds.

6. EXCLUSION OF PUBLIC AND PRESS

At this point the Committee will consider excluding the public and press from the meeting in order to consider the exempt information contained within Item 7, Appendix 1b for the reasons shown in italics.

(The following information is exempt as it contains information relating to individuals and it is deemed that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

7. DISTRIBUTION OF CHARITABLE FUNDS (Pages 15 - 22)

This report considers applications to the Ernest Bailey Charity for grant aid.

Members of the Committee - Councillors Matt Buckler, Martin Burfoot, Sue Burfoot, David Burton, Steve Flitter, Marilyn Franks, Susan Hobson, David Hughes, Joanne Linthwaite, Roger Shelley, Steve Wain and Nick Whitehead

NOTE

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committee@derbyshiredales.gov.uk

Ernest Bailey Charity Committee

Minutes of an Ernest Bailey Charity Committee meeting held at 6.00 pm on Thursday, 17th November, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Andrew Statham - In the Chair

Councillors: Jason Atkin, Sue Burfoot, Paul Cruise, David Hughes, Mark Salt and Steve Wain

Karen Henriksen (Director of Resources), Emma Mortimer (Community Development Officer), Carolyn Lucas (Senior Estates Surveyor) and Lucy Harrison (Democratic Services Assistant)

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

APOLOGIES

Apologies for absence were received from Councillor(s): Matt Buckler, Martin Burfoot, Steve Flitter, Dermot Murphy, Garry Purdy and Colin Swindell

194/22 - ELECTION OF THE CHAIRMAN

It was moved by Councillor Jason Atkin, seconded by Councillor Mark Salt and

RESOLVED (unanimously)

That Councillor Andrew Statham be elected as Chair of the Ernest Bailey Charity Committee for the 2022/23 municipal year.

195/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Sue Burfoot, seconded by Councillor Mark Salt and

RESOLVED (unanimously)

That the minutes of the meeting of the Ernest Bailey Charity Committee held on 11th November 2021 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

196/22 - INTERESTS

Item 8 - Distribution of Charitable Funds

Councillor Steve Wain declared a pecuniary interest in Item 8 Application 2/22 Cavendish Sports Field Association due to being an employee of the Association.

197/22 - STATEMENT OF FINANCIAL POSITION

The Director of Resources introduced a report setting out the financial position of the Charity as of the end of the 2021/22 financial year and providing estimates for 2022/23. The report also sought approval for the investment of the Charity's funds.

The charitable fund administered by the District Council had earned on average an interest rate of 0.28% during the year.

It was noted that the amount available in the distribution fund (excluding provision) was £34,071.45. In accordance with normal practice, the amount available for distribution this was £1,357, being equal to the estimated interest receivable in the year. The Committee were informed that, should they wish to do so, they could award grants totalling £1,357 plus up to £4,747 and still retain the £150,000 investment. The Committee agreed to use £3,980 this year.

The Committee noted that the Review remained on hold for the time being, with no further progress being made due to other priorities.

It was moved by Councillor Jason Atkin, seconded by Councillor David Hughes and

RESOLVED (unanimously)

1. That the financial statement for the 2021/22 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.

The Chairman declared the motion **CARRIED**.

198/22 - EXCLUSION OF PUBLIC AND PRESS

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

It was moved by Councillor Andrew Statham, seconded by Councillor Jason Atkin and

RESOLVED (unanimously)

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

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

The Chairman declared the motion **CARRIED**.

199/22 - LAND AT POPE CARR ROAD, MATLOCK

The Senior Estates Surveyor introduced a report updating the Committee in relation to a site that is held by the Council on behalf of the Trust. The report sought to update Members on the part sale of a section of the site affected by encroachment and provided information on the remaining land holding.

Members were reminded that at the last meeting of the Committee a request was made by Trustees for the site to be valued and its potential as a residential development site explored. Following this an environmental report had been obtained and an independent valuation report commissioned.

It was noted that in relation to the encroachment, negotiations had progressed to regularise the position and the sale, subject to contract which had been agreed with the purchaser.

It was moved by Councillor Paul Cruise, seconded by Councillor David Hughes and

RESOLVED (unanimously)

1. That the action proposed to regularise the encroachment of land by the freehold sale of a section of the site be approved, as outlined in 2.1.
2. That the valuation report for the remainder of the site be noted.
3. That authority be delegated to the Estates and Facilities Manager to appoint a consultant to seek planning permission to maximise the potential value of the site, and explore the viability of use of the land comparing affordable and private housing, in order for a business case to be produced.
4. That once the business case is produced, the Ernest Baily Charity Committee shall reconvene to consider the case for development.

