

 the low tax borough	London Borough of Hammersmith & Fulham WORMWOOD SCRUBS CHARITABLE TRUST COMMITTEE 7th OCTOBER 2013
Report of the Chief Executive – Derek Myers	
Open Report	
Classification - For Decision Key Decision: No	
Wards Affected: College Park and Old Oak	
Accountable Director: Lyn Carpenter, Executive Director of Residents Services	
Report Author: Derek Myers	Contact Details: Tel: 020 8753 2000 E-mail: Derek.Myers@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. The Wormwood Scrubs Charitable Trust Committee was established by the Council on 29th May 2013. The Committee was set up to:
 - a. provide greater assurance to the Charity Commission that the Council accepted their recommended way of carrying out its duties as a sole trustee,
 - b. afford greater time for Councillors to oversee the Trust and how it is run, and
 - c. afford local residents and supporters of the Trust greater opportunity to be part of the decision making process when decisions are being taken by the Council acting as sole Trustee.
- 1.2. This report outlines the key issues and work plan for the Committee over the next 12 months.

2. RECOMMENDATIONS

- 2.1. That Councillor Joe Carlebach, be appointed, Chairman for the 2013/14 municipal year.
- 2.2. That the Membership and Terms of Reference of the Wormwood Scrubs Charitable Trust Committee, be approved.
- 2.3. That the Committee decide whether a representative of the Friends of Wormwood Scrubs be invited to address the Committee at a future meeting or be invited to join the Committee as a co-opted non-voting independent member.

2.4. That the key issues and work plan outlined in the report, be noted.

3. REASONS FOR DECISION

3.1. The Committee will oversee the Trust and ensure that the Council complies with its duties under the relevant legislation

4. INTRODUCTION

4.1. Previously the Audit, Pensions and Standards Committee exercised the Council's duties for the Trust's accounts. It received the annual governance report of the Wormwood Scrubs Trust and approved the Trust's annual accounts on behalf of the Council. The new Committee was established by the Council on 29 May 2013 to:

- a discharge the Council's role as Sole Trustee for the Wormwood Scrubs Charitable Trust, in line with Charities Commission guidance.
- b agree the Trust's annual budget and business plan.
- c approve the use of any reserves.
- d agree the Trust's annual accounts.
- e receive and respond to the audit findings relating to the annual accounts.
- f receive reports on the effective day to day management and financial performance of the Trust.
- g allow interested parties to give their view on the performance and direction of the Trust.

4.2. The members of the Committee are Councillors Joe Carlebach, Andrew Brown and Elaine Chumnerly. Attached as **Appendix A** are the Terms of Reference for the Wormwood Scrubs Charitable Trust Committee which details both the composition and decision making powers of the Committee.

5. BACKGROUND

5.1. Wormwood Scrubs has been open public space since the Wormwood Scrubs Act of 1879. It is recognised by Natural England as an important site for wildlife. The site was formerly used for military training and the Ministry of Defence has a continuing right to use the land if it deems necessary.

5.2. Under the 1879 Act, a charitable trust was established.. The Council is the sole trustee of the Trust and is obliged to carry out its duties in accordance with the relevant provisions of the Charities Act 2011. Accounts have to be submitted to the Charity Commission each year. The Council's Chief Executive acts as the Trust's Chief Executive.

6. PROPOSALS AND ISSUES

The Friends of Wormwood Scrubs

- 6.1. The Friends of Wormwood Scrubs became a formally constituted body in January 2005. The Group is a loose grouping of Scrubs' users and well-wishers. It has regularly communicated with the Council to ensure the roles of users are heard.
- 6.2. The Committee's Terms of Reference allows it to co-opt non-voting independent members as appropriate to the Committee. The Committee may wish to consider whether a representative of the Friends ought to be invited to address the Committee at a future meeting or be invited to join the Committee as a co-opted Member.

Overview of Finances

- 6.3. The Trust receives income from a car parking contract with Hammersmith Hospital plus minor investment income. Its expenditure is principally for grounds maintenance. Grounds maintenance arrangements are bundled with the Council's other public spaces, as provided by Quadron.
- 6.4. The cost of these arrangements has been the subject of critical comment by the Friends in recent years but officers are satisfied that historic allocation of costs between the Scrubs and other public spaces was appropriate.
- 6.5. However, the Council keeps this issue under review and as opportunities are found to reduce costs overall through negotiations with Quadron, officers will ensure the costs to the Trust are similarly considered.

Ground Maintenance

- 6.6. The Council has recently agreed with the Friends that a light-touch survey of current maintenance issues should be compiled and have worked closely with the Friends (and other stakeholders) to produce an action plan to improve the site.

Future Planning For HS2 Crossrail "Hub" At Old Oak Common

- 6.7. The future planning for HS2 Crossrail "Hub" at Old Oak Common to the north of the Scrubs is just beginning. The implications, if any, for the Trust land is not known.

Linford Christie Stadium

- 6.8. Officers recognise that Linford Christie Stadium has unrealised potential and should be considered as part of any future plans.

7. The Wormwood Scrubs 2012/13 Accounts

7.1. The 2012/13 accounts and annual report are on the agenda for approval.

8. EQUALITY IMPLICATIONS

8.1. There are none.

9. LEGAL IMPLICATIONS

9.1. Legal comments are contained within the body of this report.

9.2. Implications verified by: Piero Ionta, Senior Solicitor (Litigation), FCS – Legal Services, x2724

10. FINANCIAL AND RESOURCES IMPLICATIONS

10.1. The creation of the new Wormwood Scrubs Charitable Trust Committee is intended to enable a new focus on the management of the Trust which should lead to improvements in financial performance. There are no direct financial implications arising from the proposals in this paper.

10.2. Implications verified/completed by: Mark Jones, Director for Finance and Resources, ELRS and TTS, x6700.

11. RISK MANAGEMENT

11.1. There are no significant risk management implications for this report.

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

12.1. There are no procurement of IT strategy implications.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		