

REPORT OF THE LEADER OF THE COUNCIL

REPORT TO THE TRUSTEES OF ROBIN HOOD THEATRE TRUST

Purpose of the Report

1. To seek approval for amendments to be made to the charity scheme governing the Robin Hood Theatre Trust which will allow the County Council to retire as trustee and to appoint the Robin Hood Theatre Company Limited in its place

Information and Advice

2. Further to the resolution passed by the Trustees on 30th June 2011 to make an application to the Charity Commission to appoint Robin Hood Theatre Company Limited as new trustees and discharge Nottinghamshire County Council from its duties as trustees
3. Following a change in its advice, the Charity Commission has advised the Council that it is no longer necessary or appropriate to make an application to them to amend the Charity Scheme dated 20 June 1980 ("the Scheme") that governs the Robin Hood Theatre Trust. Instead, the Council as trustees can use specific statutory powers to amend the Scheme itself.
4. Accordingly, this Report seeks to amend the Scheme so that specific provisions relating to the Committee of Management are deleted or amended and the Council retires as trustee and appoints The Robin Hood Theatre Company Limited ("the Company") as trustee in its place. The Scheme is attached to this Report as an appendix for information.
5. The terms of the transfer of the assets and liabilities of the Trust have been agreed with the Company and will be incorporated into an agreement between the Council and the Company. This agreement is subject to a separate report and decision of the Cabinet Member for Finance and Property.

Other Options Considered

6. Since 2006, officers from the County Council have investigated options, undertaking a range of public consultation, researching funding possibilities and working with a group of local people to identify options. However, no sustainable new business model was identified which could raise the funds needed to restore the building. The only viable options were therefore to close the Trust or transfer trusteeship to a new enterprise.

Reasons for Recommendations

7. The Council has previously resolved to seek a discharge of its duties as trustee of the Robin Hood Theatre Trust and appoint The Robin Hood Theatre Company in its place as sole trustee. Following further advice from the Charity Commission, it is necessary for the Council to exercise statutory powers and resolve to amend the charity scheme in order to achieve this objective.

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

9. It is recommended that:-

- 1) Nottinghamshire County Council, in its capacity as trustee of the Robin Hood Theatre Trust (charity number 251116), resolves to exercise powers under Section 74D of the Charities Act 1993 as amended by the Charities Act 2006 to amend the charity scheme dated 20th June 1980 as follows:
 - a. Delete clauses 6 through to 27 of the Scheme;
 - b. Amend clauses 28 through to 30 of the Scheme by changing the reference to “the Committee” to “the Trustees”;
 - c. Amend clauses 31 and 32 of the Scheme by changing the reference to “the Committee” to “the Trustees” and by deleting the phrase “nevertheless to the consent of the Trustees and” from those clauses;
 - d. Amend clause 33 of the Scheme by changing the references to “the Committee” to “the Trustees” and by deleting the phrase “with the consent of the Trustees”;
 - e. Amend clause 34 of the Scheme by changing the reference to “the Committee” to “the Trustees”;
 - f. Delete clause 35 of the Scheme;
 - g. Replacing the Council as trustee of the Robin Hood Trust by amending clause 5 of the Scheme and replacing “The Nottinghamshire County Council” with “The Robin Hood Theatre Company Limited (charity number 1141210)”.

COUNCILLOR MRS KAY CUTTS
Leader of the Council

For any enquiries about this report please contact: Mr K Kasbia 0115 9774661

Constitutional Comments (SLB 24/11/2011)

10. County Council, in its capacity as trustee, has the authority to consider the matters set out in this report

Financial Comments (PB 24/11/2011)

11. The transfer of trustee to the Robin Hood Theatre Company Limited will release the County Council of any future financial obligations re any maintenance costs etc.

Background Papers

Report to County Council dated 30 June 2011

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

All