

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE

WEDNESDAY, 23 SEPTEMBER 2015 AT 10:30 HOURS
IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 **NOTICE OF RECORDING**

Chairman to advise that meeting to note that Members of the the press/public may record and take photographs except where there are confidential or exempt items.

2 **APOLOGIES**

To receive any apologies.

3 **MINUTES**

To note Part 1 of the Minutes of the last meeting of the Committee on 22 July 2015.

4 **MATTERS ARISING**

To discuss matters arising.

5 **DECLARATIONS OF INTERESTS**

Members are reminded that they must declare all relevant pecuniary interests and non-pecuniary interests relating to any items of business to be discussed at this meeting. If a 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.

6 **ELECTION OF DEPUTY CHAIR**

To elect a Deputy Chair to substitute for the Chair if absent.

5 - 12

- 13 - 24**
- 7 **ANNUAL REPORT AND ACCOUNTS - J K GILBERT FOR PERIOD ENDING 31 DECEMBER 2014**
- Report of the Director of Finance.
- 25 - 34**
- 8 **ANNUAL REPORT AND ACCOUNTS - CB & AB HOLINSWORTH FOR THE PERIOD ENDING 31 MARCH 2015**
- Report of the Director of Finance.
- 35 - 40**
- 9 **REVENUE BUDGET MONITORING 2015/16 - QUARTER 1 (TO 30 JUNE 2015)**
- Report of the Director of Finance.
- 41 - 50**
- 10 **ANNUAL REPORT AND ACCOUNTS - SIR WHITWORTH WALLIS PERIOD ENDING 31 MARCH 2015**
- Report of the Director of Finance.
- 11 **SUPPORT COSTS CHARGES - UPDATE**
- Verbal Report in the name of the Director of Finance.
- 51 - 54**
- 12 **FUTURE OF RESIDENTIAL LODGES IN PARKS HELD IN TRUST**
- Report of the Director of Property.
- 13 **HIGHBURY INDEPENDENT TRUST - UPDATE FROM THE CHAIRMAN**
- Verbal update from the Chairman of the Trusts and Charities Committee.
- 55 - 56**
- 14 **SCHEDULE OF OUTSTANDING MINUTES**
- To consider the schedule of Outstanding Minutes.
- 15 **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.
- 16 **AUTHORITY TO CHAIRMAN AND OFFICERS**
- Chairman to move:-
- 'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.
- 17 **EXCLUSION OF THE PUBLIC**
- 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 AGENDA

1 **PRIVATE MINUTES**

Item Description

2 **MATTERS ARISING - PRIVATE**

To discuss matters arising.

3 **FUTURE OF RESIDENTIAL LODGES IN PARKS HELD IN TRUST**

Report of the Director of Property

4 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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.

BIRMINGHAM CITY COUNCIL

**TRUSTS AND CHARITIES
COMMITTEE
22 JULY 2015**

PRESENT: Councillor Phil Davis in the Chair

Committee Members:
Councillor John Alden (JA)
Councillor David Pears (DP)
Councillor Paul Tilsley (PT)

Officers:
Sanjeev Bhopal, (SKB) Senior Solicitor, Legal & Democratic Services
Mark Szurminski, Senior Business Analyst, Corporate Finance
Nigel G Oliver, Property Manager, BPS

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NOTICE OF RECORDING

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

701

APPOINTMENT OF COMMITTEE

To receive the resolution of the City Council appointing the Committee for the Municipal Year 2015/2016 with the following Members:-

Labour (5)

Cllr Phil Davis (Chairman)
Cllr Ian Cruise
Cllr Mick Finnegan
Cllr Ansar Ali Khan
Cllr Hendrina Quinnen

Conservative (2)

Cllr John Alden
Cllr David Pears

Liberal Democrat (1)

Cllr Paul Tilsley

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RESOLVED:-

- i) That the resolution of the City Council appointing the Committee for the Municipal Year 2015/2016 be noted;
- ii) That the appointment of Councillor Phil Davis as Chairman of the Committee be noted.

702

APOLOGIES

Apologies for non-attendance were submitted on behalf of:

Councillor Hendrina Quinnen
Councillor Ian Cruise
Councillor Ansar Ali Khan

703

INTRODUCTIONS AND WORK OF THE COMMITTEE

The Chairman provided an overview of the Committee's work, its current Business Plan, and key priorities moving forwards. The Chairman was particularly interested in reviewing the method of Grants distribution to beneficiaries, and how this could be improved, moving forwards. He had tasked officers to undertake a comprehensive review of these matters and report back to Committee in the Autumn.

704

MINUTES

The public minutes of the meeting on 15 April 2015, were confirmed as an accurate record.

705

MATTERS ARISING

Minute 691

Cllr John Alden (JA) sought clarification on this Minute. SKB explained that to assist Members, he had copied the relevant Minute (in this case 679) and included this within 691 so that Members could refer to what was outstanding, and why. On this occasion it was for officers to update Committee on whether Charity Commission approval had now been obtained on the disposal of Stirchley Recreation Ground. SKB was pleased to inform Committee that following correspondence with the Commission, it had now indicated it was minded to approve the disposal, subject to clarifying a few matters which he and Nigel Oliver would do shortly.

Members were pleased to note the progress made.

706

TERMS OF REFERENCE OF THE TRUSTS AND CHARITIES COMMITTEE

Members of the Committee reviewed its Terms of Reference, as set out within the Committee Papers.

RESOLVED:-

That the Committee's Terms of Reference be noted.

707

DATES OF FUTURE MEETINGS

Committee Resolved to hold future meetings on the dates and times set out below at the Council House:-

2015

22 July 2015	10.30 – Committee Room 6
23 September 2015	10.30 – Committee Room 2
12 November 2015	10.30 – Committee Room 2
17 December 2015	10.30 – Committee Room 2

2016

20 January 2016	10.30 – Committee Room 2
2 March 2016	10.30 – Committee Room 2
20 April 2016	10.30 – Committee Room 2

At the discretion of the Chairman, Deputy Chair and Committee Members, the venue for a Committee Meeting may be changed to another location.

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DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary interests and/or non-pecuniary interests relating to any items of business to be discussed at this meeting. If a pecuniary interest is declared a Member must leave the room or Chamber where the meeting is being held, unless a dispensation has been obtained from the Authority's Standards Committee. Any declarations or leaving of the room/chamber will be recorded in the minutes of the meeting.

JA declared interest as being a Trustee of the Lord Mayor's Charity

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REVENUE OUTTURN 2014/2015

By way of background, Cllr Davis explained to Members that Finance Reports are now presented to Committee in two sections, namely where the Council Sole Corporate Trustee and secondly where it is only a Custodial Trustee i.e. is not involved in the management of the Trust, which rests with an independent group of Trustees.

