

<b>ISLE OF ANGLESEY CHARITABLE TRUST</b>	
<b>COMMITTEE</b>	ISLE OF ANGLESEY CHARITABLE TRUST
<b>DATE</b>	24 <sup>th</sup> January, 2018
<b>TITLE OF REPORT</b>	Possible support for residents and businesses who have experienced flood losses
<b>PURPOSE OF REPORT</b>	Advising the IOACT on the possibility of the Trust establishing a fund to give assistance to residents of the Island who experienced flooding to their homes and business.
<b>REPORT BY</b>	Secretary – Isle of Anglesey Charitable Trust
<b>ACTION</b>	For the IOACT to discuss and accept the recommendations offered

## 1 INTRODUCTION

- 1.1 At its meeting held on 12 December 2017 the Isle Of Anglesey Charitable Trust [IOACT] Committee requested the Secretary to research whether it is appropriate for the Trust to establish a fund to give assistance to residents of the Island who experienced flooding to their homes and business recently and to report back at the next meeting.

## 2 THE TRUST DEED and CHARITABLE PURPOSES

- 2.1 Schedule B of the Trust Deed notes that the Charitable Purposes of the Trust shall be the general public benefit of persons resident in the Borough in such a manner as may be Charitable and, in particular but not so as to limit the generality of the foregoing:

1. The provision of amenities and facilities for the general public benefit of persons resident in the Borough and, without limiting the generality of the foregoing, such amenities and facilities may include:
  - 1.1 Public and village halls and community centres and other community facilities, including such centres and facilities for persons resident in the Borough who are in particular age groups or who are unemployed, sick or disabled;
  - 1.2 Facilities to train persons resident in the Borough for skilled and semi-skilled employments, trades and professions;
  - 1.3 Facilities for the relief of sick persons resident in the Borough;
  - 1.4 Societies and voluntary organisations providing sporting, recreational or leisure time facilities which are available for the generality of persons resident in the Borough;
  - 1.5 Schools, playgroups, churches and chapels serving persons resident in the Borough; and
  - 1.6 Arts festivals, arts centres, art galleries, museums, theatres and libraries situated within the Borough.
2. The preservation for the general public benefit of persons resident in the Borough of buildings of aesthetic, historical, architectural, constructional or scientific interest or importance.
3. The conservation and protection of land or other property within the Borough which is of aesthetic, historic or scientific value.
4. The protection and safeguarding of the environment and countryside and the control and reduction of pollution within the Borough.

5. The sponsorship of publications and educational research project the contents or results (as the case may be) of which are likely to be of educational benefit to members of the public resident in the Borough.

The first Charitable Purpose refers to the amenities and facilities for the people of Anglesey, the second and third relate to preservation of land and buildings for Anglesey residents whilst the fourth is linked to protecting and safeguarding the environment. The fifth purpose refers to educational publications and research.

The specific objects (the Charitable Purposes) do not relate to funding flood relief measures and so the IOACT would be forced to fall-back on the general charitable purpose of either the relief of poverty or the social relief of persons under a disability or deprivation.

The poverty would have to be caused by the flooding rather than it being a case of difficulties or disruption brought about by the flooding. This threshold is very high. It is the relief of “poverty” and not merely the relief of “need”, and is unlikely to be met in most (if not all) cases. This is especially so where the damage is likely to have been insured against either voluntarily by the victim or as a matter of requirement by a mortgagee.

As regards the relief of persons under a deprivation, the persons would already need to be in a state of deprivation and that the flooding will have caused them even greater deprivation. Whilst there is no need to show poverty here, the test is equally onerous and may be difficult to establish in practice.

In addition, there is the usual caveat that any expenditure from the IOACT must be supplemental to and not in substitution of what would otherwise be statutory expenditure by the Council or, perhaps by analogy in this case, that of another public body.

- 2.2 The more detailed ‘Criteria for the Allocation of Grants from the IOACT’ [Appendix 1] notes the following as eligible categories for the receipt of grants – recreational, charitable, cultural and religious organisations in Anglesey. It notes specifically that grant aid should not be given towards the purchase of items of personal equipment and clothing for individuals.

It would be difficult, potentially cumbersome and administratively burdensome to devise a system of applications for, assessment of and lawful award of charitable grants for the relief of poverty or prevention of deprivation caused by flooding. It is also questionable as to whether this was an intended object of the IOACT when established as it is not mentioned as a Charitable Purpose in the Trust Deed.

- 2.3 In view of the above it is difficult to suggest how the Charitable Purposes and the ‘Criteria for the Allocation of Grants from the IOACT’ as noted could be used or interpreted to justify financial assistance to Island residents or businesses who have experienced flooding.

