

REPORT OF THE CHAIR OF THE TRUSTS AND CHARITIES COMMITTEE
ON THE FORMATION OF THE YOUNG ACTIVE TRAVEL CHARITABLE TRUST

1. PURPOSE/SUMMARY

To seek formal approval from Council as Trustee to the Motion set out below proposing the establishment of a new charitable trust of which Birmingham City Council is Sole Corporate Trustee.

2. BACKGROUND

Legal & Governance Arrangements

The City Council is already Sole Corporate Trustee for a number of charitable trusts ("charities"). The day-to-day management of these charities is delegated to the Council's Trusts & Charities Committee.

Each charity is governed by the Deed under which it was established, and/or a Charity Commission Scheme. These documents set out the Trustees' powers, as well as the objects or purposes for which the charitable trust was created.

Assets held in trust by a charity are ultimately for the benefit of the public (beneficiaries). Any dealing in these assets, and any income derived from them, is legally required to be dealt with and accounted for separately from the Corporate Property Portfolio/assets of the City Council. Charities must be managed in accordance with the objectives and rules laid down in their Trust documents.

It is the legal duty of Trustees to ensure that the charity is managed in accordance with the Trust objectives and, accordingly, there is a legal duty upon the City Council when it acts as the Sole Corporate Trustee. This duty extends to acting in the best interests of the charity and its beneficiaries at all times or making decisions which are expedient in the interests of the charity (as opposed to the City Council).

All charity Trustees also have a legal duty to avoid conflicts of interest, and self-dealing (which prohibits a trustee from buying trust property and makes a sale by a trustee to himself voidable by any beneficiary). All decisions made by Council's Trusts and Charities Committee are subject to prior review by the Council's City Solicitor and Monitoring Officer to ensure that decisions are made in accordance with charity law having regard to any relevant Charity Commission guidance.

3. YOUNG ACTIVE TRAVEL IN BIRMINGHAM CHARITY

Background

The Council's Young Active Travel initiative is an attempt to pull together cross-cutting policy objectives around improving children's health, achieving "behaviour change" around transport choices, and addressing environmental and road safety concerns. It seeks to encourage parents and pupils to adopt more sustainable ways of travelling to school and reduce car journeys, improving not only their own health but that of the wider community – with reduced road danger, less air pollution from cars and less traffic congestion in local neighbourhoods – particularly around school gates.

The Council has already invested in a wide range of measures to make it safer, easier, and more pleasant for children to walk or cycle to school including, for example, the roll out of 20 mph speed limits; road humps and other traffic calming designs; light controlled pedestrian crossings; and the development of bicycle and walking routes.

The Council is now encouraging schools to take the initiative to review their School Travel Plans through the ModeShift STARS online package, involving children in developing solutions appropriate to their neighbourhood, with support from parents and partners – the thinking being that long term behaviour change will start with children and young people themselves. The downstream benefits that may be achieved from fitter and healthier school populations include children arriving at school more alert and ready to learn, and suffering less absence related to avoidable health conditions.

The City Council is taking a number of steps to further this objective:

- the Council's Transportation Behaviour Change Team has developed an on-line Young Active Travel toolkit to bring together in one easily accessible place all the available information, statistics, contacts and "good ideas" including, for example, child obesity and asthma rates, cycling and walking routes, and road safety education resources;
- the Council will also host a Schools Council Summit in October 2016 to launch Young Active Travel and directly engage children with the initiative;
- with this report, as promised, the Council is establishing a Trust to secure and maximise donations and sponsorship to support steps to develop and implement measures around sustainable travel to school and road safety;
- recognising that School Crossing Wardens may be an important element of School Travel Plans, the Council is making available a budget resource of £750k in 2017/18 to ensure the on-going provision of a service in areas of highest priority, in partnership with schools.

The Charity

The charity will be an unincorporated charitable organisation, with objects/purposes around promoting and raising funds to further sustainable travel to and from school, and children's road safety within the City of Birmingham. The City Council will be the Sole Corporate Trustee and the Trust will be managed by the Council's Trusts and Charities Committee.

Charity Finances

An initial start-up endowment will be made by the Council from the resources made available in 2016/17 (proposed £75k). It is hoped this sum will be supplemented by £25k sponsorship from a household-name national company, with whom discussions are at an advanced stage.

The Trust may choose to grow the initial endowment by employing a professional fund raiser to promote the Trust, secure donations from private individuals and businesses, and design and manage a donor recognition scheme.

Grant Applications & Funding

Schools and groups of parents will be able to apply to the Trust for grants (initially up to £1,000 per application, depending on the unrestricted balances available to the Trust at the time). These grants will be available to support the development and implementation of School Travel Plans, and fund initiatives to encourage travel behaviour change and/or measures to improve children's safety as they travel to and from school e.g. fluorescent tabards for "walking buses", children's road safety training sessions, training for staff and parents; bespoke mapping; or publicity materials and signage.

A scheme of delegations to officers within Finance & Legal Services will allow day to day management of grant awards to be undertaken on behalf of the Trusts and Charities Committee. The Committee will resolve to approve an appropriate Mechanics of Grant Funding Protocol, which sets out the process of applying for funding, the criteria applicants must satisfy and evidence of public benefit.

4. MOTIONS

That Full Council sitting as 'Council as Trustee':

- 1) Notes and approves the formation of the Young Active Travel in Birmingham Charity as set out within the Trust Deed at Appendix 1;
- 2) Instructs officers with Finance and Legal Services to register the Charity with the Charity Commission when appropriate;
- 3) Instructs officers within Finance and Legal Services to draft a Mechanics of Grant Funding on behalf of the Charity for the approval of the Trusts and Charities Committee at its next Committee Meeting

Appendix

1. Trust Deed - Young Active Trust in Birmingham

Chairman of the Trusts and Charities Committee

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Councillor Habib UL Rehman