

Birmingham City Council – Council as Trustee

PUBLIC REPORT

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| Report to: | Trust and Charities Committee | <i>Exempt information paragraph number – if private report:</i> |
| Report of: Date of Decision: | CHIEF FINANCIAL OFFICER 18 September 2019 | |
| SUBJECT: | ANNUAL REPORTS AND ACCOUNTS FOR THE HARRIET LOUISA LOXTON FOR THE PERIOD 2016/17 AND 2017/18 | |
| 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 | |

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| 1. Purpose of report: |
| 1.1 To present for approval the Annual Report and Accounts for the Harriet Louisa Loxton Trust for the financial years ending 31 March 2017 and 31 March 2018. |

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| 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 2016/17 and 2017/18. |
| 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. |

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| 3. | Consultation |
| 3.1 | <p>Consultation should include those that have an interest in the decisions recommended</p> <p><u>Internal</u></p> <p>The Chairman of the Committee has been consulted in the preparation of this report and agrees in principle with its contents.</p> |
| 3.2 | <p><u>External</u></p> <p>N/A</p> |
| 4. | Compliance Issues: |
| 4.1 | <p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>N/A</p> |
| 4.2 | <p><u>Financial Implications</u> (Will decisions be carried out within existing finance and Resources?)</p> <p>N/A</p> |
| 4.3 | <p><u>Legal Implications</u></p> <p>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.</p> |
| 4.4 | <p><u>Public Sector Equality Duty (see separate guidance note)</u></p> <p>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</p> |

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 2016/17 was £ 48,766 and for 2017/18 £ 49,087 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 2016/17 and 2017/18 accounts for the Harriet Louisa Loxton Charity.

| Signatures | | <u>Date</u> |
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| 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 2016/17.

Appendix 2- Annual Accounts 2017/18