

BIRMINGHAM CITY COUNCIL – COUNCIL AS TRUSTEE**PUBLIC REPORT**

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	Assistant Director of Property (Interim) 18th July 2018
SUBJECT:	ELFORD ESTATE TRUST: AWARD OF GRANT TO MOOR POOL HERITAGE TRUST UPDATE
Wards affected:	Out of City

1. Purpose of report:

- 1.1 To note the communication from the Moor Pool Heritage Trust.

2. Decisions recommended:

That the Committee

- 2.1 notes the letter of thanks and report from the Moor Pool Heritage Trust in regard to the earlier award of funds from the Elford Estate as set out in Appendix 1.

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3. Compliance:

3.1 Consultations:

This is a report for information and no consultation is required. The Elford Estate is outside of the City boundaries near Lichfield

3.2 Are there any relevant legal powers, personnel, equalities, procurement, regeneration and other relevant implications?

The City Council acts as Sole Corporate Trustee for a number of charitable and non-charitable Trusts and has delegated day to day decision making to the Trusts and Charities Committee. Charitable trust activity is regulated by the Charity Commission and any proposals relating to the Estate will be governed by the charity's Trust documents as amended by any Scheme approved by the Charity Commission.

The Elford Estate Trust holds the freehold interest of the land in trust as Sole Trustee. Actions proposed are required to be in the best interests of the trust and are intended to preserve the trust estate for the future. The Elford Estate Charity Commission Scheme dated 14th May 1990 establishing the regulation of the Charity also provides appropriate powers for the management of the Estate and for disposal of assets by sale or for lease without further approval by the Charity Commission provided such disposals are conducted in line with statutory processes set out in the Charities Acts and that the proceeds of any sale be invested in trust for the Elford Estate. It is in line with advice from the Charity Commission to all charities that trustees are encouraged to use its unrestricted income in the furtherance of the declared Objects of the Trust.

3.3 How will decisions be carried out within existing finances and resources?

The Committee has responsibility for ensuring the proper governance of the Trust in accordance with the objects of the trust and charity law. The Trustees must act with prudence and must ensure that the charity is and will remain solvent and that appropriate cost controls are in place. Funds for Elford are generated by rents collected on the Estate. Awards from those funds are made in accordance with the agreed processes as agreed by the Council as Trustee.

3.4 Main Risk Management and Equality Impact Assessment Issues (if any):

Not applicable. 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.

4. Relevant background/chronology of key events:

4.1 The Elford Estate Charity is formed from a single gift from Francis Paget in 1936 and is held in trust as Registered Charity no.1000692 registered 25 October 1990. The Elford Estate Charity Commission Scheme dated 14th May 1990 provides powers to manage the Estate and its funds and permits disposals by sale or lease. Awards are periodically made from the trust funds in response to applications from appropriate bodies where they are in compliance with the Trusts Objects.

4.2 The Moor Pool Heritage Trust registered charity no. 1148252 was set up to promote, for the public benefit: the conservation, protection and improvement of the physical and natural environment within the Moor Pool Conservation Area and also the promotion of community participation in healthy recreation through the use of community facilities as well as the advancement of education, including knowledge of the social, architectural history and heritage of the area. The Moor Pool estate is an early example of effective town planning by John Sutton Nettlefold and with the assistance of the award from Elford Estate funds, other funds and public prescription the Moor Pool Heritage Trust secured the purchase of the estate safeguarding it from inappropriate development. The attached correspondence is to update and thank the Committee.

4.3 Aims and Objectives of the Charity

Each charitable asset is held as a separate trust and decisions need to be in the best interests of that trust. The objects of the Elford Estate Charity are '*the promotion of the healthy recreation of the inhabitants of the City of Birmingham*' and '*the preservation of the rural nature of the estate*'.

4.4 Trustee Powers

The charity's constitution is set out within the executed Trust Deed, principally the acquisition deeds or as amended by any Scheme agreed with the Charity Commission. All decisions will be mindful of the original intention set out in the governing documents however subject to compliance with Charity law and Part 7 Charities Act 2011 sufficient powers exist for the Trustees to make decisions on the future of the assets.

4.5 Charity Finances

The Trust's balances are made up of Restricted Funds which cannot be spent and which are held as investments and its Unrestricted Funds generated by the accumulation of income but which can be spend in accordance with the Objects of the Trust and for the appropriate management of the Estate. The award to Moor Pool Heritage Trust was made from the Elford Estate Trust's unrestricted funds in accordance with the agreed mechanisms of the Trust.

Formal accounts are required to be prepared for the Charity Commission returns where appropriate. The Trust has a strong revenue stream principally from the letting of the main agricultural land holding comprised in Home Farm plus other smaller lettings.

5. Evaluation of alternative options:

The alternative was not to award funds.

6. Reason for Decision(s)

6.1 The use of the funds was consistent with and compliant with the Trusts Objects.

Signatures:

Chief Officer(s):

Dated:

List of Background Documents used to compile this Report:

1. Report to Trusts and Charities Committee 5th November 2014
2. The Management of the Elford Trust Fund for the allocation of grants

List of Appendices accompanying this Report (if any):

1. Correspondence from the Moor Pool Heritage Trust dated XXXXXX