

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE

THURSDAY, 28 JANUARY 2021 AT 10:30 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

A G E N D A

1 **NOTICE OF RECORDING/WEBCAST**

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **DECLARATIONS OF INTERESTS**

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 **APOLOGIES**

To receive any apologies.

1 - 6

4 **MINUTES**

To confirm and sign the Minutes of the last meeting of the Trusts and Charities Committee held on 2 December 2020.

5 **MATTERS ARISING**

To discuss matters arising.

7 - 14

6 **APPROVAL FOR THE FORMAL TRANSFER OF BALANCES FROM THE JOHN BILLINGSLEY THE ELDER INTO THE BIRMINGHAM MUNICIPAL CHARITY**

Report of the Chief Financial Officer.

15 - 26

7 **ANNUAL REPORT AND ACCOUNTS FOR THE HARRIET LOUISA LOXTON FOR THE PERIOD 2018/19**

Report of the Chief Financial Officer.

8 **DATE OF NEXT MEETING**

To note the next meeting is scheduled to be held on Thursday 25 March 2021 at 1030 hours.

9 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

27 - 42

9A **TO APPROVE THE ANNUAL REPORT AND ACCOUNTS FOR HIGHBURY TRUST 2019/20**

Report of the Chief Financial Officer.

10 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 2 DECEMBER 2020

**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON WEDNESDAY 2 DECEMBER 2020
AT 1030 HOURS AS AN ON-LINE MEETING**

PRESENT:- Councillor Akhlaq Ahmed in the Chair;

Councillors Adrian Delaney, Shabrana Hussain, Mohammed Idrees and David Pears.

ALSO PRESENT:-

Nigel Oliver – Birmingham Property Services
Graham Arrand – Senior Business Analyst, Finance
Rajesh Parmar – Legal Services
Paul Ruffle – Senior Travel Demand Officer
Phil Wright – Committee Services

NOTICE OF RECORDING

- 1125 The Chair advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and members of the press/public could record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1126 The Chair reminded Members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the Minutes of the meeting.

APOLOGIES

- 1127 No apologies were submitted.
-

MINUTES

Councillor David Pears indicated that he had submitted an apology for the last meeting which had not been recorded in the minutes.

1128 **RESOLVED:-**

That, subject to the above correction, the public section of the Minutes of the last meeting of the Trusts and Charities Committee held on 30 October 2020 be noted.

MATTERS ARISING

1129 There were no matters raised.

CROPWOOD ESTATE - HUNTERS HILL COLLEGE

The following report of the report of the Assistant Director of Property was submitted:-

(See document No. 1)

Nigel Oliver, Birmingham Property Services, made introductory comments relating to the report.

Nigel Oliver and Rajesh Parmar, Legal Services, responded to comments and questions from Members of the Committee by making the following points:-

- No work had been undertaken to establish the market value of the site and such a valuation would come forward to the Committee in due course.
- The Trust land was being used by the Education Authority to undertake a statutory function and the future of the school was being considered, as part of the wider service, as it was not viable with a reducing roll.
- If closure was agreed it would take place at the end of the current academic year in August 2021 and the land and buildings could be disposed of with any financial gain going back to the Trust to further its objectives.
- The site was split between a vacant building, Cropwood House, and more modern buildings used by the School. The School had been closed whilst repairs had been undertaken but had since reopened.
- Suitable advice for the Trust would be obtained for which no cost had been established but funds were available in the Trust's accounts which may cover such costs.

Councillor Mohammed Idrees proposed, and it was agreed, that officers arrange a Committee site visit to the Cropwood Estate.

It was:

1130

RESOLVED;-

(i) That the Committee;-

1. Notes that the Educational Service's formal consultation on the future of Hunters Hill College and continued education provision from this site is underway with an end date of 10th December 2020, and that while no decision has yet been reached it is appropriate for the Trust to consider the potential impact on the trust and its assets and to ensure the Trustees can be properly advised on all possible future options.
2. In compliance with statutory requirements of the Charities Act 2011, instructs the Assistant Director of Property and the City Solicitor to procure appropriate independent external expert property and governance advice and report its findings to the next Committee meeting.
3. Requires the People Directorate to properly safeguard all assets on the site and fully support the processes set out in 2 above.

(ii) That officers arrange a Committee site visit to the Cropwood Estate.

YOUNG ACTIVE TRAVEL TRUST GRANTS

The following report of the report of the Assistant Director – Transport and Connectivity was submitted:-

(See document No. 2)

Paul Ruffle, Senior Travel Demand Officer, made introductory comments relating to the report.