MS introduced the Report and referred Members to Appendix 2 showing the position of Trust balances at the end of March 2015. In response to queries

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from JA, MS advised Members that the annual income received from the Civic Catering Agreement and the pending one-off premium of the disposal of Chamberlain House was ring fenced for the restoration of Highbury. MS went on to say that the Trust runs a deficit of £66,000 pa but this is covered corporately at present.

The Director of Finance had rightly pointed out that the Committee had a number of substantial funds from which limited expenditure had been made. The Chairman welcomed the comment as the Committee was actively investigating how more of the various funds could be used for the charitable purposes required by law.

RESOLVED:

The Recommendation within the Report at paragraph 2.1 was approved by Committee.

710

2014/2015 CROPWOOD ANNUAL REPORTS AND ACCOUNTS

MS introduced the Report and informed Members that BCC is the Sole Trustee, accounts had not needed to be independently examined as they did not exceed the Charity Commissions £10,000 income threshold.

After general discussion Cllr Davis stated there is a need to remind Members of what the individual Trusts are ie School, Property or Education Property, and a short description/summary should be added to the reports when next presented.

JA noted that on page 3 of the accounts in the independent examiner section the date should be amended from April 2015 to April 2009. It should also be noted that on page 7 of the accounts at Note 3, that £8,367 related to prior year's income that had been miscoded which had been reported to Committee and now made good.

JA requested information in relation to page 8 of the accounts, note 7 – trust investments of £59,702. MS to email details of trust investments to Members.

RESOLVED:

The Recommendation within the Report at paragraph 2.1 was approved by Committee.

711

2014/2015 BIRMINGHAM MUNICIPAL CHARITY ANNUAL REPORT & ACCOUNTS

MS informed Members that BCC is the Sole Trustee for the charity. The trust was formed in 2011 from small and dormant Trusts. The 2014/15 accounts did not require an independent examination due to the trusts annual income of £10,194. Of which £7,769 related to the consolidation of Loxley Trust into the Birmingham Municipal Charity.

JA raised the question in relation to Notes 4 and 5. MS agreed to amend the notes to reflect that the Pages 8 and 16 have now been transferred to CCLA

Investment and deposit accounts. The Chairman pointed out that there had been no grant awards in the financial year. MS informed Committee that in the current financial year 2 grants have awarded and released to successful applications.

DP raised the questions of how to apply for funding from the charity and what is the rate of return on trusts investments. MS advised that CCLA (Charity Church and Local Authority) are managing the trusts investments. The Investment account rate of return can go up or down. The trusts deposit account is currently achieving 0.45% interest. MS also stated that for those trusts which award grants rules for grant applications are set out.

PD asked that those papers be shared so all Members were aware PD also reminded Members that applications were first heard by a panel of Members including himself and then reported to Committee who will have to approve. JA informed Committee that MS was the Acting Secretary for the trust and requests for applications of funding should be forwarded to him. If any Member knows of an organisation requiring funds they be directed to MS. MS can send an application form which gives details of how to apply for funding – MS agreed to send application form to members.

RESOLVED:

The Recommendation within the Report at paragraph 2.1 was approved by Committee.

712

ANNUAL REPORT AND ACCOUNT -2014/2015 CENTRE FOR THE CHILD

MS introduced the Report informing Committee that BCC is a Sole Corporate Trust. The report relates to the last financial year which identifies an income of £202 and therefore no independent examination was required . Paragraphs 5.1 and 5.2 of the Report sets out when the Trust was set up.

JA requested more information on note 7 of the accounts. DP asked if the debtor had now been cleared.. In addition PD asked if the trust had undertaken any fund raising recently, as he had concerns that the trust will run out of money. MS agreed to raise the matter with the appropriate officer and at the request of Committee ask that either a written Report or a verbal update be provided at the next Committee meeting.

RESOLVED:

The Recommendation within the Report at paragraph 2.1 was approved by Committee.

713

IMPLEMENTATION OF SUPPORT COSTS –CUSTODIAN TRUSTS UPDATE

MS introduced the Report and advised the Committee that the Report had been brought to Committee for information which set out the position on implementing support costs to charitable trusts where BCC is

custodian trustee. JA advised Members declared an interest as he was a trustee of the Lord Mayors Charity.

MS advised Committee last year that an exercise was undertaken to establish the cost of administrative and professional support provided to trusts. Letters had been sent in early April to custodian trusts informing them that BCC was no longer able to provide support costs free of charge and that charges will apply from this financial year. The custodian trusts needed to consider their options – to be charged for support costs, look elsewhere for their support or consolidate with another charity.

Paragraph 5.8 of the Report sets out the current position was broken down into following categories:

- Trustees to transfer assets to BMC.
- Charities that did not have the ability to pay.
- Continued with Support – charges applied.
- No decision made.

Those with no decision made will be sent a follow up letter and will have 3 weeks from the date of the letter to respond, if no response is received it will be assumed that no support is required and professional support will be withdrawn.

PT advised that it was possible communications were not aligned with the trusts committee meetings and while no excuse for not acknowledging some may still be waiting opportunities to consider this formally and it may be necessary to send emails again. need to make sure in cycle of their meeting.

Cllr Davis requested that members be made aware of the pending follow up communication.

Cllr Davis asked to give a chance for charities to respond due to the summer holidays coming up but to send the further communication out.

RESOLVED:

The Recommendation within the Report at paragraph 2.1 was approved by Committee.

714

HIGHBURY - UPDATE

Verbal update from Members and Officers on various matters pertaining to the Charity.

Now moving to an independent Highbury Trust, Birmingham Conservation Trust (BCT) been asked to run this process. New chairman interviews will take place in October 2015, issue pack is being prepared and to be circulated to Members and Committee and Council, if you know anyone who would be interested to apply.

Highbury has received rental income from the Council for its use of Highbury by Acivico/ Civic Catering.

JA asked if consideration to the Chairman of the independent trust will be enumerated, as there were advantages to them of being paid say £500 a day up to so many days a year-

Cllr Davis—suggested the Trust could probably provide small amount and would consider honoraria if permissible under charity law,

RESOLVED:

Committee noted the verbal update from Members and Officers.

715

ELFORD ESTATE – APPROVAL OF ASSIGNMENT – LEASE FOR HOWARD PRIMARY SCHOOL PLAYING FIELDS

Members asked to note assignment of lease to the new Academy approved under Chairman's Action. JA asked if there had been rent reviews under the lease. NGO confirm, no rent increase, in 2013 as while there should have been a modest rise this was negated by costs of processing the review. The Academy has asked for a longer lease, but if agreed that will be set at a new rent.

