

CHARTER TRUST FOR THE CITY OF DURHAM

29 October 2014

Register of assets – Agreement for transfer of historic property



City of Durham

Report of Bryan Smith, Clerk to the Charter Trustees

Purpose of the Report

To advise Trustees of a requirement following last year's Internal Audit Report to complete a register of assets.

Background

The internal audit report issued 5 September 2014 contains a recommendation to complete a register of assets held by the Charter Trust. Trustees will recall previous reports discussions and correspondence in 2010 and 2011 with Durham County Council about suitable division of ownership and retention of various assets listed on a colour coded schedule. In particular :

1. Charter Trust Standing Committee 23 March 2010 received a report with Schedule of Assets and invited to agree items of historic property (defined as both historic and ceremonial in nature and coloured blue in schedule) per Regulation 3 The Charter Trustees Regulations 2009. Resolved to ask DCC to transfer all assets ie coloured blue and red. To determine cost of insurance and maintenance costs of historic and ceremonial regalia. At an appropriate time an independent solicitor with extensive experience be asked to draw up an agreement with DCC.
2. Charter Trust 24 March 2010 agrees recommendations of Standing Committee.
3. Standing Committee 12 October 2010 attended by Colette Longbottom Head of Legal and Democratic Services DCC. Discussed possible agreement on heads of terms, whether an expert solicitor was needed, partnership based upon trust. Resolved that Chairman Councillor Holland to draft a letter to CL.
4. Charter Trust 19 July 2011 invited to consider agreement to DCC retaining ownership of all property but items being retained in Town Hall and to agree transfer to Trust of all items coloured blue in schedule. Resolved that Trust write to DCC to indicate that they be amenable to transfer all items to the Town Council when established.

In summary there has been no agreement between the Charter Trust and DCC over terms for ownership and retention of the various items of property nor upon an independent person being appointed by agreement or via the Secretary of State. Therefore under Regulation 3 (2) (4) and (5) The Charter Trustees Regulations 2009 the historic property remains vested in DCC.

In order to progress a Register of assets it will be necessary to progress an agreement upon the transfer of historic property as above.

Recommendation

1. That Trustees consider how to progress seeking agreement upon transfer of historic property and complete a register of assets.

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Appendix 1: Implications

Finance – possible increased insurance of assets costs.

Staffing - None specific within the report.

Risk - None compliance is identified within the Small Bodies Annual Return.

Equality and Diversity / Public Sector Equality Duty - None specific within the report.

Accommodation - None specific within the report.

Crime and Disorder - None specific within the report.

Human Rights - None specific within the report.

Consultation - None specific within the report.

Procurement - None specific within the report.

Disability Issues - None specific within the report.

Legal Implications – **Unresolved ownership and retention of assets.**