In response to comments from Councillors David Pears and Shabrana Hussain relating to enforcement outside schools, Paul Ruffle explained that engagement with the local community took place before enforcement outside schools was undertaken by officers and then West Midlands Police who concentrated on the blocking of drives and parking on the pavement.

In response to further questions and comments from Members of the Committee Paul Ruffle explained how schools could apply for funding and the commitments they would have to make before such applications could be agreed. He also explained the promotion of the scheme via a newsletter to schools. He stressed that the schemes to reduce reliance of the use of vehicles to take pupils to school were 'owned' by the schools and their communities.

At the request of the Committee, Paul Ruffle undertook to supply Members of the Committee information on Modeshift STARS scheme and a list of participating schools.

It was:

1131 **RESOLVED:-**

- (i) That the applications for funding from the schools listed at paragraph 4.6 of the report, totalling £3,990, be approved; and
 - (ii) That the remaining balances available to the Young Active Travel in Birmingham Charitable Trust for future disbursement be noted
-

REVENUE BUDGET MONITORING 2020/21 – QUARTER 2 (TO 30 SEPTEMBER 2020)

The following report of the Chief Financial Officer was submitted:

(See document No. 3)

Graham Arrand, Senior Business Analyst, Finance, made introductory comments relating to the report highlighting the impact of Covid pandemic and in response to a comment from Councillor David Pears about the effect of the pandemic on people and the expectation of an increase in requests for funding from various charities, he explained that there had been two applications at the grant awards panel last time and two for the panel scheduled after the Committee meeting. He added that the panel was trying to support as many organisations as possible.

1132 **RESOLVED:-**

That the latest income and expenditure position of Trusts and Charities as at 30 September 2020 be noted.

FUTURE MEETING DATES

1133 **RESOLVED;-**

That the Committee meet on the following dates:-

Thursday 28 January 2021 at 1030 hours

Thursday 25 March 2021 at 1030 hours

Thursday 22 April 2021 at 1030 hours

OTHER URGENT BUSINESS

1134 There was no other urgent business raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

1135 **RESOLVED:-**

That in an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

EXCLUSION OF THE PUBLIC

1136 **RESOLVED:-**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Private Minutes of the last meeting – Exempt paragraph 3

PRIVATE

MINUTES

1137 **RESOLVED:-**

That private section of the Minutes of the last meeting of the Trusts and Charities Committee held on 30 October 2020 be noted and, subject to the amendment in the public section of the meeting, the minutes as a whole be confirmed and signed.

MATTERS ARISING FROM THE MINUTES

1138 There were no matters arising from the Minutes.

OTHER URGENT BUSINESS (EXEMPT INFORMATION)

1139 There were no matters of urgent business raised.

The meeting ended at 1127 hours.

.....
CHAIRMAN

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.

Lead Contact Officer(s):	Graham Arrand
E-mail address:	Graham.Arrand@birmingham.gov.uk

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.

BIRMINGHAM CITY COUNCIL

MEETING OF THE JOHN
BILLINGSLEY THE ELDER CHARITY
TUESDAY 6 JANUARY 2015 1030
HOURS

**MINUTES OF THE MEETING OF THE JOHN BILLINGSLEY
THE ELDER TRUST HELD ON TUESDAY 6 JANUARY 2015
AT 1030 HOURS AT HMS DARING ROOM, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:

Trustees

Councillor Mike Ward (MW)
Councillor Lyn Collin (LC)
Councillor Anne Underwood (AU)

ALSO PRESENT:

Officers

Mark Szurminski (MS), Corporate Finance & Audit
Audit Leigh Nash (LN), Corporate Finance & Audit
Sanjeev Bhopal (SKB) – Legal & Democratic Services

DECLARATION TO ACCEPTANCE AND WILLINGNESS TO ACT

Prior to the start of the meeting all the nominated Trustees signed the Declaration to Acceptance and Willingness to Act as Trustees of the Charity, in accordance with **Clause 6** of Charity Commission Scheme dated the 1 July 1910 (the "Scheme") – see attached at Appendix 1.

001 **APOLOGIES & QUORUM**

There shall be quorum for a meeting when three Trustees are present in accordance with **Clause 12** of the "Scheme".

All Trustees were recorded as present at the meeting.

002 **APPOINTMENT OF CHAIRMAN**

Councillor Anne Underwood was nominated and seconded (by the other Trustees) to act as Chairman for the Meeting in accordance with **Clause 10** of the "Scheme".

RESOLVED:

- i) Councillor Anne Underwood was duly appointed as Chairman for the Meeting of the Charity
-

003 **TRUST GOVERNING DOCUMENT**

Mr Bhopal referred the Trustees to charity's Constitution, as set out within the "Scheme", see attached at Appendix 2. The "Scheme" was noted by the Trustees.

