**CMPC: File Note: Combe Martin National Schools (Ref No 4052972) Which is also known as Combe Martin Girls and Boys School. Known locally as the Combe Martin Community Centre (CMCC). Registered with the Charities Commission as an Exempt Charity.**

Author: Cllr David Woodbury.  **D**ate: June 2020

Status: Final Draft .

1. **Introduction**

This file note sets out the charitable status of the Combe Martin Community Centre (CMCC) and confirms that Combe Martin Parish Council (CMPC) as a corporate body is the charity trustee, whilst ongoing management may be delegated, responsibility for decision making and oversight rests with the councillors.

 On the 9th of November, 2012, the freehold land was transferred to the Official Custodian of Charities by Devon County Council, Ref. 4052972. Case number, C- 358545-EHTD, Authorisation number 576/1213. Michael Delaney was the Charity Commission member of staff involved. **See document No1 below.**

The purpose of this file note is to identify the actions required to ensure that the role and responsibilities of the CMPC Trustees are defined and delivered. Only once that has been achieved can the future options for the building be considered.

1. **Background**

There is a lot of documentation describing the history and importance of this listed building to the community which underpins the original motivation for CMPC securing control and safeguarding the future of the site.

Equally a lot of parishioners and councillors have been involved in the arrangements since 2012. However there is a wide variation in the communities’ understanding or interpretation of the legal requirements arising from the transfer from Devon County Council, the role of the Charity Commissioners and CMPC Trustee responsibilities.

This file note has been compiled using information supplied by Martin Worth, Ken Mullins, Cllr K Wyer and work completed by Doug Seymour and Kirsty Milliam (clerk). It makes no claim to be a definitive document on the Charity, performance of the Trustees or purpose of CMCC, but concentrates on identifying the key governance issues and relating these back to **document No 2 produced 2012** and **document No 3, dated 2014**.

 It is important to note that deficiencies in the trustee governance were confirmed during a recent financial CMPC review and the current Councillors and Clerk were not aware that these existed as they originate from the transfer and actions not completed since that date. (2012)

One constant in this story is the significant financial drain on the Parish Councils finances and resources arising from the decision to retain the building for the community. This and the future of the sites can only be addressed once the governance issues and purpose of the charity are correctly aligned.

It is also noted that throughout this period 2012 -2020, there have been positive actions by individuals and groups of parishioners such as the Community Centre (CC) User Group, CC Senior Citizens, Friends of CC, CC Working Party, CC Committee to address the use and funding issues.

1. **Documents**
	1. Document No 1 as issued by the Charity Commission.

**3.2** Document No 2, correspondence from CC Cllr Andres Davis



Note: This sets out the initial understanding of the key actions that must be completed by CMPC and remains valid. The one omission is the requirement for CMPC to completely separate the actions of the Trustees and the charity finances from that of CMPC.

**3.3.** Document No3. – **Extract**

*COMBE MARTIN PARISH COUNCIL*

*Minutes of a meeting of the Highways, Property and Planning Committee held in the*

*Clerk’s Office at Seacott, Cross Street, on Monday, 3 November, 2014 at 7.43pm.*

*Present: Cllrs Nigel Brettle (In the Chair) Graeme Coombs, Julia Clark, Yvette Gubb,*

 *Trevor Kibble, Celia Withers.*

*In Attendance: Parish Clerk*

*2* ***Community Centre***

*3.4 Application to vary the trust deeds for the Community Centre charity*

*At present the Charity is based upon two separate trust deeds, with different terms and conditions. Applying to vary the trust deeds so that there is only one set of terms and conditions would simplify the matter.*

 *The Charity Commission states that when charities are set up, it is unreasonable to expect the originators to see into the future. The Charity Commission recognises the need to ensure that established charities remain viable and are not prevented from achieving their essential aims by conditions in their original deeds, if these do not sit well with current circumstances.*

*RESOLVED that Cllr Wendy Druce and the Clerk should complete an application to the Charity Commission to vary the trust deed as follows:*

* *The overarching aim of the trust is to provide a sustainable community facility for the benefit of Combe Martin villagers of all ages, with an emphasis on education wherever possible.*
* *Broaden the use of the trust assets so that it encompasses all the current uses of the Community Centre and it would be possible to hire out rooms for uses such as ‘hot desking’ and provide a community facility.*
* *Ensure that the income generated by the building is sufficient to maintain a listed building.*
* *Ensure that, should there ever be a need to wind up the trust resulting in the disposal of the building, any proceeds of such disposal will be used for the sole benefit of the people of Combe Martin, ideally such funds being transferred to Ley’s Charity. By funds going to Ley’s Charity, it ensures that the trust assets would be used to support George Ley’s original intentions in setting up both charitable bodies.*

CMPC cannot find any record that the actions agreed above were completed and recent responses from the Charity Commission would tend to confirm this.

The wording of the extract contains errors of detail, but the actions identified are basically correct. However, it fails to recognise the importance of separation of the Trustees actions from that of CMPC, the Trust business cannot be conducted under the committee structure of CMPC, but like the finances has to be stand alone and visible to the public.

In addition the Charity Commission has confirmed there is no connection with the ‘Ley’s Charity’ although the surnames are the same.

1. **CMPC and Trustee Actions**

4.1 The CMPC trustees will publish an agenda and convene a public board meeting of the Trustees soon after the COVID-19 restrictions are lifted.

4.2 CMPC will provide a financial statement on the charities position to the Trustees. (this will be provided at cost by CMPC’s finance officer.)

4.3. CMPC will on behalf of the Charity, approach North Devon District Council for a review of the rate relief entitlement that should be applied and a refund of rates that have been paid by CMPC. CMPC will withhold further rate payments for CMCC until the matter is resolved.

4.4 CMCC Trustees will ask a third party to prepare a new ‘objective’ or new ‘scheme’ for the Charity to move the focus from ‘education ‘ to ‘community use and benefit’.

4.5 CMCC Trustees will consider this new scheme and if agreed ask the third party to enter into discussions with the Charity Commissioners on the Trustees behalf.

4.6 CMCC Trustees will invite the re-establishment of a management group to represent the community and users of the CMCC.

4.7 CMPC will recharge the charity for all future time/resources spent on supporting CMCC business/site.

**5. Future**

The immediate challenge for CMPC is to implement proper governance in the conduct of the Trustees and running of the Charity. Failure of the Charity before agreeing a new scheme would bring no benefit to the residents of Combe Martin. Formally adopting ‘community use’ is a necessary change, but gives no guarantee as to the long term future of this listed building or Charity, which is currently a drain on Parish Council funds.

Cllr David Woodbury

Chair CMPC.