

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR OF RESOURCES	FINANCE AND DEMOCRACY COMMITTEE	25 JANUARY 2021	7

LYTHAM INSTITUTE – CHARITY REPORTING & CONSULTATION

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

This report outlines the information that the corporate trustee (the Council) is required to submit to the Charity Commission regarding Lytham Institute as part of an annual return that all charities are required to make.

The report also provides an update on the consultation process on the charitable objective that was suspended in response to the COVID 19 lockdown in March 2020.

RECOMMENDATIONS

The committee is recommended:

1. To approve the re-opening and completion of the consultation on the proposed objects of the Lytham Institute Trust after the current national COVID 19 lockdown that was announced from January 5th, 2020.
2. To approve that the re-opened consultation on the charitable objects will be for a minimum period of 21 days with publication and promotion of the commencement date at least 7 days before the consultation is re-open.
3. To approve the Trustees Annual Report and Annual Accounts for the period to 31st March 2020 as shown at the appendices to this report for submission to the Charity Commission by the statutory deadline of 31st January 2021.

SUMMARY OF PREVIOUS DECISIONS

[Finance & Democracy Committee 22 July 2019:](#)

1. Register the Lytham Institute as a charitable trust, and then seek immediate advice and discussion with the Charity Commission on the governance and future management of the trust.
2. Open discussions with community groups and interested stakeholders to determine the most effective use of the Institute to fulfil the required objectives of the Trust.

[Finance and Democracy Committee 17 February 2020](#)

It was therefore RESOLVED for the item to be referred to Council on the 9th March 2020.

[Full Council March 9th, 2020](#)

1. That the council acting as trustee of the Lytham Institute approve the proposed objects as set out in paragraph 12 of the report for consultation in accordance with the Charity Commission guidance.
2. That the council acting as the trustee of the Lytham Institute accept the recent advice of the Charity Commission that administrative provisions as referred to in paragraph 13 of the report should be adopted by

way of a resolution under section 280 of the Charities Act 2011 and instruct the officers to draft detailed administrative provisions, to include the matters set out in paragraph 13, to be considered by members prior to consultation

3. That the council acting as trustee of the Lytham Institute approve consultation on the proposed objects, with the stakeholders listed in paragraph 15 of the report, with a deadline date of April 20th after which all feedback will be considered by members prior to submission of the proposed revised objects to the Charity Commission.
4. The council acknowledges that, under part 3 of the constitution, Finance and Democracy Committee is the appropriate forum to take future decisions of the council as trustee of the Lytham Institute, in line with Charity Commission guidance that decisions by local authorities in their capacity as charity trustee should be taken through their normal decision-making procedures; and that a special meeting of the committee is scheduled to consider the feedback from the consultation on 1 above.

Delegation Decision Notice – Friday April 3rd, 2020

To suspend the Lytham Institute Consultation for an undetermined period with the commitment to re-open the consultation at the first opportunity after the return to normal business.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	√
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	√

REPORT

Consultation on the Charitable Objects

1. As part of the registration of Lytham Institute as a charitable trust there was a requirement to review and change the charitable objects, the rationale for the revised objects and the consultation process were outlined in the report to council on March 9th, 2020.
2. The report stated that the Charity Commission had recommended a suitable consultation exercise before proceeding with the scheme application. The consultation exercise should seek the views of those who would be affected by or might have an interest in the changes proposed. The council would provide details of consultation that has been carried out and a summary of any responses received to the Commission. The council will also explain how this has helped inform its decision-making. Consultation will be carried out in accordance with the guidance produced by the Charity Commission.
3. It was agreed that consultation would be carried out from March 20th through to April 20th, 2020. The process was started but the national lockdown in response to the COVID 19 pandemic resulted in a delegated decision on Friday April 3rd 2020 to suspend the Lytham Institute Consultation for an undetermined period with the commitment to re-open the consultation at the first opportunity after the return to normal business.
4. Since that time the opportunity to re-open and complete the consultation has been limited however, during the period that the consultation was open there were 25 representations submitted from individuals and community groups. It was intended to announce the re-opening and completion of the consultation on the charitable objects at this committee, but the third national lockdown was then announced. In order to be able to re-open and complete the consultation process at the first available appropriate opportunity the committee is asked to approve that after the current lockdown the consultation is re-open for a minimum period of 21 days with at least 7 days advance notice of the commencement date. During the advance notice period key stakeholders will be notified of the commencement date and it will be published on all council media.

5. The responses that have been received to date have been retained are on record there will be no requirement to resubmit the feedback however, any stakeholder can submit further comment if they desire.

Charity Commission Return

6. The Trustee (The Council) must make an annual return to the Charity Commission regarding Lytham Institute as part of an annual return that all charities are required to make. This return sets out the objectives and activities of the Trust, its achievements and performance, and incorporates a financial review together with any information on structures, governance and management. Members will appreciate that this return does not contain a significant level of detail at this point as the charitable objects consultation having yet to take place. This return is attached at Appendix A to this report.

Preparation and Independent Examination of the Financial Accounts of the Trust

7. As the charity's trustee Fylde Council is also responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011. The Council has sought the advice of specialist accountants Rushtons Chartered Accountants in the preparation of the accounts. Rushtons have also undertaken the independent examination of the charity's accounts as required under section 145 of the Charities Act 2011. The accounts are shown at Appendix B to this report and the committee is requested to approve those accounts prior to the submission of the accounts to the Charity Commission as is required.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report.
Legal	None
Community Safety	None
Human Rights and Equalities	None.
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None.

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	Tracy.manning@fylde.gov.uk	7 th December 2020

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

Attached Documents:

Appendix A - Lytham Institute Trustees Annual Report to 31st March 2020

Appendix B - Lytham Institute Annual Accounts to 31st March 2020