

| <b>ISLE OF ANGLESEY CHARITABLE TRUST</b> |  |
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| <b>COMMITTEE</b>                         | ISLE OF ANGLESEY CHARTIABLE TRUST  |
| <b>DATE</b>                              | 24 September 2019  |
| <b>TEITL YR ADRODDIAD</b>                | Governance of the Isle of Anglesey Charitable Trust [IACT] and the Isle of Anglesey Charitable Association |
| <b>PURPOSE OF THE REPORT</b>             | To provide an update on the transfer of IACT's assests to the Charitable Association [The Association]     |
| <b>REPORT BY</b>                         | Secretary – Isle of Anglesey Charitable Trust  |
| <b>ACTION</b>                            | IACT to note the intention to transfer assets to the Association   |

## 1. INTRODUCTION

- 1.1 In its meetings in December 2016 and February 2017, the IACT resolved to create a charitable incorporated association [CIO] and agreed on a number of provisions for the form and constitution of the CIO. The CIO would be called “Cymdeithas Elusennol Ynys Môn / The Isle of Anglesey Charitable Association”. The meeting in December 2016 considered a report by the lawyers at Browne Jacobson who were present at the meeting to advise and to answer questions. In the meeting held in February, IACT agreed to create the CIO and to delegate to the Secretary of the IACT the authority to submit the formal application and to deal with associated matters in accordance with advice provided by Browne Jacobson.
- 1.2 The registration application which would create the CIO was lodged with the Charity Commission shortly before the county council elections in May 2017 and the application was approved by the Charity Commission in September 2017. The CIO has been created and registered as a separate legal entity and its registered charity number is 1174536, but it is not in force as yet and has no assets or liabilities.
- 1.3 In its meeting on 27 June 2018, conditional approval was given for the transfer of IACT's assets from the Council's stewardship in its capacity as the sole trustee of the charity to the Association as a separate entity. This report provides an update for the members along with notice that the transfer will take place at the end of this month.

## 2. TRANSFER OF ASSETS

- 2.1 In accordance with the authority delegated to the Secretary, IACT officers have now instructed Brown Jacobson to prepare the asset transfer deed and at the time of writing this report, the deed had been completed with an implementation date of 30 September 2019. On that date, IACT's assets will transfer to the Association and the Association will thereafter be the legal entity responsible for the charitable assets.
- 2.2 Once the assets have been transferred, the trustees of the Charitable Association will make all future decisions with regard to the charitable funds. The IACT will be required to meet once more in order to wind up its business, issues such as the approval of the accounts. This meeting will be arranged in due course.

### 3. THE ASSOCIATION'S TASKS

- 3.1 A short inaugural meeting of the Association will be required soon after 30 September 2019. The purpose of the inaugural meeting will be to elect: A Chairman, Vice-Chairman and officers: and to authorise signatories for cheques and persons to deal with the funds on behalf of the Association.
- 3.2 The Association will then be required to begin considering its new work programme and to undertake a number of functions in order to ensure its efficient operation. The purpose of this report is merely to highlight some of these tasks and not to discuss them in detail. However, it will be useful for members to begin considering these matters now so that the Association will be ready to move forward soon after 30 September. Some of the main tasks for the new Association following transfer of the charitable assets will be as follows:
  - 3.2.1 To address the administrative task of deleting those elected councillors who were appointed as original trustees as they are no longer councillors following the local elections in 2017, and to address the task of appointing the new councillors who were elected for the first time in 2017 as trustees of The Association;
  - 3.2.3 Adopt a method of selecting two independent trustees to serve on The Association and to agree their job description and personal specification. Some work has already been undertaken under the supervision of the Panel selected some time ago;
  - 3.2.4 To consider who will administer the Association with regard to lead executive officers (equivalent to the current Secretary of IACT), finance, legal and administrative matters; what their duties will entail and whether staff will be employed and if so, for what purpose;
  - 3.2.5 To agree on a number of administrative issues, such as: frequency of meetings; date of the Annual General Meeting; whether any committees are

required and if so, their remit; grants policy; budget for the remainder of the 2019-20 financial year; investment consultants and other similar issues.

3.5 The Secretary will convene the first meeting of the Association soon after the transfer of the assets for the purpose highlighted in 3.1.

#### 4. RECOMMENDATION

4.1 The IACT is requested to note the intention to transfer IACT's assets to the Association on 30 September 2019.