JA raised the issue that some years ago the brick Barns could be turned into living or work units, but there had been no development. NGO confirmed that had not progressed because of planning issues. The current farmer wants to convert barns to his house and that and the release of farm land for the garden is being considered. Elford is one of the biggest estates in the Committee.

RESOLVED:

The Recommendation within the Report at paragraph 2.1 was approved by Committee.

716

SITE VISITS

This will need to be postponed – will need dates for local site visits. Cllr Davis will circulate some dates for the local visit such as Cadbury Barnes, Highbury, etc. fairly soon. In the long term to arrange dates to look at the other properties just outside Birmingham. NGO will coordinate and facilitate these visits through BPS.

Resolved

Committee resolved to undertake visits to various Trust sites during the course of the year.

717

SCHEDULE OF OUTSTANDING MINUTES

SKB suggested that minute 395 be a rolling minute given its contents.

Cllr Davis confirmed his desire to produce formal report to Council to show the work of the Committee to Council early next year

Minute 651- JA asked if Cofton Park trust was yet compensated for the sale receipt for the flat. NGO confirmed discussions with Park were on-going but that capital receipt would have been spent on the park.

JA also asked whether Park Department had demolished the old barns which were built with moulded bricks.

NO advised new changing have not been constructed, old barns are still planned for demolition and the contractors are to recycle the bricks, but that at the moment the project is on hold.

718 **OTHER URGENT BUSINESS**

There are no other urgent business by the Committee.

719 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

“That the Chairman is hereby authorised to act until the next meeting of the Committee except that, in respect of the exercise of the Council’s non-Executive functions, the appropriate Chief Officers are hereby authorised to act in consultation with the Chairman and that the Director of Legal and Democratic Services is authorised to affix the Corporate Seal to any document necessary to give effect to a decision of the said officers acting in pursuance of the power hereby delegated to them; further that a report of all action taken under this authority be submitted to the next meeting and that such report shall explain why this authority is used”.

720 **EXCLUSION OF THE PUBLIC**

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.

Minutes of the last meeting

Exempt information paragraph 3

.....
Cllr Phil Davis
Chairman of Trusts and Charities Committee

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.

Contact Officer:	Mark Szurminski
Telephone No:	0121 675 0482
E-mail address:	Mark_szurminski@birmingham.gov.uk

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.

The Charity of Jane Kate Gilbert

Registered charity number 216800

Report and Accounts for the year ended 31 December 2014

The Charity of Jane Kate Gilbert

Report of the Trustees for the Year Ended 31 December 2014

The Trustees present their report along with the financial statements of the charity for the year ended 31 December 2014. The financial statements have been prepared in accordance with the accounting policies set out in the notes below and comply with the charity's trust deed and applicable law.

Reference and administrative information

The name of the charity is The Charity of Jane Kate Gilbert

The Trust is a registered charity, number 216800

The Trustees are:

Honorary Alderman Sandra Jenkinson
Mr T P Cuthbertson
Miss Mary Edwards
Councillor Mike Sharpe
Councillor Anne Underwood

The address for correspondence is :

Sanjeev Bhopal - Senior Solicitor
Birmingham City Council Legal & Democratic Services Department
PO Box 15992
Birmingham
B2 2UQ

The Trust's bankers are :

CAF Bank
25 Kings Hill Avenue
Kings Hill
West Malling
Kent
ME19 4JQ

The Charity of Jane Kate Gilbert

Report of the Trustees for the Year Ended 31 December 2014

Structure, Governance and Management

Regulated by Scheme of Charity Commissioners dated 18 August 1931, and founded by the will of Jane Kate Gilbert, subsequently augmented by the will of Clara Mansell who died in April 1937.

The Trustees who have served during the year are shown above.

Two Trustees are appointed by the Birmingham Diocesan Board of Finance, and three by the Council of the City of Birmingham. Trustees hold office for four years and may be re-appointed.

The Trustees meet twice yearly.

Objectives and Activities

The objects of the Charity are the payment of pensions to poor persons of good character who (except in special cases to be approved by the Charity Commissioners) have resided in the City of Birmingham for not less than two years next preceding the time of their appointment, who are not at 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 three years in the first instance, and, if they think fit, for a further period of not more than three years at each continuation.

Grant Making Policy

The charity seeks invitations for applications for pensions from organisations such as Citizens' Advice Bureau, Birmingham Monetary Advice and Grants, Faith organisations and the advice bureaux of elected members.

Financial Review and Investment Policy

The endowment fund consists of £2,000 from the will of Jane Kate Gilbert in 1931, augmented by £12,000 from the will of Clara Mansell in 1937. The capital of this fund now exceeds £37,000. Income generated by this fund is used to provide pensions as described in the objects of the charity.

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.

Trustees' Responsibilities in Relation to the Financial Statements.

The Trustees are responsible for preparing the Trustees' Annual Report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards. (United Kingdom Generally Accepted Accounting Practice).

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 state of affairs of the charity and of the incoming resources and application of resources of the charity for that period.

In preparing those 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;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in business.

The Trustees are responsible for keeping accounting records which 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 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:

Chair

Date

Statement of Financial Activities For the Period Ended 31 December 2014

	Notes	Unrestricted Funds	Endowment Funds	Total 31-Dec-14	Total 31-Dec-13
Incoming Resources					
Bank and Investment Income	2	1,365.76	0.00	1,365.76	1,356.12
Donations		0.00	0.00	0.00	0.00
Total Incoming Resources		1,365.76	0.00	1,365.76	1,356.12
Resources Expended					
Charitable Activities	3	0.00	0.00	0.00	480.00
Pensions		0.00	0.00	0.00	(3.75)
Admin Costs		0.00	0.00	0.00	
Total Resources Expended		0.00	0.00	0.00	476.25
Net Incoming (Outgoing) Resources		1,365.76	0.00	1,365.76	879.87
Other Recognised Gains and Losses					
Gain / (Loss) on Investments		0.00	1,814.92	1,814.92	5,768.42
Net Movement in Funds		1,365.76	1,814.92	3,180.68	6,648.29
Fund Balances Brought Forward at 1 January		966.42	36,048.13	37,014.55	30,366.26
Fund Balances Carried Forward at 31 December		2,332.18	37,863.05	40,195.23	37,014.55

Balance Sheet as at 31 December 2014

	Unrestricted Funds	Endowment Funds	Total 31-Dec-14	Total 31-Dec-13
Fixed Assets				
Investments	4a	37,863.05	37,863.05	36,048.13
Current Assets				
Cash at Bank	5	2,332.18	0.00	2,332.18
Net Current Assets		2,332.18	0.00	2,332.18
Total Net Assets		2,332.18	37,863.05	40,195.23
Funds		2,332.18	37,863.05	37,014.55

Approved by the Board of Trustees and signed on its behalf by:

Chair

Date

The Charity of Jane Kate Gilbert

Notes forming part of the Financial Statements

For the Year Ended 31 December 2014

Note 1 Principal Accounting Policies

a) Accounting Convention

The financial statements have been prepared under the historical cost convention as modified by the inclusion of investments at market value and in accordance with the Financial Reporting Standard for Smaller Entities (effective April 2008). In preparing the financial statements the charity follows best practice as laid down in the Statement of Recommended Practice "Accounting and Reporting by Charities" (SORP 2005) and the requirements of the Charities Act 1993.

