

## PLYMOUTH CITY COUNCIL

**Subject:** Ernest Brock Home for the Aged Charity  
**Committee:** City Council  
**Date:** 21 March 2016  
**Cabinet Member:** Councillor Penberthy  
**CMT Member:** David Shepperd, Head of Legal Services  
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**Ref:** I488/SC  
**Key Decision:** No  
**Part:** I

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### **Purpose of the report:**

This report is subsequent to the report considered at the City Council meeting on 22 June 2015 at which the Council resolved to release its and the Lord Mayor's respective rights to nominate persons for appointment as trustees to the Ernest Brock Home for the Aged Charity.

This resolution was made on the premise that Plymouth Community Homes (PCH) would apply to the Charity Commission to be appointed as sole corporate trustee and for a scheme to amend the Trust's objects so they are broadly compatible with PCH's social housing objects.

Legal advice obtained by the trustees now indicates that a merger with PCH is the preferred way forward for the trustees. This will mean that the Trust will cease to exist from the merger and the Brock House units would instead be managed by PCH as part of its corporate estate. Brock House is managed as a 'housing with support scheme' for older people so would still be let only to older persons. The existing capital fund of the Trust will be protected as outlined in the background to this report.

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### **The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:**

**Co-operative Values:** The grant of consent demonstrates how the Council can co-operate and work with charity and public sector partners to facilitate the future operation and success of the charity.

**Caring Plymouth:** The grant of consent will enable the continued provision of residential accommodation to persons in need, including the aged.

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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:**

Financial and resource implications are minimal though there would be administrative costs savings within the Democratic Support Service and Legal Service as the council would no longer have any involvement in the appointment of trustees to the charity.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

To grant consent to the release of the nomination rights will ensure continued provision of secure residential accommodation to persons in need, including the aged

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? Yes

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**Recommendations and Reasons for recommended action:**

Recommendation: To approve the grant of consent to release the rights of the Council and the Lord Mayor to nominate persons for appointment as Trustees to the charity on the revised premise described.

Reasons: To ensure continued provision of secure residential accommodation to persons in need, including the aged.

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**Alternative options considered and rejected:**

To refuse or withdraw the existing consent to the release of the nomination rights of the Council and Lord Mayor. Rejected on the basis that legal advice obtained by the Trust recommends this course as the best way to ensure continued secure residential accommodation for the elderly.

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**Published work / information:**

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Report to Plymouth City Council for 22/06/15 meeting	x									
Decision of Plymouth City Council dated 22/06/15	x									

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**Sign off:**

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Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? Yes													

## **Ernest Brock Home for the Aged – Proposed Release of Trustee Appointment Rights**

### **1. Introduction**

On 22 June 2015 Plymouth City Council agreed the grant of consent to release the rights of the Council and the Lord Mayor to nominate persons for appointment as Trustees of the charity. This consent was given on the premise that Plymouth Community Homes Ltd (PCH) would become the sole corporate Trustee and the objects of the Trust would be amended so as to be broadly compatible with PCH's social housing objects.

### **2. Advice from the Charity Commission**

- 2.1 Subsequent to the decision of the City Council the Charity Commission suggested to the trust that a merger with PCH should also be considered as this would also attain the objective of regularising administrative arrangements and ensuring the continuing provision of secure accommodation for elderly persons in need.
- 2.2 The trust considered the suggestion with its legal representatives and resolved to agree the proposal for a merger subject to suitable protection measures being put in place for the protection of the trust's existing capital fund and detailed in 3 below.

### **3. Resolution of PCH**

- 3.1 On 22 September PCH agreed the merger of the Brock Trust with PCH.
- 3.2 Pursuant to the requirements of the Trustees, PCH also agreed;
  - a) The existing Brock Trust funds are spent on Brock House only,
  - b) Should the flats that were formerly in the ownership of the Brock Trust be sold – either separately or as part of the sale of Brock House, that the proceeds are used in relation to the housing of 'the aged and deserving poor residing in Plymouth'
- 3.3 As part of the arrangements for the merger the Trustees will require measures to be put in place to ensure the original objects of the trust benefitting the aged and deserving poor residing in Plymouth are protected where possible.
- 3.4 From the perspective of PCH, governance arrangements would be simplified with the Brock Trust monies being kept in a ring fenced account.
- 3.5 The lease of the eight units within Brock House would be surrendered and the existing residents of these units would be consulted as the proposal for merger developed. These residents already occupy the units under PCH tenancy agreements.
- 3.6 The Trustees have requested the Council and Lord Mayor to affirm their consent to the release of their respective rights to nominate persons for appointment as Trustees on the new premise identified.