



## **Report to Cabinet**

**Subject** Charity Commission and Arnold Town Football Club

**Date** 22 September 2005

**Author** Deputy Chief Executive

### **1. Purpose of the Report**

To outline the result of a meeting between Officers and the Charity Commission regarding the continued occupation of the King George V Playing Field, Arnold.

### **2. Background**

Members will recall that the Cabinet agreed at a meeting on 13 May 2005 to consider a further extension for Arnold Town Football Club to occupy the King George V Playing Field, subject to the view of the Charity Commission. The Charity Commission were written to and a meeting was suggested to discuss the matter further. Unfortunately due to staff changes and staff sickness at the Charity Commission a meeting was not held with the Charity Commission until 12 September 2005.

### **3. Information**

The Charity Commission had initially indicated that it would undertake a formal inquiry in this matter having regard to previous correspondence between the Commission and the Council. This was confirmed on 5 September 2005 with the appointment of a Case Officer. A meeting was arranged for the 12 September 2005 to discuss the Council's position. That meeting was attended by the Deputy Chief Executive and the Head of Legal and Democratic Services.

At the meeting the Officers from the Charity Commission expressed the concern of the Commission that despite previous assurances that Arnold Town Football Club (ATFC) would vacate the King George V Playing Field this had not happened. They considered that the Council was acting in its capacity as a Council rather than as trustee of the charity i.e. not entirely with the interests of the beneficiaries in mind.

Officers explained the delay in progressing the move and the Council's apparent forbearance. This included the delay in obtaining planning permission which was outside both the Council's and ATFC's control, the necessary timescale needed to progress funding applications which were contingent upon that and other decisions and the fact that public access was maintained at all times.

The Case Officer indicated that subject to further clarification of some specific points the Commission would consider whether it was appropriate for the trustee to extend the current licence to May 2006. Officers pointed out that September 2006 was the proposed date, given that during the summer period only a small number of games were played and September was the date agreed with the Club for when they would have their own site available. Officers believe that this date is negotiable so long as whatever date is agreed (May or September 2006) the Council gives an assurance that it will not grant a further extension after that date.

In any event the key issue is that the Case Officer, on behalf of the Commission, is asking for assurance from the Council as trustee that under no circumstances will a further extension of licence be granted once this licence, if agreed, is granted. Officers recommend that the precise date be agreed with the Case Officer for the Commission.

#### **4. Recommendation**

It is recommended that the Cabinet agree that no further extension of licence be granted for the continued occupation of the King George V Playing Field by Arnold Town Football Club after a date to be agreed with the Charity Commission and that Officers be authorised to negotiate a final date with the Charity Commission.