The trustees have made use of the concession available for smaller charities within the SORP and have chosen to use resource classifications appropriate to the charity's circumstances and activities.

b) Incoming Resources

Investment income is accounted for on an accruals basis.

c) Resources Expended

Expenditure is included on an accruals basis.

d) Fixed Assets Investments

Investments are included at closing value at the balance sheet date. Any gain or loss on revaluation is taken to the statement of financial activities.

e) Fund Accounting

Details and the nature of each fund is set below.

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

Endowment Funds represents those assets which must be held permanently by the charity, principally investments. Income arising on the endowment fund can be used in accordance with the objects of the charity and is included as unrestricted income. Any capital gains or losses arising on the investments form part of the fund.

Note 2 Investment Income

	Total 31-Dec-14 £	Total 31-Dec-13 £
UK Unit Trusts	1,365.38	1,355.68
Interest on Cash Deposits	0.38	0.44
	<u>1,365.76</u>	<u>1,356.12</u>

Note 3 Resources Expended

No grants were paid during the year

Notes forming part of the Financial Statements
For the Year Ended 31 December 2014

continued

Note 4 Investments

Also see note 4a attached

	31-Dec-14	31-Dec-13
Total	£	£
Market Value at 1 January	36,048.13	30,279.71
Acquisitions at Cost	0.00	0.00
Sales Proceeds from Disposals / Redemption	0.00	0.00
Gain / (Loss) in the year	1,814.92	5,768.42
Market Value at 31 December	37,863.05	36,048.13

Investments at market value comprised:

UK Gilts	0.00	0.00
UK Unit Trusts	37,863.06	36,048.14
Cash	0.00	0.00
Historical Cost at 31 December	16,693.56	16,693.56

All investments are listed UK securities.

Note 5 Cash at Bank

CAF Bank	£	31-Dec-14
CAF Cash Account - current interest rate is 0.1%	2,332.18	966.42
Cash at Bank	2,332.18	966.42

Note 6 Trustee Remuneration and Expenses

No remuneration or expenses was paid to any Trustee from Charity funds during the year. (2013 nil).

The Charity of Jane Kate Gilbert

Schedule of Investments as at 31 December 2014

Note 4a

Quoted Securities	Value at 31-Dec-14 £	Value at 31-Dec-13 £	Purchase Cost £	Number of Units	Price at 31-Mar-14 £	Movement since 31-Dec-13 £	Change in Value %
The quoted securities are shown at market value							
Coif Investment Income Units	6,229.24	5,905.20	3,035.06	507.97	12.2630	324.04	5.49%
Schroder Charity Equity Fund Income	17,915.20	17,137.94	9,538.73	4,772.47	3.6030	777.26	4.54%
Coif Investment Income Units	13,718.62	13,005.00	4,119.77	1,118.70	12.2630	713.62	11.90%
Total	37,863.06	36,048.14	16,693.56			1,814.92	5.03%
				FTSE all share:	31-Dec-13	3,609.63	
					31-Dec-14	3,532.74	-2.13%

Income and expenditure over the last 5 years

Year	Income £	Expenditure £	Difference £
2014	1,365.76	0.00	1,365.76
2013	1,356.12	476.25	879.87
2012 *	1,190.38	3,097.00	(1,906.62)
2011	1,202.51	2,884.91	(1,682.40)
2010	1,166.05	1,935.88	(769.83)

* In addition to the 2012 income the charity received a donation from Lord Mayor of B'ham Charity of £920.

Income Detail	2014	2013	2012	2011	2010
Schroders	611.99	527.35	508.27	439.95	419.71
Coifs	753.39	828.33	598.19	593.40	576.18
Bank of England	0.00	0.00	83.25	166.50	166.50
Interest	0.38	0.44	0.67	2.66	3.66
	1,365.76	1,356.12	1,190.38	1,202.51	1,166.05

Report to:	Trust and Charities Committee	<i>Exempt information paragraph number – if private report:</i>
Report of: Date of Decision:	Director of Finance 23 rd September 2015	
SUBJECT:	ANNUAL REPORT AND ACCOUNTS – CB & AB HOLINSWORTH FOR THE PERIOD ENDING 31 MARCH 2015	
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 CB & AB Holinsworth for the financial year ending 31 March 2015.

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.

Contact Officer:	Mark Szurminski
Telephone No:	0121 675 0482
E-mail address:	Mark_szurminski@birmingham.gov.uk

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 The charity is regulated by a Scheme by the High Court of Justice (Chancery Division) of 4 April 1938 and by a Scheme of the Charity Commissioners 14 September 1951 and 18 October 1955 and Letters of Concurrence from the Charity Commission dated the 5 May 1997 and 9 April 1998.

The objects of the Fund are:

- 1) the furtherance of the work of any voluntary hospital or hospitals being established in Or near the City of Birmingham whether by means of a direct contribution to the funds of any such hospital or otherwise;
- 2) The relief of sick persons resident in or near the City of Birmingham;
- 3) The benefit of poor persons resident as aforesaid who are recovering from an illness and are in need of rest or change of air.

5.2 The trust holds no land and building. It has investments of £170k which are managed by External fund managers.

5.3 The City Council acts as Sole Trustee for a number of charitable and non-charitable trusts and has delegated the management of these Trusts to the Trusts and Charities Committee. Charitable trusts are regulated by the Charity Commission. Each 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. 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 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 assets (before liabilities) exceed £3.26m, and the charity's gross income is more than £250,000.

5.3 For information no independent examination was required as the total annual income for the financial year was £6,838.

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

Page 27 of 56

Date

Director of Finance

Chairman

List of Background Documents used to compile this Report:

N/A

List of Appendices accompanying this Report (if any):

1. 2014-15 Accounts.

