

**SURREY COUNTY COUNCIL****CABINET MEMBER FOR COMMUNITY SAFETY****DATE: 26 NOVEMBER 2012****REPORT OF: SUSIE KEMP – ASSISTANT CHIEF EXECUTIVE****SUBJECT: CHOBHAM YOUTH CLUB & BLY LAWSON BEQUEST****KEY ISSUE/DECISION:**

Mrs Helen Hattersley Lawson died on 8 April 2002 and in her will she left one eighth of her residuary estate to the Chobham Youth Club. An amount of £111,407 is currently being held by the County Council and a request has been made to transfer the management and administration of the funds to the Community Foundation Surrey for the benefit of young people in Chobham.

The purpose of this report is to seek approval from the Cabinet Member for Community Safety to transfer the funds to Community Foundation for Surrey.

**DETAILS:****1. The Lawson Bequest:**

1.1 Mrs Helen Lawson, who died in 2002, left a substantial proportion of her estate to charities. One of the named charities was Chobham Youth Club and a one eighth share of Mrs Lawson's residuary estate was left to it in her will "to use for its general purposes". At the time of her death there was no entity known as Chobham Youth Club and the solicitors administering her estate agreed that this should be taken to mean that Surrey County Council Youth Service, as they provided youth activities from the youth club building in Chobham. The bequest was therefore paid to the County Council in instalments between 2002 and 2005. Advice from the Charity Commission, taken by Legal Services, is that this was not a permanent endowment and is fully expendable.

**2. Community Foundation for Surrey:**

2.1 The Community Foundation for Surrey (CFS) was established in 2005 and is an independent charitable trust raising the level of charitable donations for the benefit of the people of Surrey, connecting people who want to give with those in need. The Foundation currently manages and administers a significant amount of charitable funds that have been donated by individuals, families, companies and trusts. These funds support a programme of grant-making to communities across Surrey with over £2.8 million in grants being distributed over the last six years. In addition, the CFS has built up permanent community funds of £5 million from which the interest generated is used to award grants to community groups.

2.2 Since CFS's inception, the County Council has provided funding, has carried out annual monitoring and reviews, has full records of audited accounts, and has been updated on progress and quality accreditation achieved.

2.3 In 2010 the CFS passed the quality accreditation standards as set by the Charity Commission Standards for Community Foundations, at an exemplary level.

### **3. Proposal:**

- 3.1 It is proposed by the Chobham Youth Club Committee members that the funds could be transferred for management and administration to the CFS, who will establish a Chobham Lawson Youth Fund to support young people in the Chobham area of Surrey. The fund will be set up as a separate fund and will award grants that meet the fund criteria, which will be established and agreed by the Chobham Lawson Youth Fund Panel. The Chobham Youth Panel will be made up of Trustees of the Chobham Youth Group and other representatives from Chobham village as agreed. All parties recognise it is imperative that local people are intrinsically involved in how the money is allocated and used.
- 3.2 The CFS has been working closely with the Chairman of the Chobham Youth Club Committee and Parish Councillors to develop a set of proposals to take this forward. It is proposed that the majority of the funding will be invested in a permanent endowment fund and the interest from the investment will allow for grants to be awarded in the Chobham area, for youth activities in perpetuity. In addition, the CFS through the 'Community First Programme' will match fund this amount by 50%. A small one off cost of £4,000 will be incurred to apply for and set up the match funding to bring in the additional £40,000. This is in line with all the Community Foundations in the UK who have set this amount to cover the cost of managing the 'Community First Programme'.
- 3.3 Early discussions between Chobham Youth Club Committee and CFS indicate that £80,000 will be set in an endowment fund, which would be part matched with £40,000 bringing the total pot going in to an endowment fund to £120,000. This would generate an income of approximately £4,000 annually, after allocating associated costs to CFS at 1.5%. The County Council has had the money since 2006, if this was being used through the proposed endowment fund route grants of £24,000 would have been distributed in the Chobham area for youth activities to date.
- 3.4 The remaining amount of approximately £30,000 will be set aside in an 'Expendable Investment Fund' which will allow for parts of the fund to be drawn down and grants given that may be greater than the income generated in any one year. The Foundation will charge a one off cost of 3% from the £30,000 to establish this.
- 3.5 Some key advantages of progressing in this way will be:
- The proposal has the support of the Chobham Youth Club Committee and Parish Councillors
  - There will be an opportunity to draw in other donations to the fund and build this up over time through other charitable donations.
  - Grants will be given in perpetuity creating a significant legacy for Chobham.
  - Match funding is available from the Community Foundation through the 'Community First Programme' for money going in to the endowment fund ensuring the original legacy is enhanced and substantial funds are available for young people
  - Grant award decisions will be made at a local level
  - Monitoring of how the grants are being used and evaluating the difference they are making will be carried out by the CFS.
  - Existing processes and structures are in place to manage and administer grants and the CFS is nationally accredited and recognised for best practice.
  - Local community groups would have access to wider funds within CFS, as well as access to advice and support in making funding applications.

