

**Trusts Decision Making – Flowchart
Appendix A**

CABINET MAY MAKE AN 'IN PRINCIPLE' DECISION, AS A LOCAL AUTHORITY, WHICH AFFECTS A TRUST MATTER (CABINET MEMBERS ON CABINET TRUST COMMITTEE ARE NOT TO BE INVOLVED IN THAT CABINET DECISION)

TRUST MATTERS

COUNCIL IS A CORPORATE TRUSTEE

INDIVIDUAL COUNCILLORS AND OR COUNCIL OFFICERS ARE TRUSTEES

TRUST FUND?

YES

NO

INDIVIDUAL TRUSTEES SHOULD REFER TO GUIDANCE ON THEIR TRUSTEE RESPONSIBILITIES

DECIDED UNDER CORPORATE DIRECTOR RESOURCES DELEGATED AUTHORITY, FS5

OR IF OFFICER DELEGATION IS NOT APPLICABLE OR APPROPRIATE

DOES THE COUNCIL, AS LOCAL AUTHORITY, HAVE A FINANCIAL INTEREST IN THE PROPOSAL (even if it's at market value or best value)?

OR

DOES THE PROPOSAL INVOLVE ANY OTHER MEASURABLE BENEFIT TO THE COUNCIL, AS LOCAL AUTHORITY?

IE. A CONFLICT OF INTEREST

SEEK LEGAL ADVICE

IS IT A SERIOUS CONFLICT OF INTERESTS FOR THE TRUST (as defined in Charity Commission Guidance)?

E.g. if the Council is the Sole Trustee and has a financial interest in the proposal.

YES

NO

TRUSTS INDEPENDENT ADVISORY COMMITTEE

Receives independent legal advice and Considers removal / management of the Council's conflict of interests.

YES

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TRUSTS INDEPENDENT ADVISORY COMMITTEE

Receives independent legal advice and Considers removal / management of the Council's conflict of interests.

MAKES RECOMMENDATION

TRUSTS CABINET COMMITTEE

Makes Trustee Decision, with legal advice, in best interests of trust.

NB. Members must NOT have been involved in any related Cabinet decisions or have any other personal interests in the matter.