

Birmingham City Council – Council as Trustee

PUBLIC REPORT

Report to:	Trust and Charities Committee	<i>Exempt information paragraph number – if private report:</i>
Report of: Date of Decision:	CHIEF FINANCIAL OFFICER 28 January 2021	
SUBJECT:	APPROVAL FOR THE FORMAL TRANSFER OF BALANCES FROM THE JOHN BILLINGSLEY THE ELDER INTO THE BIRMINGHAM MUNICIPAL CHARITY	
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 The Chief Finance Officer seeks the formal approval of the Trusts and Charities Committee to accept the transfer balance of £2,157.00 from the Charity of John Billingsley the Elder ("Trust") into the Birmingham Municipal Charity ("BMC") on the terms set out below.

2. Decision(s) recommended:
2.1 The Committee approves the transfer the balance of £2,157.00 and any interest accrued, from the Charity of John Billingsley the Elder into the Birmingham Municipal Charity for 2020/21.
2.2 The Committee 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	<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
4.	Compliance Issues:
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u> Not applicable.
4.2	<u>Financial Implications</u> <u>(Will decisions be carried out within existing finance and Resources?)</u> The balance in the Trust as at 31 st December 2020 was £ 2,157.00 , with net investment income in 2019/20 of £13.83 The fund balance, if approved by the Committee, will be invested in the CCLA Charities Official Investment Fund (COIF) Deposit Fund. All income from this fund is applied solely in accordance with the charitable objects and purposes of Birmingham Municipal Charity (BMC).
4.3	<u>Legal Implications</u> At their meeting on 6 January 2015, Trustees for the John Billingsley the Elder Trust concluded that the charity was not financially sustainable, incurring administration costs and incapable of fulfilling its objects/purposes and therefore they resolved to transfer the assets of the Trust to the BMC as permitted under Part 13 Charities Act 2011 (the "Act").
4.4	<u>Public Sector Equality Duty (see separate guidance note)</u> 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 Birmingham Municipal Charity was established on 3 November 2010 following the recommendation of consolidating various trust fund balances into a new single trust- the Birmingham Municipal charity. It is registered with the Charity Commission number 1146182.
- 5.2 The charitable objectives and purpose of the trust are:
"to fund general charitable activity for the benefit and on behalf of the citizens of Birmingham Beneficiaries of the Trust must reside in Birmingham ."
- 5.3 The charity Commission threshold for requiring that trust fund accounts be independently examined and forwarded to the Charity Commission is £25,000.

6. Evaluation of alternative option(s):

- 6.1 Alternative options are not appropriate for this report.

7. Reasons for Decision(s):

- 7.1 For the Trust and Charities Committee to accept the transfer of the balance from the Charity of John Billingsley the Elder into the Birmingham Municipal Charity

	Signatures	<u>Date</u>
Chief Finance Officer
Chairman

List of Background Documents used to compile this Report:

Appendix 1
Minutes of the meeting of the Trustees of the John Billingsley the Elder Trust held on 6 January 2015.