THE CB and AB Holinsworth Fund Of Help

Registered Charity Number 217792

Report and Accounts

31 March 2015

THE CB and AB Hollinsworth Fund Of Help

Year Ended 31 March 2015

Legal and Administrative Details

Registered charity number 217792

The Trustees are:

The Lord Mayor of Birmingham

Representative Trustees

Councillor Mr M Sharpe

Councillor Ms A Underwood

Vacancy

Co-Optative Trustees

Mr H Carslake

Ms S Cutler

Vacancy

Address for correspondence:

Sanjeev Bhopal-Senior Solicitor

Birmingham City Council Legal & Democratic Services Department

PO Box 15992

Birmingham

B2 2UQ

The Trust's Bankers:

Co-operative Bank plc

PO Box 82

118/120 Colmore Row

Birmingham

B3 3AB

THE CB and AB Holinsworth Fund Of Help

Report of the Trustees for the Year Ended 31 March 2015

The Trustees present their report along with the financial statements of the charity for the year ended 31 March 2015. The financial statements have been prepared in accordance with the accounting policies set out in the notes and comply with the charity's trust deed and applicable law.

Constitution and Objectives

The Fund is regulated by a Scheme of the High Court of Justice (Chancery Division) of 4 April 1938 and by a Scheme of the Charity Commissioners of 14 September 1951 and 18 October 1955. It is a registered charity, charity number 217792.

The objects of the Fund are:

- 1) The furtherance of the work of any voluntary hospital or hospitals being established in or near the City of Birmingham whether by means of a direct contribution to the funds of any such hospital or otherwise;
- 2) The relief of sick persons resident in or near the City of Birmingham;
- 3) The benefit of poor persons resident as aforesaid who are recovering from an illness and are in need of rest or change of air.

Organisation

There are seven Trustees made up of one ex-officio Trustee, three representative Trustees, and three co-optative Trustees. There is currently one vacancy for a representative Trustee and one vacancy for a co-optative Trustee. The ex-officio Trustee is the Lord Mayor of Birmingham.

The three representative Trustees are appointed by Birmingham City Council for a period of four years.

The three co-optative Trustees may be persons residing or carrying on business in or near Birmingham and are appointed for a period of five years by a resolution of the Trustees passed at a special meeting.

Financial Review and Investment Policy

The endowment fund shall not be spent without the consent of the Charity Commission.

The unrestricted funds may be invested in any type of investment and are reviewed regularly.

Reserves Policy

The Trustees hold considerable reserves which have built up since the commencement of the Trust. These have been invested to produce income and further strengthen the financial position of the Trust.

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.

Trustees' Responsibilities in Relation to the Financial Statements.

The Trustees are responsible for preparing the Trustees' report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

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 state of 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;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in business.

The Trustees are responsible for keeping accounting records which 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 1993, the Charity (Accounts and Reports) Regulations 2008 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

The CB and AB Hollinsworth Fund of Help

Statement of Financial Activities for the Year Ended 31 March 2015

	Notes	Unrestricted Funds	Endowment Funds	Total	2015	2014
Incoming Resources	2	£	£			£
Investment Income		6838	0	6838		6,763
Total Incoming Resources		6,838	0	6,838		6,763
Resources Expended	3	300	0	300		1,550
Direct Charitable Expenditure		300	0	300		1,550
Total Resources Expended		300	0	300		1,550
Net Incoming Resources / (Resources Expended)		6,538	0	6,538		5,213
Recognised Gains / (Losses) on Investments		0	9,952	9,952		9,125
Net Movement in Funds		6,538	9,952	16,491		14,338
Balance of Fund Brought Forward at 1 April		15,631	159,876	175,507		161,170
Balance of Fund Carried Forward at 31 March		22,170	169,829	191,998		175,507

Balance Sheet as at 31st March 2015

	Notes	Unrestricted Funds	Endowment Funds	Total	2015	2014
Fixed Assets		£	£			£
Investments	4	0	169,829	169,829		159,876
Current Assets						
Debtors	5	1,362	0	1,362		1,377
Short Term Deposits	6	7,898	0	7,898		7,882
Cash at Bank		12,909	0	12,909		6,372
Net Assets		22,170	0	22,170		15,631
Funds Represented by:						
		22,170	169,829	191,998		175,507

Trustee

Date

The CB and AB Holinsworth Fund of Help
Notes forming part of the Financial Statements
for the Year Ended 31 March 2015

1 Principal Accounting Policies

a) Accounting Convention

The financial statements are prepared under the historical cost convention in accordance with the Financial Reporting Standard for Smaller Entities (effective April 2008) and within the provisions of the charities Act 1993.

In preparing the financial statements the charity follows best practice as laid down in the Statement of Recommended Practice: Accounting and Reporting by Charities 2005.

The trustees have made use of the concession available for smaller charities within the SORP and have chosen to use resource classifications appropriate to the charity's circumstances and activities.

b) Investment Income

Investment income is accounted for on an accruals basis.

c) Resources Expended

Expenditure is accounted for on an accruals basis.

d) Fixed Asset Investments

Investments are included at the balance sheet date. Any gain or loss on revaluation is taken to the Statement of Financial Activities.

e) Fund Accounting

Details and the nature of each fund is set below.

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

Endowment Funds represents those assets which must be held permanently by the charity.

2 Incoming Resources

Income on Investments for the year was £6,816 (2014: £6,763).

Interest on cash deposits was £22 (2014: £22).

No donations were received.

3 Resources Expended

There were 1 grants made during the year totalling £300 (2014: 5 grants £1,550).

4 Fixed Asset Investments

Please see next page

5 Debtors

	2015	2014
	£	£
Investment Income	1,362	1,377
	<u>1,362</u>	<u>1,377</u>

6 Short Term Deposits

	2015	2014
	£	£
CAF Bank	1,726	1,723
Birmingham Loans	6,172	6,158
	<u>7,898</u>	<u>7,882</u>

4 Fixed Asset Investments - Endowment Fund

Quoted Securities	Value at 31-Mar-15 £	Price at 31-Mar-15 £	Movements since 31-Mar-14 £	Value at 31-Mar-14 £	Purchase Cost £	Change in Value £
Charifco/Charishare Inv Income Fund	22,058.18	2.01	1,849.62	20,208.56	20,240.00	
Blackrock (previously Merrill Lynch) Charishare Income Units	31,891.50	5.37	1,591.16	30,300.34	22,976.84	
M & G Charifund Units	33,452.77	15.14	1,351.64	32,101.13	11,396.51	
Schroder Charly Equity Fund Income	35,969.14	3.73	1,933.47	34,035.67	22,976.85	
CCLA Global Equity Income Fund	25,078.61	1.58	1,999.36	23,079.25	20,240.00	
CCLA Property Fund Income Units	20,808.91	1.11	2,604.62	18,204.29	20,240.00	
Harris Allday Earnings Account	569.42		(1,377.47)	1,377.47	0.00	
Harris Allday Deposit Account	569.42		0.00	569.42	569.42	
Total	169,828.53		9,952.40	169,876.13	118,639.62	6.2%

FTSE APSCIMS BAL 31 March 2014
FTSE APSCIMS BAL 31 March 2015

3385.39
3374.19

-0.3%

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:	Director of Finance	
Date of Decision:	23 September 2015	
SUBJECT:	REVENUE BUDGET MONITORING 2015/16 - QUARTER 1 (TO 30 JUNE 2015)	
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 This report sets out the income and expenditure position for Trusts and Charities as at Quarter 1, (up to 30 June 2015).

