

Report to:	Trust and Charities Committee	<i>Exempt information paragraph number – if private report:</i>
Report of:	Director of Finance	
Date of Decision:	23 rd September 2015	
SUBJECT:	ANNUAL REPORT AND ACCOUNTS – J K GILBERT FOR PERIOD ENDING 31 DECEMBER 2014	
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 information the Annual Report and Accounts for J K Gilbert for the financial year ending 31 December 2014.

2. Decision(s) recommended:

- 2.1 That Committee is receiving this report for information as Custodian Trustee and is asked to note the attached Annual Report and Accounts.

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3. Consultation

Consultation should include those that have an interest in the decisions recommended

3.1 Internal

The Chairman of the Committee has been consulted in the preparation of this report.

3.2 External

N/A

4. Compliance Issues:
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>N/A</p>
<p>4.2 <u>Financial Implications</u> (Will decisions be carried out within existing finance and Resources?)</p> <p>N/A</p>
<p>4.3 <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, other relevant legislation and guidance issued by the Charity Commission. The assets of a charity must be used in accordance with charitable law, failing which 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 expedient in 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>
<p>4.4 <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 Regulated by the scheme of Charity Commission dated of 18 August 1931, founded by the will of Jane Kate Gilbert, and Charity Commission Scheme dated the 5 March 1986.

5.2 The objects of the trust are to make payment of pensions to the poor persons of good character who (except in special cases to be approved by the Charity Commission) have resided in the City of Birmingham for not less than 2 years next preceding the time of the appointment, who are not the time of their appointment in receipt of poor law relief other than medical relief, and who from age, ill health, accident, or infirmity, are wholly or in part, unable to maintain themselves by their own exertions the stipend is to be paid by weekly or other periodical payments as the Trustees think fit. The Trustees are empowered to appoint pensioners for a term of 3 years in the first instance, and, if they think fit, for a period of not more than 3 years at each continuation. Mark, I have lifted the following from the Scheme so uncertain where your info came from, but happy to discuss?

5.3 For information the trust does not hold any land and buildings.

5.4 Each charitable Trust registered with the Charity Commission is required to annually submit an annual Report and Accounts, except where gross annual income is less than £25,000, no later than ten months after the end of each financial year. Below this threshold, external scrutiny is only needed if this is set out in the Charity's governing document. The accounts of such Trusts are required to have been independently examined if gross annual income is between £25,000 and £500,000, and if the income exceeds £500,000 a full audit is required. An audit will also be required if total gross assets exceed £3.26m, and the charity's gross income is more than £250,000.

5.5 For information no independent examination was required as the total annual income for the financial year was £1,366.

6. Evaluation of alternative option(s):

6.1 It is a Charity Commission requirement to compile annual accounts.

7. Reasons for Decision(s):

7.1 For Committee to approve the accounts.

Signatures	<u>Date</u>
Director of Finance
Chairman

List of Background Documents used to compile this Report:
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N/A

List of Appendices accompanying this Report (if any):
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1. 2014 Accounts.
