

**MELBOURNE GARDENS CHARITY CAPITAL TRUST  
(THE GARDEN TRUST)**

**UNAUDITED FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 5 APRIL 2023**

# MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

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# MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

## REPORT OF THE TRUSTEES

**AS AT 5 APRIL 2023**

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The Trust was created by The Most Honourable Antonella Marchioness of Lothian ('Lady Lothian') by a Trust Deed dated 6 June 1985. The recitals to the Deed record the grant of a 25-year lease of the gardens and grounds adjacent to Melbourne Hall together with certain service cottages to the Charity, and the payment by Lady Lothian of a sum of £10 to the Trustees to provide the initial endowment.

The Lease of the Gardens from the Trustees of the Melbourne Trust came to an end on 6 June 2010. The Trustees of the Garden Charity have been permitted to remain in occupation of the Gardens on the same terms by the Trustees of the Melbourne Trust. The terms of a new Lease are being negotiated so that the Trustees of the Garden Charity have the right to continue to occupy the Gardens.

The Trust is registered as a charity under Charity Commission reference number 516718. The principal registered address is:

Melbourne Hall  
Melbourne  
Derbyshire

The Trustees at the date of this report, all of whom held office throughout the period, are:

Michal Giedroyc  
Lord Ralph Kerr  
Lady Ralph Kerr

A Committee, consisting of not less than three and not more than seven persons, is responsible for the day-to-day management of the Charity and for giving directions to the Trustees as to the disposal of its capital and income. The Committee has power to appoint new Trustees, provided there shall never be more than four or less than two Trustees.

The Trustees' agents are:

Bankers: National Westminster Bank plc  
836 Osmaston Road  
Allenton  
Derby  
Derbyshire  
DE24 9ZT

Solicitors: Withers LLP  
20 Old Bailey  
London  
EC43 7AN

Accountants: PKF Smith Cooper Limited  
7 Compton Street  
Ashbourne  
Derbyshire  
DE6 1BX

# MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

## REPORT OF THE TRUSTEES

*AS AT 5 APRIL 2023*

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Stockbrokers: Ruffer LLP  
80 Victoria Street  
London  
SW1E 5JL

Independent Examiner Catherine Desmond LLB CTA  
PKF Smith Cooper Limited  
7 Compton Street  
Ashbourne  
Derbyshire  
DE6 1BX

### **Objectives and Organisation:**

The object of the Charity in relation to the leased land is as follows:

- i. The maintenance of a garden for the enjoyment of the public
- ii. The promotion of public knowledge and appreciation of the art and science of landscape gardening
- iii. The advancement of education by the growth and propagation of trees and plants with a view to the furtherance of the study and science of botany and the conservation of nature and the increase of knowledge in respect thereof
- iv. The improvement of the methods and practice of horticulture

Subject to the expenses of administering and establishing the Charity, the Trustees are directed to hold the Trust Fund and its income in accordance with the directions of the Committee for the primary purpose of 'the laying out, planting, improvement, maintenance, preservation and upkeep' of the lands at Melbourne leased to the Charity as a garden.

To the extent that the Trust Fund and its income are not required for such primary purpose, the Trustees are directed to hold the same for such other charitable purposes as the Protector shall direct, or failing any such direction as the Committee shall direct.

The income of the Trust is derived mainly from its investments and contributions from Melbourne Gardens Charity Income Trust.

The Committee is obliged to meet at least twice in every calendar year.

There have been no changes during the period to the objectives of the Trust or to the way in which it is administered.

In setting the objectives of the charity, the Trustees have given careful consideration to the Charity Commission's general guidance on public benefit.

### **Investment powers:**

Under clause 6(2) of the Trust Deed the Trustees have unrestricted powers of investment, provided they are acting in accordance with the directions of the committee.

# MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

## REPORT OF THE TRUSTEES

*AS AT 5 APRIL 2023*

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### Review of the year:

Accounts for the year ended 05 April 2023 are attached to this report. The Trustees confirm that the accounts comply with the current statutory requirements and with the Trust's governing document.

During the year the Trustees received gross income of £49,064. Direct charitable expenditure and management and administration expenses totalled £39,821, resulting in a surplus for the year of £9,243.