2. Decision(s) recommended:
2.1 Committee note the latest income and expenditure position of Trusts and Charities as at 30 June 2015.

Lead Contact Officer(s):	Mark Szurminski
Telephone No:	0121 675 0482
E-mail address:	Mark_szurminski@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.
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>
	<u>(Will decisions be carried out within existing finance and Resources?)</u>
	n/a
4.3	<u>Legal Implications</u>
	That the Director of Finance be authorised to prepare, negotiate, execute, seal and complete all necessary documentation to give effect to the above decisions and to place any formal advertisements required under either s122(a) of the Local Government Act 1972 or various statutes as may relate to the charitable status of the assets held.
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 Historically assets including cash have been bequeathed to the City Council in trust. The City Council holds the funds in ring fenced accounts separate to the City Council's resources. Each charitable trust has its own objects / purposes and it is the responsibility of the City Council as sole corporate trustee through the Trusts and Committee to ensure that the objects / purposes of each Charitable trust are achieved and /or complied with in accordance with charity law.
- 5.2 Trust accounts are prepared on an annual basis and are required to be forwarded to the Charity Commission no later than ten months after the end of the trusts financial year.
- 5.3 This is the first report in the quarterly series for 2015/16. The information provided in Appendix 2 identifies income and expenditure for the period ending 30th June 2014.

6. Evaluation of alternative option(s):

- 6.1 Alternative options are not appropriate for this report.

7. Reasons for Decision(s):

- 7.1 To ensure the Committee is aware of the current financial position for Trusts and Charities.

Signatures**Date**

Director of Finance

Chairman

List of Background Documents used to compile this Report:

1. Information provided by Directorates'.

List of Appendices accompanying this Report :

1. Detailed Budget Changes and Forecasts
2. Quarter 1 Position 2015-16 Trust Funds.

1. Income & Expenditure Report Quarter 1, 2015/16

- 1.1. No budgets are held on the Trusts' income and expenditure accounts. The financial information provided relates to balances brought forward from previous years and in year movements in expenditure and income.

2. In year Revenue Budget Monitoring and Forecast Outturn 2014/15

- 2.1. The closing balance as at 31 March 2015 was confirmed as £27.777m. At the end of Quarter 1 (up to 30 June 2014), expenditure totalled £0.140m and income £0.124m identifying a closing balance of £27.761m.
- 2.2. An analysis of income and expenditure for each Trust Fund is shown at Appendix 2.

2015/16 Trust Funds Balances - Quarter 1

Scheme	Directorate	Voyager Cost Centre (if applicable)	Balance B/Fwd 2014/15	Income In Quarter Year	Expend In Year Quarter	Closing Balance Quarter 1
<u>Sole Corporate Trustee</u>						
Harriet Louisa Loxton Trust	People	RVB01	1,714,616	5,419	4,716	1,715,319
Cropwood	People		14,735,700	64	0	14,735,764
LA Jones	Place	*	70,695	1,459	303	71,851
Charles Baker Trust	Place		249,073	1,896	492	250,477
Elford	Place	RL803	3,238,707	0	3,925	3,234,782
Highbury Trust	Economy		1,957,950	17,316	17,316	1,957,950
Birmingham Municipal Charity	Economy		374,054	0	500	373,554
Centre for the Child	Economy	RL802	41,262	0	220	41,042
Sub-Total Sole Corporate Trustee			22,382,057	26,154	27,472	22,380,739
<u>Custodian Trustee</u>						
Clara Martineau	People		3,743,558	34,445	0	3,778,003
Bodenham	People		619,882	2,059	5,452	616,489
CB & AB Holinsworth Fund of Help	People		191,998	1,235	0	193,233
Jane Kate Gilbert	People		40,195	1,227	0	41,422
Alderson	Place		344,589	31,559	31,559	344,589
Moseley Road Friends Institute	Place		241,800	14,886	17,099	239,587
Lord Mayor of Birmingham's Charity	Economy		173,498	12,158	58,127	127,529
Sir Whitworth Wallis	Economy		37,282	381	0	37,663
John Billingsley the Elder	Economy	*	2,105	1	0	2,106
Sub-Total Custodian Trustee			5,394,907	97,951	112,237	5,380,621
Total			27,776,964	124,105	139,709	27,761,360

Report to:	Trust and Charities Committee	<i>Exempt information paragraph number – if private report:</i>
Report of: Date of Decision:	Director of Finance 23 rd September 2015	
SUBJECT:	ANNUAL REPORT AND ACCOUNTS – SIR WHITWORTH WALLIS PERIOD ENDING 31 MARCH 2015	
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 Sir Whitworth Wallis for the financial year ending 31 March 2015.

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.

Contact Officer:	Mark Szurminski
Telephone No:	0121 675 0482
E-mail address:	Mark_szurminski@birmingham.gov.uk

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 The City Council acts as Sole Trustee for a number of charitable and non-charitable trusts and has delegated the management of these trusts to the Trusts and Charities Committee. Charitable trusts are governed by charity law and are regulated by the Charity Commission. However, as the Council as Custodian Trustee of the Sir Whitworth Wallis, day to day management decisions are made by a separate and independent group of managing Trustees. This Report is therefore presented to Committee for information only, because it cannot as a matter of law be involved in managing the Charitable Trust. The Council's role is limited to holding legal title to the charity's asset, and nothing more. Committee are of course able to pass on observations to the managing Trustees for them to consider as appropriate.

5.2 The Trust was established under a deed dated 26th July 1968 in memory of Sir Whitworth Wallis, the first curator of the Birmingham Art Gallery.

5.3 The objects of the Trust are the promotion and study of paintings by students by offering scholarships, bursarships or prizes.

5.4 For information the trust does not hold any land and buildings. The Trust has an endowment of £36,000 and the investments are managed by Birmingham City Council's Treasury Management Team.

5.5 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.

5.6 For information no independent examination was required as the total annual income for the financial year was £1,300.

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

Date

Director of Finance

Chairman

Page 43 of 56

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

List of Appendices accompanying this Report (if any):
1. 2014-15 Accounts.

Sir Whitworth Wallis Trust

Registered Charity Number 529062

Report and Accounts

31 March 2015

Sir Whitworth Wallis Trust

Report of the Trustees for the Year Ended 31 March 2015

The Trustees present their report along with the financial statements of the charity for the year ended 31 March 2015. 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.

