

EXPLANATORY NOTE

AMENDMENT OF THE DARWIN GARDENS TRUST DECLARATION OF TRUST

There is a proposal to update the Declaration of Trust which sets out the arrangements for the running of the Darwin Gardens Trust. This note explains why this is thought to be sensible. The amendments are supported by the Parish Clerk who feels that they will generally make the Trust easier to administer.

The Darwin Gardens Trust (the Trust) was established on 24 May 1999 for the purpose of applying for a Lottery Grant to establish a Millennium Green in Ilkley. A Deed of Trust was made at that time setting out the formal arrangements for the Trust.

The original trustees were a group of residents who did marvellous work in getting the Green established so that it became an attractive garden on Wells Road. With the passage of time the trustees changed and from time to time it became necessary to change the original trust deed. The Trustees eventually asked the Parish Council to take over their responsibilities which occurred on 25 June 2009.

The various amendments of the original Declaration of Trust have resulted in the deletion of various clauses (mainly relevant to the time when the Trustees were individuals) and have made the numbering of the document difficult to follow.

The original Declaration made provisions about the arrangement of meetings of the Trustees. These required at least 14 days notice (ordinary days, not working days) to be given of the AGM. This is inconsistent with the usual notice periods for Parish Council meetings (3 working days) and over time this provision has fallen into disuse.

The original Declaration also includes provisions, which are unlikely ever to be used, about the arrangements to be made if the Trust intends to dispose of the land where the Garden is established. These also involve a period of at least 14 days notice.

The original Declaration refers to the Charities Act 1993 and I have taken the opportunity to update the reference to the newer up-to-date Charities Act 2011.

The purpose of the amendments are:

- 1 to regularise the numbering of the Declaration of Trust to make it internally congruent and easy to follow and up-to-date;
- 2 to bring the Notice Periods and arrangements in line with normal Parish Council statutory notice periods and arrangements for meetings and so to minimise the work involved in arranging meetings.

If approved the Charity Commission will be notified of the new form of Declaration.