The Chairman declared the motion **CARRIED**.

200/22 - DISTRIBUTION OF CHARITABLE FUNDS

The Committee considered a total of 17 applications for Grant Aid.

It was moved by Councillor Jason Atkin, seconded by Councillor Mark Salt and

RESOLVED (unanimously)

1. That consideration is given to the applications for grant aid as set out in the attached schedules.
2. 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.

APPLICATION NO 1/21 – Bonsall PCC

That a grant of £500 be awarded towards improving the building for the community, disabled toilets and accessible drinking water.

APPLICATION NO 2/22 – Cavendish Sports Field Association

Councillor Steve Wain left the meeting during consideration of this item due to previously declaring a pecuniary interest.

That a grant of £500 be awarded towards a new 3G all weather sport pitch.

APPLICATION NO 3/22 – Cromford Institute

That a grant of £100 be awarded towards Opaque film for windows.

APPLICATION NO 4/22 – Quantum Explorer Scouts Unit

That a grant of £350 be awards towards the purchase of an ex-army stretch tent.

APPLICATION NO 5/22 – Darley Dale Scout Group

That a grant of £150 be awarded towards a Green planet project, creating a bush craft area and environmental activities.

APPLICATION NO 6/22 – First Movement

That a grant of £200 be awarded towards the employment of creative practitioners to deliver free tester sessions.

APPLICATION NO 7/22 – Matlock Netball Club

That a grant of £200 be awarded towards kit, advanced training sessions and to help with transport to matches.

APPLICATION NO 8/22 – Matlock Preschool Play Group

That a grant of £75 be awarded towards a book bag for 25 new starters.

APPLICATION NO 9/22 – River Network

That a grant of £75 be awarded towards venue hire, expenses for tuck shop, sessional staff, volunteers and training.

APPLICATION NO 10/22 – St Helen’s Church Darley Dale

That a grant of £200 be awarded towards providing hot lunches to those in need in the community.

APPLICATION NO 11/22 – Wensley Reading Room

That a grant of £500 be awarded towards the upkeep of the building including a new roof.

APPLICATION NO 12/22 – Starkholme Allotment Association

That a grant of £200 be awarded towards an ecology report and alternative report site report.

The Chairman declared the motion **CARRIED**.

APPLICATIONS: 13/22 to 17/22 (5 LOCAL RESIDENTS)

It was moved by Councillor Jason Atkin, seconded by Councillor David Hughes and

RESOLVED (unanimously)

That a grant of £100 be awarded to a Matlock resident to help pay for utility bills, toddler clothing and bedding and draft strips.

That a grant of £230 be awarded to a Matlock resident to help make their home and garden more habitable.

That a grant of £200 be awarded to a Matlock resident to help their disabled daughter go on a school trip.

That a grant of £300 be awarded to a Matlock resident to help finish a garden.

That a grant of £100 be awarded to a Matlock resident to help pay utility bills.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 6.47 pm

Chairman

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Agenda Item 5



OPEN REPORT ERNEST BAILEY CHARITY COMMITTEE

Ernest Bailey Charity Committee – 28 November 2023

STATEMENT OF FINANCIAL POSITION

Report of the Director of Resources

Report Author and Contact Details

Karen Henriksen, Director of Resources
01629 761284 or karen.henriksen@derbyshiredales.gov.uk

Wards Affected

Matlock West, Matlock East and Tansley, Darley Dale, Cromford and Matlock Bath, Chatsworth, Bonsall and Winster

Report Summary

This report sets out the financial position of the Charity as at the end of the 2022/23 financial year and provides estimates for 2023/24. The report also seeks approval for the investment of the Charity's funds.

Recommendations

1. That the financial statement for the 2022/23 financial year be received.
2. That Members endorse the investment with Derbyshire Dales District Council in respect of the net proceeds of £17,192.50 from the sale of land at Pope Carr Road, Matlock.
3. That the funds of the Charity continue to be invested with Derbyshire Dales District Council.
4. That Members agree the approach to be taken in respect of the net income receivable from the potential sale of the remaining land.
5. That progress on the Review be noted.