RESOLVED:

- i) The Charity Commission Scheme dated 1 July 1910 was noted by the Trustees
-

004 **FINANCIAL UPDATE**

Ms Nash presented the Trustees with a Financial Report in respect of the Charities Finances up to the 31 March 2014.

The charity's Fixed Assets consisting of Investments total £2,099.79 (General Fund) as against a balance of £2,095.08 for the previous year.

RESOLVED:

- i) The Financial Update was noted by the Trustees
 - ii) The Trustees approved the Accounts for the period up to 31 March 2014, and authorised officers to submit the charity's Annual Update/Annual Return to the Charity Commission.
-

005 **SUPPORT COSTS CHARGES**

Mr Szurminski, referred the Trustees to a Report which had been presented to the Council's Trusts and Charities Committee 23 July 2014. He rehearsed the background to the Report as set out within Section 4. The Council's current financial position is such that it cannot afford to continue providing officer support for the provision of legal services, property transactions, finance support or administration to its charity's free of charge.

Officers supporting the Trusts and Charities Committee had completed an exercise to quantify the value of services provided to various charities, and had estimated that the annual cost of providing support to John Billingsley The Elder Charity would be £1,700.00 if the charity agreed to the cost of provision. Alternatives were also mooted as part of these discussions, principally, finding other organisations that may be in a position to assist the charity.

The Trustees were collectively concerned that the estimate was so high, and reasonably expected this figure to be nearer £600-700 per annum for the same level of service.

RESOLVED:

- i) The Support Costs Charges Report to the Trusts and Charities Committee dated the 23 July 2014 was noted by the Trustees.

006 **WINDING UP OF THE CHARITY AND TRANSFER OF ASSETS TO BIRMINGHAM MUNICIPAL CHARITY**

Mr Bhopal set out the circumstances under which the Trustees could consider closing charity, these included:-

- i) a merger with another charity;
- ii) the original purpose has been met or is no longer relevant, for example treating a disease that has since been eradicated in the area the charity serves
- iii) losing funds or funding
- iv) a lack of members
- v) becoming a company or charitable incorporated organisation (CIO), which means creating a separate charity

If the Trustees concluded that the charity was not financially sustainable in light of the matters which they had considered at the meeting or incapable of fulfilling its objects/purposes, they could seek to pass a Resolution to transfer all property of the charity to another charity under the provisions and powers of Part 13 Charities Act 2011 (the "Act"), in the absence of a specific provision to do so under the "Scheme".

To exercise their power under the "Act", the Trustees must be satisfied that:

- i) it is expedient in the interests of furthering the purposes for which the property is held by the transferor charity for the property to be transferred in accordance with the Resolution; AND,
- ii) that the purposes (or any of the purposes) of any charity to which property is to be transferred under the Resolution are substantially similar to the purposes (or any of the purposes) of the transferor charity.

Any resolution such Resolution must be passed by a majority of not less than two-thirds of the charity trustees who vote on the Resolution. If so, a copy of the Resolution must be sent to the Charity Commission, together with a statement of the reasons in support of passing it.

Mr Szurminski, provided the Trustees with some background to the Council's Birmingham Municipal Charity ("BMC"), the Constitution of which was tabled at meeting. The BMC had very broad charitable objects for "general charitable activity for the benefit and on behalf of, the citizens of Birmingham", and therefore was a suitable recipient charity, if the Trustees agreed to transfer its assets to it. Authority had been sought from the Chairman of the Trusts and Charities Committee, Cllr Phil Davis to accept the assets of the charity into the BMC. These funds would be placed into the unrestricted balance of BMC, and therefore was immediately capable of being distributed to those applicants who qualified for support from the BMC under its qualifying criteria.

The Trustees then proceeded to discuss the viability of the charity in light of the

matters raised above. It was concluded by the Trustees that the charity should be wound up and its assets transferred to the Birmingham Municipal Charity because they felt that the Charity was:

- (i) Not financially viable;
- (ii) The proposed cost of administration was not justified;
- (iii) Dormant;
- (iv) Not fulfilling its charitable objectives;
- (v) The BMC provided the Charity with the best opportunity to undertake charitable activity given its very broad objects and purposes.

RESOLVED:

- i) The guidance provided by officers was noted by the Trustees;
- ii) Subject to the acceptance of the Trusts and Charities Committee of Birmingham City Council and Charity Commission approval in respect of the same, this meeting resolves that the assets of Charity be transferred to Birmingham Municipal Charity, and the Charity be wound up.

