

BIRMINGHAM CITY COUNCIL –COUNCIL AS TRUSTEE

PUBLIC REPORT

Report to:	TRUSTS AND CHARITIES COMMITTEE	<i>Exempt information paragraph number – if private report:</i>
Report of: Date of Decision:	(JOINT) CITY SOLICITOR AND MONITORING OFFICER 20 APRIL 2016	
SUBJECT:	APPOINTMENT TO OUTSIDE BODIES RELEVANT TO THE WORK OF THE COMMITTEE AND ITS TERMS OF REFERENCE	
Key Decision: No	Relevant Forward Plan Ref:	
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) or Relevant Executive Member for Local Services:	N/A	
Relevant O&S Chairman:	N/A	
Wards affected:	ALL	

1. Purpose of report:
<p>1.1 The Committee are asked to note the progress made by Members of the Trusts and Charities Committee Appointments Protocol Panel, consisting of Councillor Philip Davis, Councillor John Alden, and Councillor Paul Tilsley.</p> <p>1.2 This matter was not included in the Forward Plan because the governance of Charitable Trusts does not give rise to any “key” decisions.</p>

2. Decision(s) recommended:
That the Trusts and Charities Committee:-
<p>2.1 Note the progress made by Members of the Trusts and Charities Committee Appointments Protocol Panel (the “Panel”) as set out in Appendix 1 of this Report.</p> <p>2.2 Authorises Councillor Philip Davis and the (Joint) City Solicitor and Monitoring Officer to Report on all progress and recommendations made by the Panel, to Cabinet and/or Council Business Management Committee (“CBM”), with a view to implementing any agreed revisions to the Council’s Constitution, subject to any further recommendations made by this Committee and/or the outcome of any consultation agreed.</p> <p>2.3 Authorises the Joint City Solicitor and Monitoring Officer to prepare, negotiate, execute, seal and complete all necessary documentation to give effect to the above decisions.</p>

Lead Contact Officer(s):	Stuart J Evans, (Joint) City Solicitor and Monitoring Officer
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3. Consultation	
<p>Consultation should include those that have an interest in the decisions recommended</p> <p>3.1 <u>Internal</u></p> <p>The Chairman of the Committee has been consulted on the content of this Report. The (Joint) City Solicitor and Monitoring Officer, the Deputy Leader, Councillor Ian Ward, Officers supporting the Committee, have provided relevant input into the Report.</p> <p>3.2 <u>External</u></p> <p>External consultation will be undertaken, if this is required, once the final recommendations of the Panel are confirmed.</p>	
4. Compliance Issues:	
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>Notwithstanding the legal separation of functions, duties, and responsibilities as between Birmingham City Council and the Council in its capacity as Sole Corporate Trustee, the objects/purposes of the Council's charitable trusts, all have a commonality, namely for the benefit of the citizens of Birmingham. This is consistent with the Council's Policies, Plans and Strategies which are focused on "fair, democratic and prosperous Birmingham."</p> <p>4.2 <u>Financial Implications</u> <u>(Will decisions be carried out within existing finance and Resources?)</u></p> <p>The (Joint) City Solicitor and Monitoring Officer, already Chairs bi-monthly officer meetings of the Constitution Review Group. Any proposals or revisions to the Constitution as agreed by Cabinet and/or CBM will be considered by the Group as part of the (Joint) City Solicitor and Monitoring Officer's wider Constitution review.</p>	

4.3 Legal Implications

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 when making decisions. Members appointed to outside bodies through under the Council's Constitution will receive a Briefing Note setting out the key legal considerations they should be mindful of when exercising their functions, together with relevant guidance issued by the Charity Commission.

4.4 Public Sector Equality Duty (see separate guidance note)

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:

Please refer to Appendix 1.

6. Evaluation of alternative option(s):

- 6.1 To do nothing and continue with the existing arrangements is likely to lead to further requests by external charitable trusts to remove the Council's ability to nominate or Co-opt Members to these bodies.

7. Reasons for Decision(s):

- 7.1 To keep members fully informed of all key developments made by the Panel.

Signatures	<u>Date</u>
Chairman of the Trusts & Charities Committee	20 April 2016
(Joint) Chief Officer Director of Legal & Democratic Services	20 April 2016

List of Background Documents used to compile this Report:
None

List of Appendices accompanying this Report (if any):
1. Note Prepared by Councillor Philip Davis following the Panel Meeting on the 8 March 2016

Report Version	<u>Final</u>	Dated	<u>20 April 2016</u>
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