- Grants will be promoted and greater opportunities through connections created through the CFS contacts, Trustees, Ambassadors, events and general activities.

#### **4. Consultation**

- 4.1 The proposal has been developed in consultation with and in full partnership with Chobham Youth Club Committee members, parish councillors and Community Foundation for Surrey.
- 4.2 Officers from the Chief Executive's Office have spoken with all the aforementioned members and the County Council Youth Team and are confident this approach is most suitable and has been developed in partnership, with the intended beneficiaries at the heart of the proposal.

#### **5. Financial and value for money implications**

- 5.1 By transferring the funds to the CFS the County Council can be certain of excellent value for money. The match funding will ensure will ensure 50% more funding is generated to the amount allocated to an endowment fund through the Community Foundation. The funds will also be available in perpetuity and the scope to advantage the intended beneficiaries will be much greater than the original bequest amount.
- 5.2 The CFS has existing processes in place to manage and distribute the funds and the County Council or the Parish Council would not need to create a new process to distribute the funds.

#### **6. Equalities implications**

- 6.1 The CFS adheres to an Equal Opportunity Policy and awards grants across all the protected category groups and is particularly supportive of vulnerable people of all ages. Chobham is a diverse need area, with a resident population of Gypsy and Traveller community.
- 6.2 The Lawson bequest is to support Chobham Youth Centre and the young people of Chobham. This would potentially include young people in the protected categories, for e.g. young people from traveller communities or people with disabilities.

#### **7. Risk management implications**

- 7.1 CFS is a recognised, respected and accredited organisation and has the relevant systems, processes and controls in place to distribute funds in the manner a donation is intended. Regular reports will be produced by CFS which will mitigate the risk of the bequest being used in any other way than it was originally intended and prevent any legal challenge against this.

#### **8. Climate change/carbon emissions implications**

- 8.1 The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change.

#### **9. Legal implications/legislative requirements**

- 9.1 Mrs Lawson's original gift was made to the Chobham Youth Club and because, at the time she dies the youth provision was a matter for the Council, her executors decided that the bequest should be given to Surrey County Council. In accepting the bequest the Council took on a duty to ensure that the funds it

received were spent in accordance, as far as possible with Mrs Lawson's intentions. The bequest did not create a charitable trust, but was a one off payment. The Council may therefore at its discretion deal with the funds in the way that it determines best achieves Mrs Lawson's intentions and the Cabinet Member should satisfy herself that the proposals outlined in this report achieve this.

## **10. Section 151 Officer commentary**

10.1 The Section 151 Officer confirms the amount of £111,407 is held by the County Council and that all material financial risks have been considered in this transfer.

### **RECOMMENDATIONS:**

That the Cabinet Member approves that Surrey County Council transfer the amount of £111,407 in full to the Community Foundation for Surrey, so they are able to set up the Chobham Youth Fund Panel and the young people of Chobham are able to utilise the funds.

### **REASONS FOR RECOMMENDATIONS:**

The County Council is confident that the Community Foundation for Surrey is a very suitable vehicle to distribute long term funds in the form of grants to the young people in Chobham. This will be with full involvement of local people, is in line with the intentions of Mrs Lawson and value for money as additional funds will be generated to support the bequest.

### **WHAT HAPPENS NEXT:**

Officers from the Chief Executive's Office will write to Chobham Youth Club Committee Chairman and Community Foundation for Surrey to inform them of the decision and work with internal colleagues as necessary to transfer funds, if this is acceptable.

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#### **Contact Officer:**

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#### **Consulted:**

Chobham Youth Committee/Parish Councillors  
Community Foundation for Surrey  
Surrey County Council Youth Service/Legal Service and Finance Team

#### **Sources/background papers:**

Will of Helen Hattersley Lawson

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