List of Appendices

None

Background Papers

None

Consideration of report by Council or other committee

Not applicable

Council Approval Required

No

Exempt from Press or Public

No

Ernest Bailey Charity: Statement of Financial Position

1. Financial Statement

- 1.1 The tables below detail the various financial transactions for 2022/23 and 2023/24. The charity holds land, but the value of that land 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: Ernest Bailey Charity: Actual income and expenditure for 2022/23

	Capital £	Revenue £	Total £
Balance brought forward 1 April 2022	-117,076.00	-37,671.45	-154,747.45
Proceeds from disposal of land at Pope Carr Road, Matlock	-19,000.00	0	-19,000.00
Survey and legal costs associated with disposal of land	1,807.50	0	1,807.50
Interest & Donations received in year	0	-1,357.00	-1,357.00
Grant payments made in year	0	3,980.00	3,980.00
Balance carried forward 31 March 2023	-134,268.50	-35,048.45	-169,316.95

Table 2: Ernest Bailey Charity: Estimated income and expenditure for 2023/24

	Capital £	Revenue £	Total £
Balance brought forward 1 April 2023	-134,268.50	-35,048.45	-169,316.95
Interest receivable in year		-7,812.52	-7,812.52
Provision for grant payments*		7,812.52	7,812.52
Balance carried forward 31 March 2024	-134,268.50	-35,048.45	-169,316.95

*Table 2 above assumes that the amount available for distribution is £7,813, 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 £7,812.52 plus up to £2,124.45, i.e. a total of £9,937 and still retain an investment of £167,192.50 (which is made up of £150,000 previously invested and £17,912.50 from the net proceeds from the sale of Land at Pope Carr Road, the latter being subject to the committee's approval – see paragraph 2.1). Any grants awarded over the forecast will reduce the balance carried forward.

Table 3 : Maintenance Provision 2023/24

	£
Balance brought forward 1 April 2023	3,600.00
Provision in year	0.00
Balance carried forward 31 March 2024	3,600.00

2. Income from disposal of Land at Pope Carr Road

- 2.1 At its meeting in November 2022, this Committee approved the freehold sale of a section of the land at Pope Carr Road, Matlock. After the costs of the surveys etc. have been deducted, the net proceeds amounted to £17,192.50. Pending approval at this Committee meeting, the Director of Resources decided to invest the net proceeds, adding them to the £150,000 investment (to earn interest that could be used for future grant payments). The Committee's endorsement of this decision is sought.
- 2.2 At the time of writing, it is expected that a report elsewhere on the agenda for this meeting provides an update in respect of the potential disposal of the remaining land in the Charity's ownership at Pope Carr Road. It is necessary to agree how any net proceeds from the sale of that land could be treated. Options for the use of the net sale proceeds include:
- a. Add the net proceeds to the capital investment (to earn interest that could be used for future grant payments);
 - b. Agree that the whole of the net proceeds be used to award more grants in 2024/25;
 - c. Invest the net proceeds but release them over several financial years (e.g. at £5,000 a year from 2024/25 until exhausted), to increase the amount available for grant distribution in those years.

There will be other options that Members may wish to discuss. Different approaches could be taken for each disposal.

- 2.3 It is recommended that Members agree the approach to be taken in respect of the net income receivable from the potential sale of the remaining land.

3. Review

- 3.1 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.

4. Consultation

- 4.1 Not applicable

5. Timetable for Implementation

- 5.1 Not applicable

6. Policy Implications

- 6.1 Not applicable

7. Financial and Resource Implications

- 7.1 Financial implications are as detailed in the main body of the report.
- 7.2 The Charity had £150,000 invested with Derbyshire Dales District Council and for 2022/23 interest was earned at an average rate of 0.90%, earning £1,357.
- 7.3 The following interest rates have been applied to the estimate for 2023/24:-
- 4.19% from 1st April 2023 to 18th October 2023.
5.29% from 19th October 2023 to 31st March 2024.
- This generates interest of £7,812.52.
- 7.4 The charity holds land, but its value is not included in the figures in this report.
- 7.5 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.
- 7.6 The financial risk of this report's recommendations is assessed as low.

8. Legal Advice and Implications

- 8.1 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.
- 8.2 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. There are 5 recommendations at the beginning of this report and if the decisions are taken in line with these recommendations, the legal risk has been assessed as low.

9. Equalities Implications

- 9.1 None

10. Climate Change Implications

- 10.1 None

11. Risk Management

- 11.1 The Charity's funds are invested with the District Council. Risks of financial loss are mitigated by prioritising security and liquidity ahead of yield. The financial risks are assessed as low.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Director of Corporate and Customer Services (in absence of Chief Executive)	Helen Mitchell	20/11/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	20/11/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	20/11/2023



Agenda Item 7

**OPEN REPORT
ERNEST BAILEY CHARITY COMMITTEE**

Ernest Bailey Charity Committee – 28 November 2023

DISTRIBUTION OF CHARITABLE FUNDS

Report of the Director of Community and Environmental Services

Report Author and Contact Details

Emma Mortimer, Community Development Officer
01629 761392 or emma.mortimer@derbyshiredales.gov.uk

Wards Affected

Matlock West, Matlock East and Tansley, Darley Dale, Cromford and Matlock Bath, Chatsworth, Bonsall and Winster

Report Summary

This report considers applications for grant aid.