Reference and administrative information

The Trust is registered with the Charity Commission, registration number 529062

The Trustees are:

The Chief Executive of Birmingham City Council
Miss A M W Stokes-Roberts - Chairman
Mr CS Bell
Ms J Vaudeau
Mr C Shaw
Mrs M Bartfield
Mr T Watley

The address for correspondence is:

Ms Leigh Nash
Birmingham City Council
Zone 2
Finance (WS)
PO Box 16306
Birmingham B2 2XR

The Trust's bankers are:

CAF Bank
25 Kings Hill Avenue
Kings Hill
West Malling
Kent
ME19 4JQ

Sir Whitworth Wallis Trust

Report of the Trustees for the Year Ended 31 March 2015

Structure, Governance and Management

The Trust was established under a deed dated 26 July 1966 in memory of Sir Whitworth Wallis, the first curator of the Birmingham Art Gallery. Whilst there are to be a minimum of 3 Trustees, currently there are 9 and they are listed above.

Objectives and Activities

The original objectives were the promotion and study of painting through the award of prizes to one or more students from the College of Art and Design (University of Central England) who had produced work in Fine Art of a sufficiently deserving standard.

In 2012 a review was conducted and the Trustees decided instead to fund an annual residency based at the Birmingham Museum and Art Gallery, in partnership with Birmingham City University's Birmingham Institute of Art and Design (BIAD). Applications are sought from full and part-time graduating BA and MA students, and graduates from the last two years of Margaret Street based BIAD students. The residency is in Fine Art with a focus on painting and drawing rather than other media, as these were of particular interest to Whitworth Wallis.

The objective of the residency, which is approximately 4 weeks in length, is to produce a piece of work inspired by items in the museum/art gallery's collection.

Financial Review

Investment income for the year amounted to £1,299.

During the year the value of investments increased by £3,299, to £35,561. This represents an increase of 10.2.%

Charitable Expenditure for the year was £1,200.

Trustees' Responsibilities in Relation to the Financial Statements.

The Trustees are responsible for preparing the Trustees' report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

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 charity's financial activities during the year and of its financial position at the end of the year. In preparing those 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;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in business.

The Trustees are responsible for keeping accounting records which 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 1993. 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.



Trustee

20 August 2015 Date

Sir Whitworth Wallis Trust

Statement of Financial Activities For The Year Ended 31 March 2015

	Note	Unrestricted Fund	Endowment Fund	Total 2015	Total 2014
Income					
Investment Income		1,299.28	0.00	1,299.28	1,275.25
Income					
Total Incoming Resources		1,299.28	0.00	1,299.28	1,275.25
Resources Expended					
Direct Charitable Expenditure		1,200.00	0.00	1,200.00	1,400.00
Resources Expended					
Total Resources Expended		1,200.00	0.00	1,200.00	1,400.00
Net Incoming Resources / (Resources Expended)		99.28	0.00	99.28	(124.75)
Other Recognised Gains / (Losses)		0.00	3,299.49	3,299.49	3,426.39
Net Movement in Funds		99.28	3,299.49	3,398.77	3,301.64
Balance of Fund Brought Forward at 1 April		1,521.28	32,261.85	33,883.13	30,581.49
Balance of Fund Carried Forward at 31 March		1,720.56	35,561.34	37,281.90	33,883.13

Balance Sheet as at 31 March 2015

	Note	Unrestricted Fund	Endowment Fund	Total 2015	Total 2014
Fixed Assets					
Investments	2	0.00	35,561.34	35,561.34	32,261.85
Current Assets					
Cash at Bank		1,720.56	0.00	1,720.56	1,621.29
Net Assets		1,720.56	35,561.34	37,281.90	33,883.13
Funds					
		1,720.56	35,561.34	37,281.90	33,883.13

David Wallis
Trustee

20th April 2015
Date

Sir Whitworth Wallis Trust

Notes to the Accounts for the Year Ended 31 March 2015

Note 1 Principal Accounting Policies

Accounting Convention

a) Accounting Convention

The financial statements are prepared under the historical cost convention in accordance with the Financial Reporting Standard for Smaller Entities (effective April 2008) and within the provisions of the charities Act 1993.

In preparing the financial statements the charity follows best practice as laid down in the Statement of Recommended Practice: Accounting and Reporting by Charities 2005.

The Trustees have made use of the concession available for smaller charities within the SORP and have chosen to use resource classifications appropriate to the charity's circumstances and activities.

b) Investment Income

Investment income is accounted for on an accruals basis.

c) Resources Expended

Expenditure is included on an accruals basis.

d) Fixed Assets Investments

Investments are included at closing value at the balance sheet date. Any gain or loss on revaluation is taken to the statement of financial activities.

e) Fund Accounting

Details and the nature of each fund is set below.

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

Endowment Funds represents those assets which must be held permanently by the charity, principally investments. Income arising on the endowment fund can be used in accordance with the objects of the charity and is included as unrestricted income. Any capital gains or losses arising on the investments form part of the endowment fund.

Note 2 Fixed Asset Investments

	2015 £	2014 £	
Market Value at 1 April	32,261.85	28,835.46	
Acquisitions at Cost	0.00	0.00	
Sales Proceeds from Disposals / Redemption	0.00	0.00	
Gain / (Loss) in the year	3,299.49	3,426.39	
Market Value at 31 March	<u>35,561.34</u>	<u>32,261.85</u>	
Investments at market value comprised:	31-Mar-15	31-Mar-14	% Change
UK Unit Trusts - 2795 COIF Shares	<u>35,561.34</u>	<u>32,261.85</u>	10.23%
All investments are listed UK securities.			

Report to:	TRUSTS AND CHARITIES COMMITTEE	
Report of:	Director of Property	
Date of Decision:	23rd September 2015	
SUBJECT:	FUTURE OF RESIDENTIAL LODGES IN PARKS HELD IN TRUST	
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:	N/A	
Relevant O&S Chairman:	N/A	
Wards affected:	ALL	

1. Purpose of report:

- 1.1 To provide an update to Members of the Committee, following the Reports of 5th November 2014 and 4th March 2015 in which it considered options for the future of the remaining residential lodges in parks held in Trust.

2. Decision(s) recommended:

That Committee

- 2.1 notes the review of trust assets has been completed and approves the proposed actions determining the future of each lodge.
- 2.2 approves the transfer of the management of the remaining lodges from Parks Service to the Housing Department of Birmingham City Council, but also the establishment of the appropriate mechanism to ensure that the disposal of the freehold interest of any lodge can be undertaken as and when they become vacant and recommends that the report be advanced to the next meeting of Full Council as Trustee for a decision.
- 2.3 That the Director of Property be authorised to complete negotiations for the proposed disposal either by auction or by private treaty in compliance with Part 7, Charities Act 2011.
- 2.4 That the Director of Legal Services and Democratic Services be authorised to make all investigations and applications required and negotiate, seal, execute and complete all legal documentation to give effect to the above recommendations.
- 2.5 To note that a further report will be brought to determine the mechanisms for the management of the lodges by the Housing Department of Birmingham City Council.