007 **ANY OTHER BUSINESS**

None

The meeting ended at 1125 hours

D. A. Underwood

Chairman

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:	CHIEF FINANCIAL OFFICER	
Date of Decision:	28 March 2021	
SUBJECT:	ANNUAL REPORT AND ACCOUNTS FOR THE HARRIET LOUISA LOXTON FOR THE PERIOD 2018/19	
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 Annual Report and Accounts for the Harriet Louisa Loxton Trust for the financial year ending 31 March 2019.

2. Decision(s) recommended:
2.1 The Committee acting on behalf of the Trustee, Birmingham City Council (BCC) is recommended to approve the Annual Report and Accounts for 2018/19.
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.

Lead Contact Officer(s):	Graham Arrand
Telephone No:	0121 464 3003
E-mail address:	Graham.Arrand@birmingham.gov.uk

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> N/A
4.2	<u>Financial Implications</u> There are no financial implications.
4.3	<u>Legal Implications</u> 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 and other relevant legislation and guidance issued by the Charity Commission. The assets of a charity must be used in accordance with charitable law, failing 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 appropriate to 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	<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 Harriet Louisa Loxton Charity was established by on 2nd February 1949, and is registered with the Charity Commission reference 702446.
- 5.2 The charitable objectives of the trust are:
"For the benefit of persons who by reason of age, infirmity or any other circumstance, are in need of care and attention, not otherwise available to them by providing or paying for items, services and facilities which are designed to meet that need". Beneficiaries of the Trust must reside in Birmingham and the Trust is administered on behalf of BCC as 'Council of the Trustee' by the Adult and Social Care Directorate
- 5.3 The Charity Commission threshold for requiring that trust fund accounts be independently examined and forwarded to the Charity Commission is £25,000.
- 5.4 The Charity income for the year 2018/19 was £ 85,853 and therefore an Independent Examination was required. The Independent Examiner confirmed that no material matters or concerns were found during their examination of these accounts.

6. Evaluation of alternative option(s):

- 6.1 Alternative options are not appropriate for this report.

7. Reasons for Decision(s):

- 7.1 For Committee to approve 2018/19 accounts for the Harriet Louisa Loxton Charity.

Signatures		<u>Date</u>
Chief Finance Officer
Chairman of the Trust and Charities Committee

List of Background Documents used to compile this Report:

1. N/A.

List of Appendices accompanying this Report :

Appendix 1 – Annual Accounts 2018/19

Charity of Harriet Louisa Loxton
Registered Charity Number 702446
Receipts and Payments Accounts
Year ended 31 March 2019

Charity of Harriet Louisa Loxton

Report and accounts

the year ended 31 March 2019

Reference and administration details	2
Report of the Trustees	3
Independent Examiner's Report to the Trustees	4
Receipts and Payments Account	5
Statement of Assets and Liabilities	6
Notes to the Accounts	7

Charity of Harriet Louisa Loxton

Report of the Trustees for the Year Ended 31st March 2019

The Trustees present their annual report for the year ended 31 March 2019

Reference and administrative information

Name of charity:	Charity of Harriet Louisa Loxton
Charity number:	702446
Address for correspondence / donations is:	Professor Graeme Betts Interim Corporate Director Adult Social Care & Health Birmingham City Council 10, Woodcock Street Aston Birmingham B7 4BL Cheques should be made payable to "Birmingham City Council".
The Trustees who served during the year were:	Birmingham City Council is the Sole trustee of the charity
Bank:	Barclays Bank plc 15 Colmore Row Birmingham B3 2BH
Investment Manager:	CCLA Senator House 85 Queen Victoria Street London EC4V 4ET
Independent Examiner:	Helen Blundell LLB FCA FCIE DChA MHA MacIntyre Hudson Chartered Accountants Rutland House 148 Edmund Street Birmingham B3 2FD

Charity of Harriet Louisa Loxton
Report of the Trustees for the Year Ended 31 March 2019

Structure, Governance and Management

Governing document

The Trust is governed by a Scheme approved by the Charity Commission on 16 October 1989 and is a registered charity, number 702446.

Recruitment and appointment of trustees

The Trustees who served during the year, and since the year end, are set out in the reference and administrative details on page two. There is no limit on the minimum or maximum number of Trustees.

Trustee Meetings

Three representatives from the sole trustee (Birmingham City Council) are necessary to form a quorum. Issues are decided by a simple majority of those present and voting, provided at least two representatives vote in favour of the resolution.

Objectives and Activities

The Trustees have referred to the guidance contained in the Charity Commission's general guidance on public benefit when reviewing the charity's aims and objectives and in planning future activities. In particular the Trustees have considered how planned activities will contribute to the aims and objectives set.

