

<b>Report to:</b>	<b>TRUSTS AND CHARITIES COMMITTEE</b>
<b>Report of:</b>	<b>Philip Edwards, Assistant Director – Transport and Connectivity</b>
<b>Date of Decision:</b>	<b>2<sup>nd</sup> December 2020</b>
<b>SUBJECT:</b>	<b>YOUNG ACTIVE TRAVEL TRUST GRANTS</b>
<b>Wards affected:</b>	<b>Bordesley Green; Bournbrook &amp; Selly Park; Glebe Farm &amp; Tile Cross; Sutton Walmley &amp; Minworth.</b>

### 1. Purpose of report:

1. To seek the approval of the Committee to applications for funding from the Young Active Travel in Birmingham Charitable Trust, as set out below.
2. To update the Committee about the Trust's financial position as at 2<sup>nd</sup> December 2020.

### 2. Decision(s) recommended:

That the Committee:

1. Approves the applications for funding from the schools listed at point 4.6 below, totalling £3,990.
2. Notes the remaining balances available to the Young Active Travel in Birmingham Charitable Trust for future disbursement.

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### **3. Compliance Issues:**

#### **3.1 Consultations**

The grants will be awarded in accordance with the Mechanics of Funding Protocol agreed by this Committee on 14 December 2016 and no further consultation is required. The officer panel reviewing the applications consists of representatives from Inclusive Growth: School Crossing Patrols and the Travel Demand Management Team, Education, and Finance and Governance.

Active engagement and promotion of the initiative takes place with all schools in Birmingham through various methods including regular newsletters, webinar training sessions and noticeboard bulletins.

#### **3.2 Relevant legal powers, personnel, equalities, procurement, regeneration and other relevant implications?**

The City Council is the Sole Corporate Trustee for a number of charitable trusts ("charities") including Young Active Travel in Birmingham and the day-to-day management of these charities is delegated to the Council's Trusts and Charities Committee.

Each charity is governed by the Deed under which it was established, and/or a Charity Commission Scheme. These documents set out the Trustees' powers, as well as the objects or purposes for which the charitable trust was created.

Assets held in trust by a charity are ultimately for the benefit of the public (beneficiaries) and any dealing in these assets and any income derived from them, is legally required to be dealt with, and accounted for, separately from the Corporate Property Portfolio/assets of the City Council. Charities must be managed in accordance with the objectives and rules laid down in their Trust documents.

It is the legal duty of Trustees to ensure that the charity is managed in accordance with the Trust objectives and, accordingly, there is a legal duty upon the City Council when it acts as the Sole Corporate Trustee. This duty extends to acting in the best interests of the charity and its beneficiaries at all times or making decisions which are expedient in the interests of the charity (as opposed to the City Council.)

All charity Trustees also have a legal duty to avoid conflicts of interest, and self-dealing (which prohibits a trustee from buying trust property and makes a sale by a trustee to himself voidable by any beneficiary). All decisions made by Council's Trusts and Charities Committee are subject to prior review by the Council's City Solicitor and Monitoring Officer to ensure that decisions are made in accordance with charity law having regard to any relevant Charity Commission guidance.

#### **3.3 Finances**

The Trustee secured the sum of £100,000 as the initial fund to be applied in furthering

the objects and purposes of the Charity. This income is available for immediate use. This is comprised of a contribution of £75,000 from the City Council and £25,000 sponsorship from Churchill Insurance.

As of November 2020, the remaining balance was £85,732.55 which is held in a trust account within the Council's balance sheet. The recommended applications total for December 2020 is £3,990.00 and will leave a balance of £81,742.55 available for future disbursement.

### 3.4 Public Sector Equality Duty

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.

## 4. **Relevant background/chronology of key events:**

### **Background**

- 4.1 At its meeting on 13 September 2016 Council-as-Trustee approved the formation of the Young Active Travel Trust.
- 4.2. Council-as-Trustee further resolved to instruct officers to register the Trust as a charitable organisation with the Charities Commission. As with any other charitable trust where the Council is sole corporate trustee, the responsibility for the day to day management of the trust is delegated by Council to the Trusts and Charities Committee.
- 4.3. At its meeting on 14 December 2016 this Committee (Trusts & Charities) approved the Mechanism of Funding Protocol which set out the management arrangements for the Young Active Travel Trust and the criteria against which applications for funding would be assessed (Appendix 1).

