



# Saxilby with Ingleby Parish Council

## Non-confidential

### Salvation Army Clothing Bin

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**Report to:** Full Council 24-01

**Report by:** Clerk

**Power/duty which decision falls under:** Charity Law and General Power of Competence

**Which council objective(s) it falls under:**

- Maintain and improve community facilities and amenities
- Protect and enhance our green spaces and street scene
- Preserve and enhance heritage assets, environmental assets and wildlife
- To recognise the climate and biodiversity emergency and it should be considered as the basis of all decision and policy making

**Public Sector Equality Duty** (*Consider how policies/decisions affect those protected under the Equality Act*) Open to all to use and in an accessible location currently.

**Consideration on carbon reduction:**

In-line with the councils climate change objective to re-using and recycling unwanted items.

**Consideration of risk management in relation to the proposal<sup>1</sup>**

- Potential for loss of income for community projects
- Bin is not on council land
- Current set-up is not in-line with charity commission guidance

**Does the report consider any new activity? If 'Yes', has a risk assessment including risk management proposals for consideration been included for consideration and adoption by the council?** (*Financial Regulation 17b*)

- **No**

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<sup>1</sup>*Risk areas to consider - strategic/operational, likelihood/impact, add to risk register?, any contingency planning needed?*

## Background

In July 2019 the council agreed (FC Ref 147/19) to install a Salvation Army clothing bin and for it to be the recreation ground following a briefing by the Salvation Army in June 2019.

This was put in place on 2 September 2019.

The funds received from the donations have been allocated to community projects including the skate park, RFF for Westcroft Greenspace improvements project, and Saxilby Waterfront improvements. At that time the council managed and operated the site.

In April 2023 the council ceased to manage the recreation ground with the management reverting to the managing trustees of Saxilby Public Recreation Ground charity (charity no. 521978).

To facilitate the hand back, a project list was created in July 2022. This living document identified the tasks/areas to be addressed as part of the management hand back, including any items situated on the land, such as the Salvation Army clothing bin.

The charity sought legal guidance on the matter and relayed the following - the Salvation Army bin income is charity income while it's there and income is being used off the field (i.e. not for charitable purposes). *Email dated 05/12/23*

It could be argued this is linked to charity commission guidance<sup>2</sup> which states:

You and your co-trustees must:

- Make sure the charity's assets are only used to support or carry out its purposes.

The charity's purpose is in the indenture:

- "Open public grounds for the benefit of the inhabitants of the Parish of Saxilby cum Ingleby and of the adjoining Hamlet of Hardwick and for the resort and recreation of adults and as play grounds for the children and youth being respectively inhabitants of the said Parish of Saxilby cum Ingleby and the adjoining Hamlet of Hardwick"

The indenture also states:

- "8 ALL moneys delivered from the letting or hiring of the Recreation Ground for any of the purposes hereinafter mentioned and from the taking of gate money on payment for admission to the said ground or any part thereof shall after payment of the costs and expenses of and incidental to the occasion in respect of which such moneys are derived be applied in or towards the maintenance and improvement of the Recreation Ground or the upkeep repair or improvement of any existing buildings thereon or in the erection or maintenance of any new or additional buildings or on such other manner or for such other purpose connected with the said ground or any part thereof or any building thereon as the Committee of Management may from time to time determine."

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<sup>2</sup> <https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#manage-your-charitys-resources-responsibly-1>

Based on the above there appears to be three possible ways forward

1. For the council to arrange for the clothes bin to be removed from site

This resolves the (legal) issue raised by the charity, but loses income for facilities and projects across the community.

2. For the council to end the agreement with the Salvation Army, the bin to remain on site and the charity to enter into an agreement with the Salvation Army and retain the funds for the purpose achieving their objectives (not a council decision, this would need to be taken to the charity trustees as a possible way forward)

This resolves the (legal) issue raised by the charity, raises income for the charity, but loses income for facilities and projects across the community – to date the funds are supporting projects in three locations around the village (recreation ground play area and wheeled park, Saxilby Waterfront, and Westcroft green space)

3. For the council to relocate the clothes bin elsewhere in the parish – possible sites include Mill Lane and the new burial ground car park.

This resolves the issue and allows the council to continue to raise funds for projects across the community, although there will be some work to arrange the re-location and that would be subject to the Salvation Army agreeing the re-location.

Based on visibility and accessibility, the new burial ground car park is suggested as the preferred location versus Mill Lane.

## **RECOMMENDATION(S):**

**That Full Council notes the report and agrees the preferred position is to re-locate the clothes bin to the new burial ground car park, following liaison with interested parties and consideration of any costs.**