The objects of the trust are to apply the income from the fund "for the purpose of relieving in cases of need, persons who by reason of age, infirmity or any other circumstance, are in need of care and attention which is not otherwise available to them by providing or paying for items, services and facilities which are calculated to meet that need".

Achievements and Performance

Total receipts for the year were £85,853 (2018: £49,087). This comprised investment income of £51,501 (2018: £49,087) and a temporary cash flow of £34,352 (2018: £Nil) which has been repaid since the year end.

Charitable expenditure increased to £95,274 (2018: £60,882). Grants of £ 93,988 were awarded at the end of 2018/19 (2018: £47,350).

Financial Review

Reserves and Grant Making Policy

The Trust Deed requires the capital and income of the Trust to be applied to meet the purposes of the charity, but permits the trustees to invest any part not required for the time being.

Investment Policy

The investment objective is therefore primarily to provide security of capital for such time until the funds are required.

Investments may therefore include Government gilts, with their maturity value in mind. In addition, where sums are expected to be invested for say five years or more, a limited exposure to equities may be appropriate. This will be via pooled investment vehicles only. All investment is subject to the Trustee Act 2000.

Risk Management

The Trustees keep under review the major strategic and operational risks which the Charity faces and are satisfied that systems have been established in order to minimise the possible effects of such risks on the Charity.

Approved by the Trustees and signed on their behalf by:

Trustee

Date



Section A

Independent Examiner's Report

Report to the trustees/ members of	Charity Name Charity of Harriet Louisa Loxton		
On accounts for the year ended	31 March 2019	Charity no (if any)	702446
Set out on pages	5 and 6 <small>(remember to include the page numbers of additional sheets)</small>		

I report to the Trustees on my examination of the accounts of the above charity ("the Trust") for the year ended 31 March 2019.

Responsibilities and basis of report As the charity Trustees of the Trust, you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ("the Act").

I report in respect of my examination of the Trust's accounts carried out under section 145 of the 2011 Act and in carrying out my examination, I have followed the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination which gives me cause to believe that in, any material respect:

- accounting records were not kept in accordance with section 130 of the Act or
- the accounts do not accord with the accounting records

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in order to enable a proper understanding of the accounts to be reached.

Signed: **Date:**

Name: Helen Blundell

Relevant professional qualification(s) or body (if any): LLB FCA FCIE DChA

Address: MHA MacIntyre Hudson
 Rutland House, 148 Edmund Street
 Birmingham B3 2FD



CHARITY COMMISSION
FOR ENGLAND AND WALES

Charity of Harriet Louisa Loxton

702446

Receipts and payments accounts

CC16a

For the period
from

01/04/2018

To

31/03/2019

Section A Receipts and payments

	Unrestricted funds to the nearest £	Restricted funds to the nearest £	Endowment funds to the nearest £	Total funds to the nearest £	Last year to the nearest £
A1 Receipts					
Investment Income	51,501	-	-	51,501	49,087
Birmingham City Council temporary loan of cash	34,352	-	-	34,352	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
Sub total (Gross income for AR)	85,853	-	-	85,853	49,087
A2 Asset and investment sales, (see table).					
Total gains / (losses) on investments	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total receipts	85,853	-	-	85,853	49,087
A3 Payments					
Charitable Activities - Grants payable	93,988	-	-	93,988	47,350
Charitable Activities - Support costs	1,286	-	-	1,286	13,532
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
Sub total	95,274	-	-	95,274	60,882
A4 Asset and investment purchases, (see table)					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total payments	95,274	-	-	95,274	60,882
Net of receipts/(payments)	- 9,421	-	-	- 9,421	- 11,795
A5 Transfers between funds	-	-	-	-	-
A6 Cash funds last year end	9,421	-	-	9,421	21,216
Cash funds this year end	- 0	-	-	- 0	9,421

Section B Statement of assets and liabilities at the end of the period

Categories	Details	Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B1 Cash funds			-	-
		-	-	-
		-	-	-
	Total cash funds	-	-	-

(agree balances with receipts and payments account(s))

OK

OK

OK

	Details	Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B2 Other monetary assets		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-

	Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
B3 Investment assets	Charities Deposit Fund	Endowment Funds	-	248,401
	Principal Investment Fund	Endowment Funds	-	1,494,198
	Charities Deposit Fund	Unrestricted Funds	-	199,595
			-	-
			-	-

	Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
B4 Assets retained for the charity's own use			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-

	Details	Fund to which liability relates	Amount due (optional)	When due (optional)
B5 Liabilities	Birmingham City Council	Unrestricted Funds	34,352	
			-	
			-	
			-	
			-	

Signed by one or two trustees on behalf of all the trustees

Signature

Print Name

Date of approval

Charity of Harriet Louisa Loxton
Year ended 31 March 2019

Notes to the Accounts
Accounting Policies

1) Basis of Accounting

These accounts have been prepared on a receipts and payments basis.