Recommendations

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.

List of Appendices

Appendix 1 (a and b) - The Ernest Bailey Charity Schedule of Applications for Grant Aid 2023

Background Papers

None

Consideration of report by Council or other committee

Not applicable

Council Approval Required

No

Exempt from Press or Public

Report and Appendix 1a are open, Appendix 1b is exempt.

Distribution of Charitable Funds

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. Key Issues Funding of Applications

2.1 Financial

The usual practice is to consider current grant applications from within the current year's interest receipts, estimated at £7,812.52. If the Committee wishes to do so, it could award grants totalling £7,812.52 plus up to £2,124.45 and still retain the £167,192.50 investment, made up of £150,000 capital grant and £17,912.50 net proceeds from the sale of land at Pope Carr Road.

2.2 Applications

A total of 12 applications have been received which are summarised on the attached schedule in Appendix 1. Based on merit and the financial position of the applicants, suggested grants have been identified based on the interest expected to be received this year £7,812.52. As stated above, members have an opportunity to increase this amount by up to £2,124.45.

3. Options Considered and Recommended Proposal

3.1 The Committee may determine the grant for each application within the overall finance available, as set out in paragraph 2.1.

4. Consultation

4.1 Not applicable

5. Timetable for Implementation

5.1 Not applicable

6. Policy Implications

6.1 Not applicable

7. Financial and Resource Implications

- 7.1 The Charity has £167,192.50 invested with Derbyshire Dales District Council and for 2023/24 interest earned is expected to be £7,812.52, at an average rate of 4.67%.
- 7.2 The following interest rates have been applied to the estimate for 2023/24:-
4.19% from 1st April 2023 to 18th October 2023.
5.29% from 19th October 2023 to 31st March 2024.
- 7.3 The usual practice is to consider current grant applications from within the current year's interest receipts, estimated at £7,812.52. 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 £7,812.52 plus up to £2,124.45, i.e. a total of £9,937 and still retain an investment of £167,192.50.
- 7.4 The charity holds land, but its value is not included in the figures in this report.
- 7.5 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.

8. Legal Advice and Implications

- 8.1 The District Council became the sole Trustee 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.
- 8.2 Trustees have a legal duty to protect the charities assets and apply them for the charity's charitable purposes.
- 8.3 This report set out 2 recommended decisions to be taken. If decisions are made in line with the recommendations the legal risk has been assessed as low.

9. Equalities Implications

- 9.1 None

10. Climate Change Implications

- 10.1 None

11. Risk Management

- 11.1 The Charity's funds are invested with the District Council. Risks of financial loss are mitigating by prioritising security and liquidity ahead of yield. The financial risks are assessed as low.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Director of Corporate and Customer Services (in absence of Chief Executive)	Helen Mitchell	20/11/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	20/11/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	20/11/2023

The Ernest Bailey Charity Schedule of Applications for Grant Aid 2023

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 £
1/23	Darley Dale school PTA	1186492	Sports equipment	600	600	250	yes			175
2/23	Derbyshire Federation for mental health	1117141	Activities and refurbishment	8000	2500	2500	yes	The funds will be spent on the Matlock groups, based at the Green away centre		1000
3/23	South Darley School PTA	1080298	Planter for children to grow plants	1750	250	250	yes			175
4/23	Hall Leys Skate Park Project		Replace skate park in Halls Leys Park	150,000	150,000	500	No group is in its first year			350
5/23	Matlock Bath Arts Pavilion	1140608	Roof repairs	3900	3000	3000	yes			1000
6/23	Derbyshire Carers Association		Activity for carers	285	250	250	yes	They take post codes and will ensure the funds are spent on those eligible		200
7/23	Holy Trinity Church Tansley		Replace heating system	25,000	23,000	5000	yes			1500
8/23	Matlock Bath Holy Trinity School		Willow structures in forest school grounds	850	250	250	No			175
9/23	Matlock Bath Preschool	1020943	Art material	624.72	624.72	Up to 624.72	yes			340
10/23	Matlock & District 1 st Responders		Responder kit for new recruits	2500	2500	2500	yes			2500

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of the Local Government Act 1972.

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