### **Purpose of the Trust**

- 4.4 The Council's Young Active Travel initiative aims to pull together cross-cutting policy objectives around improving children's health, achieving "behaviour change" around transport choices, and addressing environmental and road safety concerns. It seeks to encourage parents and pupils to adopt more sustainable ways of travelling to school and to reduce car journeys, improving not only their own health but that of the wider community – with reduced road danger, less air pollution from cars, and less traffic congestion in local neighbourhoods – particularly around school gates.
- 4.5. The purpose of the Trust is set out in the Deed as follows :  
  
The objects and purposes of the Charity are to preserve and protect public health, particularly the health of school-children in Birmingham by:-

- I. *supporting initiatives which raise awareness about road safety, health, exercise and fitness;*
- II. *changing behaviours towards travel to school*

### **Applications for Funding**

4.6. 4 applications have been received, and assessed against the criteria set out in Appendix 1. These applications have met the criteria set out in Appendix 1 and are recommended to the Committee for approval as schemes to further the objectives of the Charity. The applications are attached at Appendix 2.

<b>Applicant</b>	<b>Project Name</b>	<b>Amount Requested</b>	<b>Recommended</b>
Bordesley Green Primary School	Child Dollies	£990	Yes
Holy Cross Catholic Primary School	Road Safety Education resources. Hi vis for walking bus	£1000	Yes
Lea Forest Primary Academy	Child Dollies	£1000	Yes
St Edwards Catholic Primary School	Sheffield Bike Shelter	£1000	Yes

4.7. The recommended applications total £3,900 and if all are approved would leave the Trust with remaining resources of £81,742.55.

### **5. Reasons for Decision(s):**

5.1 To pursue the objectives of the Young Active Travel in Birmingham Charitable Trust, as set out in the Trust Deed approved by Council-as-Trustee on 13 September 2016.

Name of committee: Trust and Charities

**Signature:**

Chief Officer:

Title

Dated:

**List of Appendices:**

Appendix 1 – (Extract) Report to Trusts & Charities Committee 14 December 2016 - Management of the Young Active Travel in Birmingham Charity;

Appendix 2 – Funding Applications (A to D attached as separate documents)

**List of Background Documents used to compile this Report:**

Report to Trusts & Charities Committee/Council-as-Trustee – Formation of the Young Active Travel Trust 13 September 2016

Report to Trusts & Charities Committee 14 December 2016 - Management of the Young Active Travel in Birmingham Charity

## Appendix 1

(Extract) Report to Trusts & Charities Committee 14 December 2016 - Management of the Young Active Travel in Birmingham Charity; Appendix 3 Mechanics of Grant Funding Protocol

- To be eligible to apply for a grant, schools must be located within the geographic boundary of Birmingham City Council. Alternatively, constituted groups of parents of children attending these schools will also be eligible to apply.
- Up to £1,000 per application, or school in the case of collective bids, will be available for projects that meet one or more of the criteria set out below.
- Applications may be made for revenue or capital schemes but if it is the latter, the applicant will need to resource any on-going maintenance liability that may be created.

Subject to the above, priority will be given to funding proposals where:

- a) the school has an on-going commitment to promoting safe and sustainable travel through actions within their ModeShift STARS (on-line programme) travel plan. In Particular -
  - The school MUST have registered to Modeshift STARS
  - The school MUST have completed at least 1 school travel survey for both staff and pupils within the previous 12 months of the application.
  - The school MUST have at started a School Travel Plan.
- b) there is a link between the proposal and actions contained within the ModeShift STARS travel plan, for example, to achieve behaviour change to more sustainable modes of travel to and from schools;
- c) it is expected that the proposal will result in a reduction in parking congestion around school gates;

- d) there is a linkage to existing initiatives led by the Council or its partners, for example, Bikeability (cycle training), Birmingham Big Bikes Bike Library or family cycle centres, or Birmingham Cycle revolution infrastructure investment;
- e) there is connectivity with other children's health and well-being programmes and activities; or local environmental initiatives;
- f) consideration has been given to the legacy of the initiative or activity to ensure sustainability beyond the life of the grant funding, for example, through parent's groups or the School Council

**The Trust cannot:**

- Award grants in excess of £1,000 to a single institution or group.
- Award more than one grant to the same school in less than 12 months.
- Award grants for things that have already been paid for.
- Fund initiatives or measures for which there is a free of charge alternative, for example, Think Road Safety resources, or other local funding source.
- Fund schemes for which Top Cycle Location Grants are available, or have been awarded in 2016/17 or 2017/18.