

## **STATEMENT TO PARISH COUNCIL REGARDING THE CAPTAIN JAMES COOK MEMORIAL (GARDEN) TRUST**

### **BACKGROUND**

The Governing Document (i.e. constitution) of the Trust remains the Conveyance of 1934 between the Dixon brothers (former owners of the land and buildings on which the Cooks Cottage had stood), the State of Victoria (the purchaser) and Middlesbrough Corporation. The Corporation was gifted the land in trust “for the perpetual use by the public.....as a public open space and as a memorial to the late Captain James Cook.”

By Deed of Appointment dated 25 October 2004 Great Ayton Parish Council (the Council) replaced Middlesbrough Corporation as the Trustee. This is the present position, with the 1934 Conveyance, the Trust and the title to the land being vested with the Council.

The Council over time decided to appointed trustees. However, the arrangements for their appointment, powers, responsibilities and relationship to the Council have never been specified in an updated Governing Document.

On viewing the website of the Charity Commission, the Trust’s Regulator, late last year the activities of the Trust were listed as:

“Maintenance of a small public park with obelisk. Maintenance of public toilet.”

This surprising reference to a public toilet was raised with my fellow Trustees. We all agreed this linkage was not appropriate and should be severed. This was carried out and the Trust’s entry on the Commission’s website no longer makes reference to “Maintenance of public toilet.”

However, it has recently come to light that the Council formally leased the village Public Convenience to the Trust in July 2011 for a 20-year period.

### **PROPOSALS**

The lease of 2011 and the Charity Commission Registration are in conflict which. must be resolved.

Firstly, it is neither appropriate nor necessary for the Trust to have any involvement with the Public WC. In any event it does not fall within the ambit of the Trust’s Governing Document. Therefore it is proposed that the Council formally terminates the lease.

Secondly, the current Governing Document is no longer fit for purpose. Therefore it is proposed that the Council draws up a new and more comprehensive Document based on provisions described by the Charity Commission.

John Robinson

Parish Councillor / Trustee

27.11.20.