



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Tuesday 29 August 2023**. The decisions will come into force and may be implemented from **Friday 8 September 2023** unless the Corporate Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Amendments to the Charitable Scheme Brandon Colliery Miners' Welfare Hall

Summary

The Cabinet considered a joint report of the Corporate Director of Regeneration, Economy and Growth and the Corporate Director of Neighbourhoods and Climate Change which sought approval from Cabinet, acting in its role as Trustee of the Charitable Scheme known as Brandon Colliery Miners' Welfare Hall, to approach the Charity Commission to alter the scheme. Approval was also sought to delegate authority to the Corporate Director of Regeneration, Economy and Growth to complete the actions needed to alter the scheme.

Brandon Village Hall (Asset UPRN: 50521S01) is held under a Charitable Scheme (Charity No. 520743) dated 7th July 1998 where the County Council is Trustee. Under the Scheme, the building is held by the County Council, though it does not have beneficial ownership. This means that the County Council cannot sell or dispose of the hall in the way it can with other County Council assets, so can never make any money from the proceeds of a sale, and, if sold, must abide with what is outlined in the trust document.

Brandon Community Association (BCA) ['the Association'] currently operate the village hall without a written agreement and as such they do not have security of tenure that will allow them to attract future capital investment for the maintenance of the hall. Although the Association has engaged with the County Council in the Asset Transfer process and have developed a sustainable business plan, the County Council is currently unable to grant a lease for the premises as the current Charitable Scheme does not allow this.

The restrictive nature of the historic Charitable Schemes means that they are now not fit for purpose, particularly as they are not recognised by national and local funding bodies.

There are two potential routes available to bring in any significant investment for buildings held under these Schemes, i.e. for Durham County Council to develop a lease to give security of tenure to their operating organisations, or, for the Council to relinquish its trust status and to transfer this status to any community organisation thereby providing security of tenure to the community organisation.

In 2016, a report recommended that Cabinet, acting in their capacity as Trustees, apply to the Charity Commission to explore the possibility of the Association taking on the trustee role as a new Community Interest Organisation and subject to no objections from CISWO, for the Council to remove itself as Trustee and transfer the trusteeship to the new CIO. That recommendation was never implemented.

The report sought the consent of Cabinet, acting in their capacity as Trustees, to revisit the recommendation from the 2016 report with a view to reaching a mutually agreeable conclusion for all parties which will provide BCA with the necessary legal interest in Brandon Village Hall.

Decision

Cabinet, acting as Trustees of the Brandon Colliery Miners' Welfare Hall Scheme, agreed that delegated authority be given to the Corporate Director of Regeneration, Economy and Growth, Corporate Director of Resources and relevant Portfolio Holder(s) to take such steps as may be necessary to ensure that Brandon Community Association receive a legal interest in Brandon Village Hall.

Helen Lynch
Head of Legal & Democratic Services
31 August 2023