

Open

Full Council 16h December 2024

Interim Report: William Alsop Charitable Trust 214130* council tax liability.

1. Purpose of Report

- 1.1 The purpose of the report is to inform Full Council that the author has carried out a full and detailed investigation into the past affairs of the Charity, (known as The William Alcock Charitable Trust No 214130 'The Charity') and its association with Middlewich Town Council, (MTC).
- 1.2 Moreover, its association with employee(s) of MTC and the Trustees** of The Charity, in the Control and Management of the Alms Houses*** (known as 1 to 4 Alcocks Terrace) and whether MTC is by association will be liable for any known and future financial costs that it will need to consider for future budgeting purposes.
- 1.3 It will highlight, three considerations that MTC will have to take into account for the medium to long term. Namely, Buildings and Land, Restoration and Tenancy or Sale and Redevelopment. None of which, it should be noted are in [the exclusive power of MTC](#).
- 1.4 It will conclude that in the opinion of the author this Council is not liable for council tax obligations as it neither owns the land or buildings. That the trustees should have notified the Charity Commission that the Charity would be no longer able to maintain the status Quo and that the William Alcock Charity should be removed from the records and its assets sold on the open market.

2. Executive Summary

- 2.1 The alms houses at 1 to 4 Alcocks Terrace were commissioned and built by the William Alcock Charitable Trust^, supported by the Alms Houses Trust association. The first occupants moved in in 1925. They

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^^ Ex-officio meaning holds the role according to their status.

continued to be in use over the years and decades that followed until around 2008/09.

2.2 The income, upkeep and general maintenance was provided by donations, grants and interest from share capital. Financial and Tenancy matters are the exclusive concern of Trustees. The oversight of the way the trustees manage their roles is the business of the Charity Commission established in 1853. Accounts must be signed off submitted on an annual basis for scrutiny by the Charity commission.

2.3 Over the decades several amendments have been made to the Charity Commission's rules and regulations but one thing which has stayed is the obligation to manage, maintain and control finances is solely in the hands of the Trustees who **MUST** provide a statement of accounts to the Commission on an annual basis.

2.4 In the case of the William Alcock Charitable Trust there **should** be five trustees one being ex-officio^^ by order of their status, Vicar or Priest. There is not any requirement for Trustees to be council members. Their term in office **should** be four years The recruitment and appointments process is down to the Charity itself and is solely in the hands of the appointed Trustees. The Chairity Commission offers guidance and there are many pieces of legislation, (too many to list here) that oversee the process. However, the two words that come to the fore throughout are **MUST** and **Should**. Must is used when there is a specific or regulatory requirement to comply with. Should, is used for minimum good practice you should follow unless there's good reason not to. There are Trustees on record as at 2013 and accounts were submitted. The Charity www.gov.uk go to find a charity. to March 2017 but none since although the Trustees are still listed

2.3 A charity **should** appoint a 'Clerk' or 'Chair' the title makes no difference. The role is to arrange meetings, to take minutes and to record members attendance and ensure that the meetings are quorate. Although all these matters can be managed by the trustees themselves.

2.4 It now looks like in the case of the William Alcock Charity it was at this point in 2017 that things started to go wrong.

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2.5 What now follows will be an explanation by way of a list of assumptions and facts, (in terms of dates) that the MTC members will now have to consider in establishing our next moves.

Recommendations

- **To instruct the clerk to write to the Charity commission to give them an update as to the financial liabilities of the William Alcock Charity and the state of the estate. Copying CEC Revenues dept and asking both to change the registered address to The William Alcock Trust, C/O Victoria Buildings, Lewin Street, Middlewich, CW10 9AS**
- **To note that at this stage efforts are being made establish whether or not a strong business case can be put forward to bring the houses back into use. Perhaps through a joint venture between MTC, The Alms Houses Association and or other third parties with a time to report back being at the February Full Council Meeting.**
- **To Delegate Cllr Marshall to bring this report back to council**
- **To note that a separate financial report on past activities of trustees of the charity will be brought for council to consider in January 2025**

3. Background

3.0 Alms Houses were seen as a form of temporary shelter for the poor and destitute during the latter part of the 19th century. There were vast quantities of Alms houses built after the first world war as a temporary shelter for soldiers and their families. Many of our surrounding towns have them up and running and in good repair. The Middlewich Alms houses were at the time of their construction were designated for 'Old and Poor' persons and that term still exists Bringing them back into use would simply require a change to this designation

3.1 Alms Houses should to be inspected every five years and in 2017 an inspection was done 2017 a feasibility study was conducted by Quinquennial Inspections Ltd, (The clue in the title) the report is available for members to read. The report found the houses in a poor state of repair with all copper, metals and lead having been removed.

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However, stating that the houses were structurally sound and at predicted costs of between 56k to 78k per unit, depending on level of upgrade could be put back into use.

3.2 It noted that a small parcel of land to the South west corner had been annexed off and was now part of an adjoining property's back garden. Having investigated this [may](#) have come about there are solicitor documents on behalf of a local resident of an adjoining property dating back to 1990 asking for this land to be transferred [by sale to them](#). However, due to the absence of a legal document being produced that would indicate that the Charity's trustees could sanction such a purchase the application seems to have withered on the vine. Then again in 1999 another request was made from the same resident to purchase the land and it appears that once again no documents were available to sanction it. Fast forward to 2013 and there is a trail of emails between the then Clerk and a Trustee (the same resident) that seems to sanction the plan and indeed on a recent site inspection this parcel of land has now been fenced off. It is worth pointing out that Trustees must not make any material gains from their actions on behalf of the charity. There could be wrong doing here that may have to be referred to a legal process.

3.3 This matter must now be seen in the context that in recent discussions that I have had with the Alms House Association they may consider, loans and grants to bring houses back into use but not if there are legal matters outstanding.

3.4 The houses became vacant in or around 2006 and were thereafter boarded up in or around 2008. It appears that the bill for this was paid for by MTC. However what is not clear was whether this was simply for convenience or other accounting purposes. Trustees of Arms Houses Must ensure that there is a fund in place to cover these such matters.

3.4 Up until August 12th 2013 the William Alcock Charity had two Endowment Policies in place having been set up in the 1970s by the transference of fixed funds into interest rate savings. A wise move by the then Trustees. These endowment bounds were withdrawn and paid directly into the Barclays Bank Account Named The Chairman, The William Alcock Charity, Victoria Buildings Lewin Street

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Middlewich. The amounts paid in were £6473.86 and £17607.86 a total of £24,081.72. The last report to the Charity commission in March 2017 stated that this account had no funds available. Part of this can be explained by the settling of three county court judgements for unpaid council tax. It is worth noting that although these summonses were in the name of the Clerk, that clerk was also the Clerk of the trustees for the Charity. I believe this is where assumptions have been made that its Middlewich Town Council who were liable. We have confused the Clerk of the Trustees, that although at the time being the same person as the Clerk of MTC and the address of the charity being the same as the MTC that MTC are liable for the council tax of the said land and buildings.

4. Alternatives

4.0 Its worth noting that there are few alternatives left to the council as it does not own the land or buildings so it cannot force it to be sold unless by a court order.

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