

## Full Council

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<b>Report Title:</b>	<b>Set up of Community Interest Company / Charitable incorporated Organisation or similar.</b>
<b>Meeting Date:</b>	<b>8 August 2023</b>
<b>Contact Officer:</b>	<b>Mandy Sturdy, Town Clerk Becky Reid, Environmental Project Officer</b>

### Purpose of the Report

1. To approve action to be taken to scope and then, if deemed appropriate, set up a relevant legal structure alongside Thame Town Council that would allow us to deliver projects and activities that are currently outside of our 'General Power of Competence'.

### Background

2. Oxfordshire County Council are currently funding the 121 bus route, costing approximately £4,000 a week to deliver, paid for by Section 106 funds allocated to connect new estates on Wenman Road into the Town Centre. It is their view that this is not good value for money, and they have approached Thame Town Council to ask them to consider setting up a community transport service to take over the running of this route. They believe this would allow the Section 106 funds currently being used to go further, giving the service more chance of long-term sustainability. It could also open other opportunities to support Thame through the provision of other transport services, to be developed.
3. The Travel Plan Working Group (TPWG) have been exploring how other Community Transport Services are delivered across the country and have conducted several meetings with other providers to gain knowledge and advice.
4. Since starting the project Buckinghamshire County Council have also made a proposal that some of their Section 106 funding is used to develop a service that meets the needs of some of their own targets to deliver additional public transport for new developments within Haddenham.
5. Further scoping work is required, along with financial planning and possible further community consultation to determine if and how Thame Town Council move ahead with the delivery of a community transport service. This work will be done and brought to a future Full Council meeting for approval.
6. The timeline for launching the service if we do go ahead, is February 2024.
7. As well as deciding the details of what service we offer, by this time we will also need to have the correct legal structure in place to allow us to run the service.

## **Need to set up a Community Interest Company (CIC), or Charitable Incorporated Organisation (CIO)**

8. Upon investigation it has become clear that Thame Town Council does not have the legal powers to run a bus service ourselves, as the Transport Act sets out who can operate a bus service and these provisions do not include a Town Council (even if they have General Power of Competence).
9. In order to take on this project we have currently identified the following options:
  - a. Support another organisation in Thame to take on the project;
  - b. Set up a new legal structure that runs parallel to Thame Town Council that allows us to deliver community transport (and other community) services.
  - c. Do nothing, and when the 121 bus is stopped don't replace it.
10. We have explored the first of these options through conversations with the groups outlined here. Although some have mentioned it may be something they would consider in the future, they are unlikely to be at a point to be ready to take anything on by February 2024.
  - a. The Barns Centre
  - b. Thame Senior Friendship group
  - c. Thame Community Land Trust
  - d. Thame Community Car
  - e. 21<sup>st</sup> Century Thame
  - f. Wild Pear CIC
11. Therefore, we now need to explore the setting up of a new legal structure that runs parallel to Thame Town Council. Options available are:
  - a. Community Interest Company (CIC),
  - b. Charitable Incorporated Organisation (CIO)
  - c. Charity
12. The set up of one of the above would initially allow us to take on the running of a community transport service (which could employ a staff member as well as volunteers) for Thame but would also open up opportunities for delivery of other services.

### **Risks**

13. Investigating the correct legal structure to pursue would not cost any more than Councillors and Officers times. However, progressing to setting up the chosen structure would incur some financial costs. We currently have no guarantee from OCC that we will be allocated the Section 106 funds for delivering this community transport service, so there is a risk that any funds invested by the Town Council to set up a structure may not lead to delivery of the service. However, the structure would still be available to be used for other future projects, such as running the Community and Youth Project building when complete.

### **Action Required**

14. *To establish a team of councillors, with some support from officers, who can dedicate time to investigate the most appropriate legal structure for Thame Town Council to move forward with and to present their findings to the next Full Council meeting for approval.*

**Legal Powers:**

- Charities Act 2011, ss298-303
- Local Government Act 1972, s139 (1)

**Recommendation to approve:**

- i) That the project to identify a suitable charitable organisation / structure and associated costs is fully scoped.*
- ii) That volunteer councillors with suitable skills and support from officers are identified to deliver the recommendations to Full Council.*