### 3. RECOMMENDATIONS

- 3.1 The IOACT accept that the Charitable Purposes noted in the Trust Deed do not include the possibility of providing financial assistance to Island residents or businesses who have experienced flooding.

Enclosure: Criteria for the Allocation of Grants from the IOACT

**YR AMODAU AR GYFER DOSBARTHU  
GRANTIAU O YMDDIRIEDOLAETH  
ELUSENNOL YNYS MÔN**

**gan gynnwys amodau penodol ar gyfer grantiau  
tuag at waith cyfalaf a chyfleusterau cymuned**

**1. Y RHEINI FEDR HAWLIO GRANT AC  
AMODAU'R CYMORTH**

- a) Rhoddir cymorth ariannol i fudiadau adloniadol, elusennol, diwylliannol a chrefyddol ar Ynys Môn.
- b) Ni roddir grantiau tuag at waith ar adeiladau capeli neu eglwysi sydd yn cael eu defnyddio ar gyfer addoliad, neu ddefnydd enwadol.
- c) Ni chaiff cais ei ystyried oni bai bod y mudiad wedi cyflwyno'r cyfrifon perthnasol ac unrhyw wybodaeth arall y gofynnir amdano o bryd i'w gilydd.
- ch) Rhaid amgau o leiaf dau bris gwahanol gydag unrhyw gais sy'n ymwneud â gwaith adeiladu neu brynu offer.
- d) Ni ystyrir ceisiadau fydd yn cyrraedd ar ôl y dyddia cau.
- dd) Dyrennir grantiau ar sail statws TAW yr ymgeisydd, h.y. os bydd yr ymgeisydd yn gallu adennill y TAW, yna ni fydd y grant yn cynnwys hynny. Os yw'r ymgeisydd yn cael grant ar y sail nad yw'n gofrestredig ar gyfer TAW ond eu bod ar ôl cael y grant yn cael eu cofrestru ar gyfer TAW ac yn gallu adennill y TAW mewn perthynas â'r grant, yna bydd angen rhoi gwybod i Drysorydd yr Ymddiriedolaeth a bydd rhaid talu'r TAW yn ôl i'r Ymddiriedolaeth Elusennol.

**CRITERIA FOR THE ALLOCATION OF  
GRANTS FROM THE ISLE OF ANGLESEY  
CHARITABLE TRUST**

**including specific requirements for grants towards  
capital works and revenue support**

**1. ELIGIBLE CATEGORIES FOR RECEIPT OF  
GRANT AND CONDITIONS THEREOF**

- a) Financial assistance will be available to assist recreational, charitable, cultural and religious organisations in Anglesey.
- b) Grants will not be given towards work on buildings of churches or chapels which are used for worship or for denominational purposes.
- c) No application shall be considered unless the organisation has supplied the relevant accounts and other information which will be required from time to time.
- ch) All applications involving structural work or purchase of equipment must be accompanied by at least two estimates.
- d) No application for assistance shall be considered after the last date for receipt of applications.
- dd) Grant awards will be made on the basis of the VAT status of the applicant i.e. where VAT can be reclaimed by the applicants it will not be covered by the grant award. If the applicant is awarded grant funding on the basis of not being VAT registered but subsequent to this they become VAT registered and are able to reclaim the VAT relating to the grant award, this will need to be notified to the Treasurer of the Charitable Trust and the VAT will become repayable to the Charitable Trust.

## 2. GRANTIAU CYFALAF

- a) Ni ddylid neilltuo dim dan bennawd yr hyn sydd ar gael i wneud gwaith cyfalaf oni bai bod y swm a neultuir ynghyd ag unrhyw arian arall fo ar gael, yn ddigon i gwblhau'r cynllun o fewn cyfnod amser rhesymol na fydd yn hwy na'r cyfnod a nodir yn (ch) isod.
- b) Ni ystyrir unrhyw gais am gymorth o unrhyw gronfa petai'r gwaith y gwneir y cais amdano eisioes wedi cychwyn.
- c) Ni chaiff deisyfiad am ganiatâd i ddechrau gwaith cyn cyflwyno cais am ddyraniad gael ei ystyried oni bai fod swyddog priodol o'r Cyngor wedi tystiolaethu fod argyfwng pendant yn bodoli, a phan fod caniatâd yn cael ei roi, ni chaiff hyn ei ddehongli fel bod yn rhwymedig ar yr Ymddiriedolaeth i wneud dyraniad pan fydd y ceisiadau am ddyraniadau yn cael eu hystyried.
- ch) Rhaid cwblhau cynllun cyfalaf o fewn 4 blynedd i ddyddiad dyfarnu'r grant. Bydd unrhyw swm heb ei ddefnyddio ar ôl pedair blynedd yn cael ei drosglwyddo'n ôl i Gronfa'r Ymddiriedolaeth.
- d) Bydd angen i'r ymgeiswyr ddangos fod y cynllun yn cwrdd â gofynion technegol y Cyngor Sir.
- dd) Pan fod angen caniatâd cynllunio, rhaid i'r ymgeiswyr wneud yn siwr bod y caniatâd hwnnw wedi ei roddi.
- e) Rhaid i'r gwaith fod yn 'agored' fel bo modd i gynrychiolwyr y Cyngor Sir ei archwilio pryd bynnag y dymunent.
- f) Rhaid sicrhau fod y llyfrau a'r cyfrifon ynghylch y gwaith ar gael i gynrychiolwyr y Cyngor Sir gael golwg arnynt, pe dymunent wneud hynny.
- ff) Bod prawf gwirioneddol o anghenion ariannol a chymdeithasol am y cyfleusterau a bod cefnogaeth leol i'r cais a bod maint a natur y gefnogaeth yn cael ei phenderfynu gan y Cyngor Sir.