2) Related Party Transactions and Trustees Remuneration

Trustees received no emoluments or expenses in the year (2018 £ Nil)

Birmingham City Council, as sole Trustee have funded the shortfall in the current year of £34,352. At the year end £34,352 has been included in liabilities.

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:	CHIEF FINANCIAL OFFICER	
Date of Decision:	28 January 2021	
SUBJECT:	TO APPROVE THE ANNUAL REPORT AND ACCOUNT FOR Highbury Trust 2019/20.	
Key Decision: —Yes— / No	Relevant Forward Plan Ref: No	
If not in the Forward Plan: (please "X" box)	Chief Executive approved	<input type="checkbox"/> <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 Annual Report and Accounts for Highbury Trust for the financial year ending 31 March 2020.

2. Decision(s) recommended:
2.1 The Committee acting on behalf of the Trustee, Birmingham City Council (BCC) is recommended to approve the Annual Report and Accounts for 2019/20.
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.

Lead Contact Officer(s):	Graham Arrand
Telephone No:	0121 464 3003
E-mail address:	Graham.Arrand@birmingham.gov.uk

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>
	As part of the role of the Trust and Charities Committee.
4.2	<u>Financial Implications</u>
	There are no financial implications arising from this report.
4.3	<u>Legal Implications</u>
	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 and other relevant legislation and guidance issued by the Charity Commission. The assets of a charity must be used in accordance with charitable law, failing 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 always be appropriate to the interests of the charity . The Committee has empowered officers within the Council to discharge certain functions on its behalf as Council as Trustee.
4.4	<u>Public Sector Equality Duty</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 Trust was established by a deed dated 31 March 1932. The objectives of the Trust are general charitable purposes for the benefit of the citizens of Birmingham. The Trust is registered with the Charity Commission no 1039194.
- 5.2 It is a requirement that all trusts registered with the Charity Commission are to compile and submit audited accounts to the Commission. The Charity Commission threshold for requiring that trust fund accounts be independently examined and forwarded to the Charity Commission is £25,000.
- 5.3 The Charity income for the year 2019/20 was £ 125,016 (2018/19 £ 115,176) and therefore an Independent Examination was required. The Independent Examiner confirmed that no material matters had been brought to is attention during their examination of these accounts. The accounts were signed off by the Independent Examiner on 26 January 2021.

6. Evaluation of alternative option(s):

- 6.1 Alternative options are not appropriate for this report.

7. Reasons for Decision(s):

- 7.1 For Committee to approve the 2019/20 accounts for the Highbury Trust.

Signatures		<u>Date</u>
Chief Finance Officer
Chairman of the Trust and Charities Committee

List of Background Documents used to compile this Report:

1. n/a

List of Appendices accompanying this Report

Appendix 1 –Highbury Trust Annual Accounts 2019/20.

HIGHBURY TRUST
REPORT AND FINANCIAL STATEMENTS
31 MARCH 2020

Registered charity number: 1039194

Highbury Trust

Table of Contents

Report of the Trustees	2-3
Trustees Responsibilities in Relation to the Financial Statements	4
Independent Examiner's Report	5
Statement of Financial Activities	6
Balance Sheet	7
Notes to the Financial Statements	8

Highbury Trust

Report of the Trustees for the Year Ended 31 March 2020

The Trustees present their report along with the financial statements of the charity for the year ended 31 March 2020. The financial statements have been prepared in accordance with the accounting policies set out in the notes thereto and comply with the charity's trust deed and applicable law.

These accounts have been prepared from information held by the Council. They assume that arrangements will be established under which the Trust leases assets to the Council and uses the rental income to maintain the properties. It is further assumed that any shortfall will continue to be funded by contributions from the Council.

Reference and administrative information

Name of charity: Highbury Trust

Registered charity number: 1039194

Address for correspondence: Highbury Trust
PO Box 16306
Birmingham
B2 2XR

The Trustees who served during the year were: Birmingham City Council – the sole Corporate Trustee

Independent Examiner: Malcolm Winston FCCA
UHY Hacker Young (Birmingham) LLP
9-11 Vittoria Street
Birmingham
B1 3ND

Bank: Barclays Bank plc
15 Colmore Row
Birmingham
B3 2BH

Highbury Trust

Report of the Trustees for the Year Ended 31 March 2020 (cont'd)

Structure, Governance and Management

Governing document

The fund was established by a Trust Deed dated 31 March 1932. It is a registered charity, charity number 1039194.

Recruitment and appointment of trustees

The trustees, who served during the year, and since the year end, are set out in the reference and administration details on page 2.

