

<b>Report to:</b>	<b>TRUSTS AND CHARITIES COMMITTEE</b>
<b>Report of:</b>	<b>Director of Finance</b>
<b>Date of Decision:</b>	<b>17 DECEMBER 2015</b>
<b>SUBJECT:</b>	<b>ANNUAL REPORT &amp; ACCOUNTS – 2014/15 SIR WHITWORTH WALLIS TRUST</b>
<b>Wards affected:</b>	<b>All</b>

**1. Purpose of report:**

- 1.1 To present for information the Annual Report and Accounts for Sir Whitworth Wallis Trust for the financial year ending 31 March 2015.

**2. Decision(s) recommended:**

- 2.1 That Committee is receiving this report for information as Custodian Trustee and is asked to note the attached Annual Report and Accounts.

<b>Contact Officer:</b>	Mark Szurminski
<b>Telephone No:</b> <b>E-mail address:</b>	0121 675 0482 Mark_szurminski@birmingham.gov.uk

**3. Compliance Issues:**

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.

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 <u>Legal Implications</u>
<p>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.</p>
4.4 <u>Public Sector Equality Duty (see separate guidance note)</u>
<p>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.</p>
<b>5 Relevant background/chronology of key events:</b>
<p>5.1 The Trust was established under a deed dated 26<sup>th</sup> July 1968 in memory of Sir Whitworth Wallis, the first curator of the Birmingham Art Gallery.</p> <p>5.2 The objects of the Trust are the promotion and study of paintings by students by offering scholarships, bursarships or prizes.</p> <p>5.3 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.</p> <p>5.4 Each charitable Trust registered with the Charity Commission is required to annually submit an annual Report and Accounts, except where gross annual income is less than £25,000, no later than ten months after the end of each financial year. 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 annual 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 gross assets exceed £3.26m, and the charity's gross income is more than £250,000.</p> <p>5.5 The Charity Commission's threshold for requiring trust fund accounts to be independently examined and forwarded to the Charity Commission is £25,000.</p> <p>The trusts gross annual income for the year was £1,299 and therefore there was no requirement for an independent examination.</p>
<b>6.Reasons for Decision(s):</b>
6.1 This Report is for information only.

**Signatures****Date**

Director of Finance: .....

.....

Chairman .....

.....

**List of Appendices accompanying this Report (if any):**

1. 2014/15 Accounts