

# Birmingham City Council – Council as Trustee

## PUBLIC REPORT

<b>Report to:</b>	<b>Trust and Charities Committee</b>	<i>Exempt information paragraph number – if private report:</i>
<b>Report of:</b>	<b>CHIEF FINANCIAL OFFICER</b>	
<b>Date of Decision:</b>	<b>22 January 2020</b>	
<b>SUBJECT:</b>	<b>TO APPROVE THE ANNUAL REPORT AND ACCOUNTS FOR THE ELFORD ESTATE CHARITY FOR THE PERIODS 2018/19</b>	
<b>Key Decision: –Yes–/ No</b>	<b>Relevant Forward Plan Ref: No</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b>	<input type="checkbox"/>
	<b>O&amp;S Chairman approved</b>	<input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>N/A</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>N/A</b>	
<b>Wards affected:</b>	<b>All</b>	

<b>1. Purpose of report:</b>
1.1 To present for approval the Annual Report and Accounts for the Elford Estate Charity for the financial year ending 31 March 2019.

<b>2. Decision(s) recommended:</b>
2.1 The Committee acting on behalf of the Trustee, Birmingham City Council (BCC) is recommended to approve the Annual Report and Accounts for 2018/19.
2.2 The Committee acting on behalf of the Sole Corporate Trustee authorises officers in Corporate Finance to submit all appropriate and necessary documentation to the Charity Commission in respect of recommendation 2.1.

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<b>3.</b>	<b>Consultation</b>
	Consultation should include those that have an interest in the decisions recommended
3.1	<u>Internal</u>  The Chairman of the Committee has been consulted in the preparation of this report and agrees in principle with its contents.
3.2	<u>External</u>  N/A
<b>4.</b>	<b>Compliance Issues:</b>
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>  Yes- as part of the role of the Trust and Charities Committee.
4.2	<u>Financial Implications</u>  There are no financial implications arising from this report.
4.3	<u>Legal Implications</u>  Management and governance arrangements for Charitable Trusts are set out in the constitution under which they were established. Charity Trustees must also comply with Charities Act 2011, Trustee Act 2000 and other relevant legislation and guidance issued by the Charity Commission. The assets of a charity must be used in accordance with charitable law, failing this will give rise to a breach of trust. Legal sanction can follow from either the beneficiaries of the charitable trust and/or Charity Commission. Decisions made by the charity must be appropriate to the interests of the charity at all times. The Committee has empowered officers within the Council to discharge certain functions on its behalf as Council as Trustee.
4.4	<u>Public Sector Equality Duty</u>  The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions

## **5. Relevant background/chronology of key events:**

- 5.1 The Elford Estate Charity was gifted to Birmingham City Council by way of a Conveyance on 29 September 1936 The Elford estate Charity was registered with the Charity commission on 25 October 1990. The objectives of the charity are to promote 'the healthful recreation of the citizens of Birmingham' and 'of preserving as far as possible the rural character. The land is held for the purposes of the trust subject to the tenancies affecting the land. The Trust is registered with the Charity Commission no 1000692.
- 5.2 It is a requirement that all trusts registered with the Charity Commission are to compile and submit audited accounts to the Commission. The Charity Commission threshold for requiring that trust fund accounts be independently examined and forwarded to the Charity Commission is £25,000.
- 5.3 The Charity income for the year 2018/19 was £ 106,266 and therefore an Independent Examination was required. The Independent Examiner confirmed that no material matters had been brought to is attention during their examination of these accounts. The accounts were signed off by the Independent Examiner on 3rd January 2020.

## **6. Evaluation of alternative option(s):**

- 6.1 Alternative options are not appropriate for this report.

## **7. Reasons for Decision(s):**

- 7.1 For Committee to approve the 2018/19 accounts for the Elford Estate Charity.

<b>Signatures</b>	<b><u>Date</u></b>
Chief Finance Officer	
Chairman of the Trust and Charities Committee	

<b>List of Background Documents used to compile this Report:</b>
1. n/a

<b>List of Appendices accompanying this Report</b>
<u>Appendix 1 – Elford Estate Charity Annual Accounts 2018/19.</u>