Trustee Meetings

Day to day management decisions are made by Trust and Charities Committee, which is made up of eight Council Members. Three members acting as Trustees are necessary to form a quorum. Issues are decided by a simple majority of those present and voting, provided at least two Trustees vote in favour of the resolution. Decisions, such as disposals are made by Full Council sitting separately as Corporate Trustee.

Objectives and Activities

The objects of the Fund are to use the bequest for the benefit of the citizens of Birmingham.

Public Benefit

The Trustees confirm that in the exercise of their powers as a charity trustees, they have had due regard to the published guidance from the Charity Commission on the operation of the public benefit requirement.

Achievements and Performance

Total income for the year was:	£125,016	(2018/19: £115,176)
Charitable expenditure was:	£130,511	(2018/19: £112,389)

Financial Review and Investment Policy

The funds represent the value of the properties owned by the Trust. The repair and maintenance of the property is funded by rental income and contributions from Birmingham City Council.

Highbury Trust

Report of the Trustees for the Year Ended 31 March 2020 (cont'd)

Trustees' Responsibilities in Relation to the Financial Statements

The Trustees are responsible for preparing the Annual Report and the Financial Statements in accordance with applicable law and the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2019) – Charities SORP (FRS 102) and the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102).

The law applicable to charities in England and Wales requires the Trustees to prepare financial statements for each financial year which give a true and fair view of the affairs of the charity and of the incoming resources and application of resources of the charity for that period.

In preparing these financial statements, the Trustees are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the Charities SORP 2019;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable UK accounting standards have been followed, subject to any departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in operation.

The Trustees are responsible for keeping accounting records that disclose with reasonable accuracy at any time the financial position of the charity and enable them to ensure that the financial statements comply with the Charities Act 2011, the Charity (Accounts and Reports) Regulations 2008, Financial Reporting Standard (FRS 102) and the provisions of the trust deed. They are also responsible for safeguarding the assets of the charity and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Approved by the Trustees and signed on their behalf by:

.....
Trustee:

Date: 26 January 2021

Highbury Trust

Independent Examiner's Report to the Trustees of Highbury Trust

I report to the charity trustees on my examination of the accounts of the charity for the year ended 31 March 2020.

Responsibilities and basis of report

As the charity's trustees you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the charity's accounts carried out under section 145 of the Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement

I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. accounting records were not kept in respect of the charity as required by section 130 of the Act; or
2. the accounts do not accord with those records; or
3. the accounts do not comply with the applicable requirements concerning the form and content of accounts set out in the Charities (Accounts and Reports) Regulations 2008 other than any requirement that the accounts give a 'true and fair view' which is not a matter considered as part of an independent examination.

I have one matter to note in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached. The valuation of the Land and Buildings has not been carried out for 8 years, which is in excess of Birmingham City Council's target of 5 years in line their other no-trust asset valuations.

Malcolm Winston FCCA

**UHY Hacker Young (Birmingham) LLP 9-
11 Vittoria Street
Birmingham
B1 3ND**

Date: 26 January 2021

Highbury Trust

Statement of Financial Activities for the Year Ended 31 March 2020

		Unrestricted Funds £	Restricted Funds £	Total 2020 £	Total 2019 £
	Notes				
Incoming Resources					
Rent receivable		67,181	-	67,181	66,976
Investment income		824	-	824	751
Contribution from Birmingham City Council		57,011	-	57,011	47,449
Total incoming resources	2	125,016	-	125,016	115,176
Resources Expended					
<u>Charitable activities</u>					
Repairs, ground maintenance & insurance		55,238	-	55,238	47,314
Charitable grant		73,500	-	73,500	59,000
Support costs		1,773	-	1,773	6,075
		130,511	-	130,511	112,389
Net incoming/(outgoing) resources		(5,495)	-	(5,495)	2,787
Transfers Between Funds		-	-	-	-
Balance of fund brought forward at 1 April	10	231,493	1,805,000	2,036,493	2,033,706
Balance of fund carried forward at 31 March	10	225,998	1,805,000	2,030,998	2,036,493

Highbury Trust

Balance Sheet as at 31 March 2020

	Notes	Unrestricted Funds £	Restricted Funds £	Total 2020 £	Total 2019 £
Fixed assets					
Investment Properties	4	-	1,805,000	1,805,000	1,805,000
		-	1,805,000	1,805,000	1,805,000
Current assets					
Cash at bank		91,098	-	91,098	96,593
Short term deposits	5	134,900	-	134,900	134,900
Debtors	6	1,680	-	1,680	-
		227,678	-	227,678	231,493
Creditors: Amount falling due within one year	7	1,680	-	1,680	-
Net current assets		225,998	-	225,998	231,493
Total net assets		225,998	1,805,000	2,030,998	2,036,493
Reserves	10	225,998	1,805,000	2,030,998	2,036,493
Funds		225,998	1,805,000	2,030,998	2,036,493

