



TODMORDEN TOWN COUNCIL

Item 14 – Town Council 23rd Feb  
2022

# TODMORDEN TOWN COUNCIL

## REPORT TO TOWN COUNCIL

<b>REPORT AUTHOR</b>	<b>Colin Hill Town Clerk and Responsible Financial Officer</b>
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<b>Date</b>	<b>23rd February 2022</b>
<b>SUBJECT</b>	<b>Todmorden Emergency Support</b>

### PURPOSE OF REPORT

1. To remind Members that the Town Council is responsible for appointing new Trustees each year to Todmorden Emergency Support (War Memorial Fund - 1914/1918 charity number 219673 and Abraham Ormerod Trust charity number 252036).
2. To remind Members that under paragraph 18 of the Governance Document the power to appoint trustees' rests with the Town Council and those twelve trustees are required, of which up to eight may be Town Councillors.
3. The intention once all of the original trustees had died or vacated office was that every year one third of trustees resign (longest serving first). However with casual vacancies occasioned though either death or resignation this looks to have got out of sync - See Appendix 1 Schedule of Trustees appointments according to Charity Commission records - subject to verification.
4. To advise Members that in May 2021 incorrect appointments were made relating to Mary Carrigan, Andy Hollis and the Revd Graham Kent (having all previously been appointed.)
5. To advise Members that Christine Potter, Margareta Holmstedt and David Tattersall should have formally been appointed, and authority to retrospectively ratify their appointment is sought noting that they all continued to act in their capacity as Trustees of both Charities.
6. The Town Council acts in a similar capacity as Trustees of Walsden Cricket Club with the Town Clerk in submitting the Annual Financial Return and maintaining Trustee Records on the Charity Commission Website.
7. Given a broadly similar role of the Town Council in appointing Trustees, of which up to 8 may be Town Councillors, it would seem appropriate for the Town Clerk to provide similar support by acting as both Secretary and Treasurer to the group. This will not be of a voluntary nature but as part of a reasonable adjustment to contractual responsibilities, which will form part of normal working conditions when considering Toil and or Overtime.

## BACKGROUND

8. The Abraham Ormerod Trust governance document is by way of a will proved with codicil 25th June 1927 and scheme of the 8th May 1968

### 8.1 Charitable objects

- 8.1a For charitable purposes institutions or institution in England as the trustees shall in their uncontrolled discretion select, it being the testator's wish (without imposing any trust or obligation whatsoever upon the trustees) that they shall have regard to such charitable objects institutions or institution as will tend to alleviate pain and suffering and shall in the trustees' opinion be of direct benefit to the people of Todmorden.

- 9 The War Memorial Fund 1914/1918 governance document is by way of deed of trust 8 November 1920 and scheme of 6 August 1974

### 9.1 Charitable objects

- 9.1a Benefit, advancement or assistance of any poor person who served in h.m. forces in 1914/18 war and resident or formerly RESIDENT IN TODMORDEN, OR ANY poor dependant of such or (2) benefit, advancement or assistance of any other poor person resident or who has been ordinarily resident in Todmorden,
- 9.1b Subsequently by way of Deed of Trust dated 31st March 1984 to include 1939-1945 Trustees may.

Paragraph (6) Appoint and dismiss a secretary or clerk or other officials as they think necessary and to meet such costs in doing so. Paragraph (22) no Trustee can be paid for acting in the role as secretary or officer

Paragraph (7) Invest in their names or in the names of the Official Trustees

Paragraph (8) Delegate powers and duties to a committee of not less than 12 which may include all, or any of the Trustees.

Any such committee may appoint a sub-committee for a period of one year to be reappointed.

Delegate exercise of discretion or all or any duties to any one or more trustees or other person or persons.

### Other clauses

- 10.1 Paragraph (10) At least two ordinary meetings per year.

- 10.2 Paragraph (12) Quorum set at 5 and majority vote.
- 10.3 Paragraph (14) Chairman or at least 3 trustees MAY summon special meeting.
- 10.4 Paragraph (16) No trustee attendance over two calendar year will lead to no longer being a trustee.
- 10.5 Paragraph (18) Power to appoint a new trustees rest with Town Council for 12 Trustees of which two thirds maximum can be Town Councillors.
- 10.6 Paragraph (18) If a trustee which on appointment was not a Town Councillor becomes a Town Councillor such Trustee shall vacate office attend of two years and one month if still a councillor and maximum number of town councillors as Trustees exceeded.

Every new trustee appointed serves a term of three years and on a day of election every year one third of the whole number of trustees shall go out of office and their places filled by resolution of the Town Council.

The third to go out of office shall be the longest in office without re-election (except casual vacancy who remains in office until the trustee replaced would have retired).

Any Trustee is eligible for reappointment.

## **FINANCIAL IMPLICATIONS**

- 11. There are none directly arising out of this report.
- 12. The responsibility to make awards remains with the Trustees.

## **RECOMMENDATION**

- 13. That the appointment of Christine Potter, Margareta Holmstedt and David Tattersal as Trustees of the War Memorial Fund (1914/1918) charity number 219673 and Abraham Ormerod Trust charity number 252036) be confirmed retrospectively from May 2021.
- 14. That the Town Clerk take on the responsibility of Secretary and Treasurer to the respective Charities as a reasonable adjustment to the contractual responsibilities of the Town Clerks role.

## **REASONS FOR RECOMMENDATION**

- 15. Full Council approval is required to ratify retrospectively appointment as Trustees

**POLICY IMPLICATIONS:**

16. None arising from this report.

**DETAILS OF CONSULTATION:**

17. The incoming Town Clerk had been made aware of this additional role and is supportive of this proposal.

**CLIMATE CHANGE:**

18. None arising from this report.

**IMPACT EQUALITY ASSESSMENT**

19. None arising from this report.

**SUPPORTING PAPERS:**

20. Appendix 1 Schedule of Trustees appointments according to Charity Commission records

**FURTHER INFORMATION, PLEASE CONTACT: Colin Hill**