

Report to:	Trust and Charities Committee	<i>Exempt information paragraph number – if private report:</i>
Report of:	Strategic Director – Finance and Legal Services	
Date of Decision:	20 July 2016	
SUBJECT:	ANNUAL REPORT AND ACCOUNTS – BIRMINGHAM MUNICIPAL CHARITY FOR THE PERIOD 2015/16	
Key Decision: Yes / No	Relevant Forward Plan Ref: No	
If not in the Forward Plan: (please "X" box)	Chief Executive approved	<input type="checkbox"/>
	O&S Chairman approved	<input type="checkbox"/>
Relevant Cabinet Member(s):	N/A	
Relevant O&S Chairman:	N/A	
Wards affected:	All	

1. Purpose of report:

- 1.1 To present for approval the 2015/16 Annual Report and Accounts for Birmingham Municipal Charity for the period ending 31 March 2016.

2. Decision(s) recommended:

- 2.1 The Committee acting on behalf of the Council as Trustee is recommended to approve the Annual Report and Accounts as set out within Appendix 1 of this Report.
- 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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3. Consultation

Consultation should include those that have an interest in the decisions recommended

3.1 Internal

The Chairman of the Committee has been consulted in the preparation of this report as have officers in Legal Services.

3.2 External

N/A

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

N/A

4.2 Financial Implications
(Will decisions be carried out within existing finance and Resources?)

N/A

4.3 Legal Implications

The City Council acts as Sole Trustee for a number of charitable and non-charitable trusts and has delegated the management of these Trusts to the Trusts and Charities Committee, which includes approving the Accounts for any relevant charitable trust. Charitable trusts are regulated by the Charity Commission. Each Trust registered with the Charity Commission is required to annually submit an annual Report and Accounts, ten months after the end of the financial year, except where gross annual income is less than £25,000. Below this threshold, external scrutiny is only needed if this is set out in the Charity's governing document. The accounts of such Trusts are required to have been independently examined if gross income is between £25,000 and £500,000, and if the income exceeds £500,000 a full audit is required. An audit will also be required if total assets (before liabilities) exceed £3.26m, and the charity's gross income is more than £250,000

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, other relevant legislation and guidance issued by the Charity Commission. The assets of a charity must be used in accordance with charitable law, failing which 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 expedient in 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 Public Sector Equality Duty (see separate guidance note)

None. 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 trust was established by a Trust deed dated 9 June 2011 by Birmingham City Council, and is a charitable trust.

5.2 The charitable objects of the Birmingham Municipal Charity are “to fund general charitable activity for the benefit of the citizens of the Birmingham.”

5.3 As referred to above, it is a requirement for all trusts that are registered with the Charity Commission to compile and submit annual audited accounts to the Commission ten months after the end of the financial year. the Charity Commission’s threshold for requiring trust fund accounts to be independently examined and forwarded to the Charity Commission is £25,000.

5.4 No independent examination was required as the total annual income for the financial year was £10,535.

6. Evaluation of alternative option(s):

6.1 It is a Charity Commission requirement to compile annual accounts.

7. Reasons for Decision(s):

7.1 For Committee to approve the Accounts.

Signatures	<u>Date</u>
Strategic Director Finance and Legal Services	
Chairman	

List of Background Documents used to compile this Report:

N/A

List of Appendices accompanying this Report (if any):

1. 2015-16 Accounts.