Approved by the Trustees and signed on their behalf by:

.....
Trustee:

Date: 26 January 2021

Highbury Trust

Notes forming part of the Financial Statements for the year ending 31

March 2020

Note 1: Principal Accounting Policies

a) Accounting Convention

The accounts (financial statements) have been prepared, in accordance with Accounting and Reporting by Charities: Statement of Recommended Practice, applicable to charities preparing their accounts and in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) (effective 1 January 2019) – Charities SORP (FRS 102) and the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102).

The financial statements are prepared on a going concern basis, under the historic cost convention, modified to include certain items at fair value. The financial statements are prepared in sterling, which is the functional currency of the charity.

The significant accounting policies applied in the presentation of these financial statements, are set out below. These policies have been consistently applied to all years presented, unless otherwise stated. The charity has taken advantage, of the option provided in the Statement of Recommended Practice, to use headings in the Statement of Financial Activities, that are applicable to their specific activity, rather than reporting on an activity basis

b) Investment Income

Investment Income is accounted for on a receipts and payments basis and relates to rentals and other income generated from investment properties.

All incoming resources are included in the Statement of Financial Activities when the charity is entitled to the income and the amount can be quantified with accuracy.

c) Resources Expended

Expenditure is included on an accruals basis as the liability is incurred. Charitable expenditure comprises those costs incurred by the Charity in the delivery of its objectives. Governance costs include associated with meeting the constitutional and statutory requirements of the charity and include independent examination fees and costs of strategic management.

d) Investment Properties

Investment properties are included in the Balance Sheet at their open market value in accordance with the Financial Reporting Standard for FRS 102 and are not depreciated.

As at October 2012 the investment properties were revalued to £1,805,000 by Edwin Bray on behalf of Drivers Jonas Deloitte.

e) Fund Accounting

Details and the nature of each fund are set below:

Unrestricted Funds comprise those funds which the Trustees are free to use in accordance with the charitable objectives.

Endowment Funds represent those assets that must be held permanently by the charity.

Highbury Trust

Notes forming part of the Financial Statements for the year ending 31 March 2020 (cont'd)

Note 2. Incoming Resources

	Total 2020 £	Total 2019 £
Rental Income	67,181	66,976
COIF Deposit Account Interest	824	751
Birmingham City Council Funding	57,011	47,449
Total income	125,016	115,176

Note 3. Resources Expended

	£	£
Premises costs	55,238	47,314
Charitable grant	73,500	59,000
Support costs including audit fee	1,773	6,075
	130,511	112,389

During 2019/20 a charitable grant of £73,500 (2018/19 : £59,000) was paid to Chamberlain Highbury Trust for the appointment of a project manager and consultants to support a bid for a National Heritage Lottery Fund grant to be used for the benefit of the citizens of Birmingham.

Note 4. Investment Properties

	£
Valuation at 1 April 2019	1,805,000
Revaluation in period	-
Value at 31 March 2020	1,805,000

Note 5. Short Term Deposits

Funds are invested in the CCLA deposit fund.

Note 6. Debtors

	£	£
Birmingham City Council	1,680	-
	1,680	-

Note 7. Creditors

	£	£
Independent Examination Fees	1,680	-
	1,680	-

Highbury Trust

Notes forming part of the Financial Statements for the year ending 31 March 2020 (cont'd)

Note 8. Trustees Remuneration

None of the Trustees have received any remuneration or reimbursement of expenses from the Trust (2018/19: £Nil).

Note 9. Related Party Transactions

During 2019/20 a contribution of £57,011 (2018/19: £ 47,449) was received from Birmingham City Council to fund the shortfall for repair and maintenance. At year end, Birmingham City Council owed the trust £1,680 (2018/19: £Nil).

Rental Income of £67,181 (2018/19: £66,796) was received from Civic Catering who are part of Birmingham City Council.

Repairs and maintenance, including grounds maintenance, were undertaken by Birmingham City Council at a cost of £52,501 (2018/19: £44,970)

Note 10. Reserves

	At 1 April 2019	Incoming Resources	Outgoing Resources	Gains, Losses and Transfers	Revaluation	As at 31 March 2020
	£	£	£	£	£	£
Unrestricted reserves	231,493	125,016	(130,511)	-	-	225,998
Restricted reserves	1,805,000	-	-	-	-	1,805,000
	2,036,493	125,016	(130,511)	-	-	2,030,998