## 2. CAPITAL GRANTS

- a) No allocation shall be made under the Allocations for Capital Works unless the sum allocated, together with monies available, is sufficient to complete the scheme within a reasonable period and no later than the period stipulated in (ch) below.
- b) No application for assistance from any allocation shall be considered if the work in respect of which the application is made has already started.
- c) Any request for permission to commence work in advance of submission of an application for an allocation shall not be considered unless it is certified by the appropriate officer of the Council that an emergency clearly exists, and where permission is granted, this shall not be construed as binding upon the Trust to make an allocation when the application for an allocation is considered.
- ch) The completion of any capital scheme shall be within 4 years from the year of allocation of the grant. Any allocation remaining unused at the end of 4 financial years will be transferred back to the Trust Fund.
- d) Applicants must show that the scheme meets the technical requirements to the satisfaction of the County Council.
- dd) Applicants must ensure that planning permission has been obtained, where necessary.
- e) The work must be open at any time for inspection by the County Council's representatives.
- f) The books and accounts relating to the work must be made available, if required for examination by the County Council's representatives.
- ff) That there is an assessed financial and community need and local support for the grant requested exists and that the extent and nature of the assistance will be decided by the County Council.

- g)** Pan fo'n angenrheidiol, bod yr ymgeiswyr (y gymdeithas/corff) â thystiolaeth o ddaliadaeth ar y tir neu'r adeilad y gofynnir am grant iddo a'r ddaliadaeth honno, fel arfer, am gyfnod sy'n o leiaf 21 mlynedd.

Yng nghyswllt adeiladau symudol, bydd daliadaeth o saith mlynedd yn cael ei ystyried yn ddigonol.

Yn achos caeau chwaraeon, bydd tystiolaeth o ddefnydd sefydlog dros gyfnod o 10 mlynedd neu fwy yn dderbyniol yn hytrach na thystiolaeth o ddaliadaeth.

- ng)** Bod yr ymgeiswyr yn gallu dangos y gallent gwrdd â'r costau cynnal am o leiaf dair blynedd ar ôl dosbarthu'r cymhorthdal (gan ystyried unrhyw grantiau sydd ar gael).
- h)** Bydd angen i'r ymgeiswyr ddangos bod y defnydd mwyaf posib yn cael ei wneud o'r cyfleusterau a ddarperir.
- i)** Rhaid i'r ymgeiswyr gwrdd ag unrhyw wahaniaeth rhwng y grant a chostau'r cynllun wrth fodd y Cyngor Sir ac o fewn 12 mis i dderbyn y cynnig amodol o grant.

- g)** When necessary, that the applicants (the community/body) have proof of tenure on the land or building for which the grant is being requested and that tenure should normally be for a period of not less than 21 years.

In respect of portable accommodation, proof of tenure for seven years will be considered sufficient.

In respect of sports fields, established use of a period of ten years or more will be accepted instead of proof of tenure.

- ng)** That the application can show that the project can be financially maintained by the applicant for at least a three year period following the allocation of the grant (taking into account the availability of any grants).
- h)** Applicants must show that there will be optimum community use of the facilities provided.
- i)** Any shortfall in financing the project will be met by the applicants concerned to the satisfaction of the County Council within 12 months of the provisional offer of grant aid being made.

**5. CATEGORIAU NA CHÂNT EU 5. INELIGIBLE CATEGORIES**  
**HYSTYRIED**

**a)** Ni ellir ystyried tai capel, ficerdai nac adeiladau cyffelyb.

**a)** Chapel houses, vicarages and other like buildings will be ineligible for assistance.