



Open Report on behalf of Andrew Crookham, Executive Director - Resources

Report to:	County Council
Date:	10 December 2021
Subject:	Appointment of Members to the Bourne Town Hall Trust Management Committee

Summary:

The Council is invited to appoint five county councillors as voting members on the Bourne Town Hall Trust Management Committee. These appointments are not subject to political balance and the appointees cannot be councillors elected by the residents of Bourne.

Recommendation:

That the Council appoints five voting members to serve on the Bourne Town Hall Trust Management Committee.

1. Background

History of Bourne Town Hall

In 1821 Bourne Town Hall, which is now a grade II listed building, was granted by way of deed of gift by the Marquis of Exeter to be held on trust for the benefit of the people of Bourne. The deed refers to the provision of a town hall and market for Bourne, for the benefit of the public, which would contribute towards the town's general prosperity and welfare. In providing such a facility, the gift was aimed at accommodating and enhancing various public functions, including the judicial, military, civic and commercial functions of the town.

In 1974 following local government reorganisation Lincolnshire County Council acquired Bourne Town Hall as a trust, and the Council became the sole corporate trustee. Any decisions on Bourne Town Hall were made by the Council meeting.

In February 2015, specialist legal advice was reported to the Council, which made a number of suggestions including the establishment of a committee as the appropriate mechanism for the Council to carry out its duties and responsibilities as corporate trustee. A committee was duly established with five voting members, who on the legal advice received needed to be individuals who had no personal interest in or loyalties to any other body with whom the interests of the Trust would conflict. Thus, the committee did not include members who were elected by the town of Bourne. The terms of reference of the Committee are set out in the Council's Constitution and are attached as Appendix A to this report.

In May 2016, following consideration of a report on the future options, the Council approved a preferred option, whereby the ownership of Bourne Town Hall would be transferred to a new or existing charity to be held on charitable trusts consistent with the spirit of the original deed of gift. This would enable the Town Hall to be used for the benefit of the people of Bourne, as intended by the Marquis of Exeter.

In 2017, Bourne Town Hall Trust was constituted as a charity with the objects of restoring the Town Hall and converting it to public use, and thereafter administering the building. The Trust is composed of volunteers. The Trust aims to repair and restore as much of the original Georgian interior as possible; and to create an arts and entertainment centre for the whole community. To achieve these intentions the Trust sought and received funding from the National Lottery Heritage Fund, and the Architectural Heritage Fund for the early viability and options appraisal for the project.

The Council has let the building for short term duration to the Bourne Town Hall Trust to enable the Trust to promote the venue while fundraising. There is also a contract in place for the Council to transfer the building to the Bourne Town Hall Trust conditional on the Trust obtaining planning for the desired works and sufficient funding for such works. At present the Council remains bound by the original trust and obliged to fulfil its responsibilities as trustee which it does through the Committee.

Current Position of Bourne Town Hall Trust

Progress with the National Lottery Heritage Fund and the Architectural Heritage Fund to undertake the repair and restoration work has been affected by the pandemic. However, local volunteers running the project are preparing to step up their efforts now that restrictions on the use of the building have been lifted. A programme of events has been taking place at Bourne Town Hall during the autumn of 2021.

Membership of Bourne Town Hall Trust Management Committee

The Bourne Town Hall Trust Management Committee is not subject to the political balance provisions of the Local Government and Housing Act 1989. Any appointed councillors may not be elected by the residents of Bourne. This rules out the councillors representing the two divisions of Bourne North and Morton; and Bourne South and Thurlby.

Of the five councillors who had previously been appointed to the Committee, none are current county councillors.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

There are no implications under the Equality Act 2010 arising from the decision to re-appoint of the Bourne Town Hall Trust Management Committee.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

There are no implications for the JSNA of JHWS arising from the re-appointment of the Bourne Town Hall Trust Management Committee.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

There are no implications in relation to Crime and Disorder arising from the re-appointment of the Bourne Town Hall Trust Management Committee.

3. Conclusion

The Council is invited to appoint five members to the Bourne Town Hall Trust Management Committee

4. Legal Comments:

As set out in the Report the Council is considering the report in its capacity as charity trustee responsible for the control and management of the administration of Bourne Town Hall, which is an independent charitable trust, with a charitable purpose that is wholly separate from the activities of the Council.

The legal considerations governing the appointment of members to the Committee are set out in the Report and are based on specialist charity law advice.

The decision is within the remit of the Council.

5. Resource Comments:

Accepting the recommendation in the report, should have no material impact on the budgets of the Council.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Risks and Impact Analysis

n/a

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Article 7.8 of the Lincolnshire County Council Constitution – Bourne Town Hall Trust Management Committee

8. Background Papers

The following background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

Item	Available at:
Report to Lincolnshire County Council on 20 February 2015: Bourne Town Hall	Agenda for Council on Friday, 20th February, 2015, 10.00 am (moderngov.co.uk)
Report to Lincolnshire County Council on 20 May 2016: The Future Use of Bourne Town Hall	Agenda for Council on Friday, 20th May, 2016, 10.30 am (moderngov.co.uk)

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Bourne Town Hall Trust Management Committee – Terms of Reference

(As set out in Article 7.8 of the County Council's Constitution)

There will be a Bourne Town Hall Trust Management Committee. The Committee will comprise of:-

- a) a minimum of five Councillors not being Councillors elected by the residents of Bourne town ("the Voting Members") as appointed by the Council. The five Councillors appointed by the Council are not required to reflect the political balance of the Council as set out in the Local Government and Housing Act 1989; and
- b) such members of staff and supporting officers as selected and considered reasonable and appropriate by the Council from time to time, having regard to all relevant circumstances ("the Supporting Members").

The Supporting Members shall not have voting rights and as such, shall not be able to vote on any decision of the Committee.

Functions

The Bourne Town Hall Trust Management Committee shall have the authority to undertake the following activities ("Delegated Activities") should they be required on behalf of the Council as trustee of the Charity:

- a) Monitor the progress of the steering group established to explore options for the future use of the Hall.
- b) Determine the ultimate viability of any proposals presented by the steering group or any other body in relation to the future use of the Hall and any potential transfer of ownership of the building.
- c) Oversee the transfer of the Hall to another organisation or entity.
- d) Determine whether or not the options for the transfer of the Hall to another charity or charitable trust are viable.
- e) After all options for the transfer of the Hall to another charity or charitable trust have been reasonably considered and exhausted, to determine whether or not selling the Hall is the only viable option remaining.
- f) Oversee the sale of the Hall and make any necessary arrangements for the sale proceeds to be used for the benefit of the residents of Bourne, including corresponding with the Charity Commission.
- g) Continue to take specialist legal advice as may reasonably be required.

- h) The Committee may refer to the Council any matter falling within the Delegated Activities for recommendation or decision as it sees fit.

Quorum

The Quorum of the Committee shall be three Voting Members in person or by proxy.

Frequency and Notice of Meetings

The Committee shall hold such meetings as required from time to time. Notice of such meetings must be given at least 14 days in advance and must specify the date, time and place of the meeting. Notice may be given electronically and the Voting Members may agree to accept a lesser period of notice by way of simple majority.

Chairman and Vice-Chairman

A Chairman and Vice Chairman") shall be selected by the Committee at the beginning of the first meeting of the Committee by way of simple majority.

Voting

Each Member of the Committee shall have one vote and decisions will be made by a simple majority. The Chairman (or in the Chairman's absence the Vice Chairman) shall have a casting vote.

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