

## **FUTCHER SCHOOL TRUST**

MINUTES OF THE TRUSTEES MEETING held on Monday, 23 July 2012 at 6.00 pm in the Civic Offices, Portsmouth.

### **Trustees Present**

Councillor Steve Wemyss (In the Chair)  
Mrs Phyllis Rapson  
Councillor Sandra Stockdale  
Councillor Gerald Vernon-Jackson

### **Also in Attendance**

Philip Heath, Partner Weightmans LLP and solicitor to the Trust  
Chris Ward, Head of Finance  
Di Mitchell, Head of Education  
Teresa Deasy, Clerk to the Trust

#### **1 Declarations of Interest**

There were no declarations of interest.

#### **2 Apologies for Absence (AI 1)**

The clerk reported that apologies for absence had been received from Mark Mitchell, governor/trustee.

#### **3 Minutes of the Meeting held on 25 November 2010 (AI 2)**

(TAKE IN MINUTES)

The minutes of the meeting were agreed as a correct record.

#### **4 Matters Arising from the Minutes (AI 3)**

##### **(a) Minute No 3(a) – Naming of New Special School**

The clerk was asked to check on the wording of the signage at the Mary Rose School to ensure that it includes the strapline featuring the words: “formerly known as the Futcher and East Shore Schools”.

#### **5 Charity Commission Declaration Form for Trustees (AI 4)**

The four trustees present completed the declaration form and the clerk undertook to arrange for Mark Mitchell, who was unable to attend this meeting, to complete his section of the form for submission to the Charity Commission.

## **6 Approval of Draft Scheme prepared by the Charity Commission (AI 5)**

Philip Heath reported that the Charity Commission had advised that the draft scheme distributed with the agenda was not the most up to date version. He tabled copies of the latest version (version 5) at the meeting.

(TAKE IN REVISED DRAFT SCHEME)

Philip Heath highlighted the main points of the draft scheme. In particular, he pointed out that in paragraph 5 (4) the figure of £2,378,621 should be replaced to read £2,536,288.76. In addition, the amount of cash referred to in Part 1 should be amended to read £10,282.

Councillor Wemyss referred to the object of the charity as specified in paragraph 4 which states that young people benefiting from the trust's funds should be resident in Portsmouth. He pointed out that some of the current pupils at the Mary Rose School were from outside the city and that, therefore, there was a risk that by giving funding to the school for projects that would be for the benefit of all pupils, the trustees might be going against the conditions of their own trust scheme.

Di Mitchell advised that there were very few non-Portsmouth pupils at the school. Philip Heath explained that the De Minimis rule would apply in this situation. This rule means that the Charity Commission would not be concerned with numbers that were insignificant (normally amounting to less than 10% of the total). Thus, where any funding given to the school by the trust for the benefit of all the pupils, the Charity Commission would not consider the terms of the scheme to be infringed if a number (less than 10%) were resident outside the city..

The trustees, therefore, agreed that they would need to be mindful of the numbers of pupils who are not Portsmouth residents to ensure that they are De Minimis, when allocating funding to the Mary Rose School. They asked Di Mitchell to provide details at meetings of the trust when trust funds are to be disbursed.

**RESOLVED that the draft scheme be approved.**

## **7 Date of Next Meeting (AI 5)**

RESOLVED that the next meeting be held on Friday, 28 September at 5:30pm at the Mary Rose School.

The meeting concluded at 6:40pm

TMD/  
24 July 2012