Investments held at 05 April 2023 were all acquired in accordance with the power available to the Trustees.

The Trustees have examined the statement of financial activities and reviewed relevant costs with a view to ensuring Trust income exceeds expenditure in future years. Where expenditure made from the Trust bank account has been considered in excess of amounts related the Trust income, the expenditure has been disallowed and held in the balance sheet as a creditor, to be reimbursed by The Melbourne Trust.

### Trustees' policies:

**Reserves:** The trustees do not consider that there is a need for a reserves policy as they make donations to charitable purposes as and when the funds are available.

**Investments:** The objective is to achieve an overall return of twice that obtainable on cash deposits, with the income element not less than the return obtainable on cash deposits.

**Risk Management:** The trustees monitor the performance of the investment managers. They also meet annually to approve the budget for future income and expenditure.

The committee meets regularly and is responsible for monitoring actual income and expenditure against agreed budgets.

# MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

## REPORT OF THE TRUSTEES

**AS AT 5 APRIL 2023**

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### **Statement of Trustees' Responsibilities**

The Trustees are responsible for preparing the Trustees' report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice). Law applicable to charities in England and Wales, the Charities Act 2011, Charity (Accounts and Reports) Regulations 2008 and the provisions of the Charities Constitution require the Trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources of the Charity for that period. In preparing these financial statements, the Trustees are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the Charities SORP;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards and statements of recommended practice have been followed, subject to any departures disclosed and explained in the financial statements; and
- prepare the financial statements on a going concern basis unless it is inappropriate to presume that the Charity will continue in operation.

The Trustees are responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the Charity and enable them to ensure that the financial statements comply with the Charities Act 2011, the Charity (Accounts and Reports) Regulations 2008 and the provisions of the Charity's Constitution. They are also responsible for safeguarding the assets of the Charity and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

On behalf of the Trustees

Lord Ralph Kerr - Trustee

# MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

## INDEPENDENT EXAMINER'S REPORT

### TO THE OF MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

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I report to the Trustees on my examination of the financial statements of Melbourne Gardens Charity Capital Trust (The Garden Trust) (the Charity) for the year ended 5 April 2023 .

#### **Responsibilities and basis of report**

As the Trustees of the Charity you are responsible for the preparation of the financial statements in accordance with the requirements of the Charities Act 2011 (the 2011 Act).

I report in respect of my examination of the Charity's financial statements carried out under section 145 of the 2011 Act. In carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the 2011 Act.

#### **Independent examiner's statement**

Your attention is drawn to the fact that the charity has prepared financial statements in accordance with Accounting and Reporting by Charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) in preference to the Accounting and Reporting by Charities: Statement of Recommended Practice issued on 1 April 2005 which is referred to in the extant regulations but has now been withdrawn.

I understand that this has been done in order for financial statements to provide a true and fair view in accordance with Generally Accepted Accounting Practice effective for reporting periods beginning on or after 1 January 2015.

I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination giving me cause to believe that in any material respect

- 1 accounting records were not kept in respect of the Charity as required by section 130 of the 2011 Act;
- 2 the financial statements do not accord with those records; or
- 3 the financial statements do not comply with the applicable requirements concerning the form and content of accounts set out in the Charities (Accounts and Reports) Regulations 2008 other than any requirement that the accounts give a true and fair view which is not a matter considered a part of an independent examination.

I have no concerns and have come across no others matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the financial statements to be reached.

#### **PKF Smith Cooper Limited**

7 Compton Street  
Ashbourne  
Derbyshire  
DE6 1BX  
United Kingdom

Dated: .....

# MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

## STATEMENT OF FINANCIAL ACTIVITIES

FOR THE YEAR ENDED 5 APRIL 2023

		2023		2022
	£	£	£	£
<b>Income</b>				
Garden entrance fees and catalogue sales		38,173		25,462
Donations		10,891		9,408
		<u>49,064</u>		<u>34,870</u>
<b>Direct charitable expenditure</b>				
Purchases	3,142		7,069	
Wages and salaries	3,495		1,500	
Electric, rates and water	2,997		2,704	
Repairs to plant and machinery	25,136		12,744	
Motor expenses	2,125		2,831	
		<u>(36,895)</u>		<u>(26,848)</u>
<b>Gross surplus</b>	24.80%	12,169	23.01%	8,022
<b>Management and administration expenses</b>				
Professional fees	-		999	
Accountancy	749		550	
Bank charges	132		313	
Postage, stationery and advertising	1,879		18,372	
Sundry expenses	166		-	
		<u>(2,926)</u>		<u>(20,234)</u>
<b>Operating surplus/(deficit)</b>		<u>9,243</u>		<u>(12,212)</u>
<b>Other income</b>				
Listed investment interest and dividends	6,174		3,661	
Realised gains/(losses) on investment assets	8,864		93,471	
Unrealised gains/(losses) on investment assets	(2,706)		(81,679)	
		<u>12,332</u>		<u>15,453</u>
<b>Net movement in funds</b>	43.97%	21,575	9.29%	3,241
Total funds brought forward		97,975		94,734
<b>Total funds carried forward</b>		<u><u>119,550</u></u>		<u><u>97,975</u></u>

The notes form part of these financial statements.

# MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

## BALANCE SHEET

AS AT 5 APRIL 2023

	Note	2023		2022	
		£	£	£	£
<b>Fixed assets</b>					
Investments	2		355,402		343,071
<b>Current assets</b>					
Other debtors		61,386		62,246	
Cash at bank and in hand		6,518		11,577	
		<u>67,904</u>		<u>73,823</u>	
<b>Creditors: amounts falling due within one year</b>					
Other creditors		278,906		294,069	
Trade creditors		24,850		24,850	
		<u>303,756</u>		<u>318,919</u>	
<b>Net current liabilities</b>			(235,852)		(245,096)
<b>Total assets less current liabilities</b>			<u>119,550</u>		<u>97,975</u>
<b>Unrestricted funds</b>			<u>119,550</u>		<u>97,975</u>

In accordance with the engagement letter dated 6 June 2022, I approve the financial statements set out on pages 6 to 9. I acknowledge my responsibility for the financial statements, including the appropriateness of the accounting basis as set out in note 1 to the financial statements, and for providing PKF Smith Cooper Limited with all information and explanations necessary for their compilation.

The financial statements were signed on .....

.....  
Lord Ralph Kerr

# MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

## NOTES TO THE ACCOUNTS

*FOR THE YEAR ENDED 5 APRIL 2023*

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### **1 Accounting policies**

The principal accounting policies applied are as follows.

#### **1.1 Accounting convention**

The financial information is compiled on an agreed accounting basis that enables profits to be calculated such as to meet the requirements of Section 25 of the Income Tax (Trading and Other Income) Act 2005, and provides sufficient and relevant information to enable the completion of a tax return.

#### **1.2 Compliance with accounting standards**

The financial information is not intended to achieve full compliance with the provisions of UK Generally Accepted Accounting Principles.

# MELBOURNE GARDENS CHARITY CAPITAL TRUST (THE GARDEN TRUST)

## SCHEDULE OF INVESTMENTS

FOR THE YEAR ENDED 5 APRIL 2023

2 Fixed asset investments	Investments Held At 6 April 2022			Date	Movement In Period				Investments Held At 5 April 2023		
	Holding	Book Value	Market Valuation		Holding	Cost/(Proceeds)	Gain/(Loss) on Disposal	MV Adjustment	Holding	Book Value	Market Valuation
Charity Asset Trust C Inc	-	-	-	31/01/23	226,277	335,116		(827)	236,349	350,055	349,228
				01/02/23	9,576	14,200					
				08/02/23	496	739					
LF Ruffer Pacific & Emerging Markets	1,696	-	147	15/08/22	(1,696)	(141)	141	(147)	-	-	-
TM Ruffer Portfolio C Acc	3,315	335,018	342,924	24/08/22	1	141		(1,733)	-	-	-
				31/01/23	(3,175)	(335,116)	8,331				
				01/02/23	(141)	(14,939)	392				
Dividends not distributed											6,174
		<u>335,018</u>	<u>343,071</u>		<u>231,338</u>	<u>-</u>	<u>8,864</u>	<u>(2,707)</u>		<u>350,055</u>	<u>355,402</u>