Lead Contact Officer(s):	Nigel Oliver – Property Manager, Birmingham Property Services
Telephone No:	0121 303 3028
E-mail address:	nigel.g.oliver@birmingham.gov.uk

3. Consultation

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

3.1 Internal

The Chairman of the Trusts & Charities Committee was consulted on the preparation of this Report, along with officers who support the Committee within Birmingham Property Services, Legal & Democratic Services and Corporate Finance and Audit. Full consultation has also been undertaken with Parks and Housing officers who support the actions proposed.

3.2 External

N/A

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

The objects/purposes of the Council's charitable Parks and Gardens, all have a commonality, namely for the benefit of the public and principally are to be held as public open space for the citizens of Birmingham. The actions proposed are consistent with the Council's Policies, Plans and Strategies which are focused on "fair, democratic and prosperous Birmingham" but will also ensure the improvement of trust position overall.

4.2 Financial Implications (Will decisions be carried out within existing finance and resources?)

Very few of the trusts effected have any assets except the properties in the report. As there is no revenue or capital accrued to date the trust is not in a fit position to manage properties and should consider alternative measures. The most appropriate measure is to place active tenanted lodges in Housing management, acknowledging they will charge an agreed fee for this and for repairs but also to acknowledge that it is appropriate to resolve that the properties be sold once they become vacant.

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. 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 approval of the proposed actions is the most appropriate route to safeguard the trust as landlord but for any disposals will likely require additional powers to be acquired for most of the trusts and this may include applications to the Charity Commission.

None of the trust lodges are now required to be used by Parks employees for the undertaking of duties and therefore are not service tenancies but assured tenancies. Assured tenancies are managed under the Housing Act 1988.

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:

- 5.1 On 5th November 2014, a report was approved at Committee seeking approval to place the park lodges in the management of the Housing Department pending a further report being brought to Committee summarising proposed longer term resolutions for the lodges and the powers required to advance them. At the meeting on 4th March 2015 the Committee approved a recommendation for the disposal of four vacant trust properties with the understanding further reports would be advanced as they were ready.
- 5.2 Measures to advance the transfer of the actively tenanted lodges to the Housing Department have been progressed but currently management is still with the Parks service. A report is still being advanced by Housing officers but has been delayed while additional advice from Legal Services is considered. That advice clarified some matters for the trust properties but generally substantiated our earlier advice and existing proposals. While matters on the general Parks lodges may need to be reconsidered it is appropriate to move forward a report which determines a route for the future management of trust properties and to ensure all relevant powers are available to deal with the property as is best determined at the time it may become vacant. That should include the power of disposal.
- 5.3 All options have been fully considered and taking into account the age, condition and cost of repair ultimately the report concludes that divesting the Trust of its property responsibilities would be the most appropriate action for each Trust. This will rationalise the portfolio without affecting the primary use of the relevant park as an open space, avoid the continuing dilapidation of the assets and where a disposal takes place secure capital for the Trust. That capital will be ring-fenced to each individual trust and must be used in accordance with the trust's constitution.
- 5.4 The proposed action would be to pass the management of the lodges subject to tenancies to Housing who will be able to review the rents and organise repairs and statutory inspections and then if in due course the property is vacated to sell at auction with an appropriate reserve but if not successful consider other appropriate routes for a disposal, if this continues to be expedient in the interests of the charity.
- 5.5 **Aims and Objectives of the Charity**
Each park is held as a separate trust and decisions need to be in the best interests of that trust. The Trustees are referred to the guidance contained in the Charity Commission's general guidance on public benefit when reviewing the aim and objectives of the charity and in planning any future activities (S17 Charities Act 2011). The majority of lodges are on parks where the object of the charity is simply to maintain the land as parks open to the public. This therefore makes it designated for a specific purpose, and would therefore be subject to Charity Commission approval before any disposal could take place.
- 5.7 **Trustee Powers**
The charity's constitution is set out within the executed Trust Deed for each park principally the acquisition deeds unless subsequently amended by a scheme agreed with the Charity Commission. All decisions will be mindful of the original intention set out in the documents. Subject to compliance with Charity law and Part 7 Charities Act 2011.
- 5.8 **Charity Finances**
Accounts are prepared for the Charity Commission returns where appropriate but there is no income or capital assets in any of the trusts. Where income such as the residential rent is paid it is paid to Parks in lieu of their management and repairing duties. The same will apply if the lodges transfer to Housing management. It is appropriate to consider alternative resolutions for each lodge.

6. Evaluation of alternative option(s):	
6.1	There is no alternative action identified. The trusts do not have sufficient funds to deal with the properties properly and must rely on the mechanism of managing them through the Place Directorate (Housing) and while rents can rise it is not anticipated that they will rise sufficiently to ensure adequate resources are available.
7. Reasons for Decision(s):	
7.1	To better safeguard the Trust's assets in the short term and to secure capital funds for each trust and demonstrate continuing support for the objects of the Charity.
Signatures Chairman of the Trusts & Charities Committee Chief Officer Director of Property	Date
List of Background Documents used to compile this Report:	
Reports to Committee on the Future of Residential Lodges held in Trust dated 5 th November 2014 and 4 th March 2015	
List of Appendices accompanying this Report (if any):	
None	

TRUSTS AND CHARITIES COMMITTEE
23 SEPTEMBER 2015
SCHEDULE OF OUTSTANDING MINUTES

<u>Date/ Minute No</u>	<u>Subject Matter/Response</u>	<u>Comment</u>
19/09/12 – 395	<u>Sole and Custodian Trustee Trusts and Charities</u> – officers to report on a sixth monthly basis on the activities undertaken by Sole and Custodian Trusts and Charities.	<p>Committee determined to retain this Minute on the 22 Julyl 2015</p> <p>Committee in light of the fact that officers would continue to Report to Committee on a six monthly basis on the activities undertaken by the Sole and Custodian Trusts & Charities.</p> <p>In addition Officers are to work towards drafting the next Annual Report to Full Council as Trustee, as determined by Committee on the 22 July 2015</p>
21/01/15 - 651	<u>Matters Arising</u> Cofton Park breach of trust– sale of flat at White House. Investigations are required to determine if any breach has occurred and action that may be required to remedy it.	<p>Officers are to investigate this issue and provide a written Report at a future meeting of Committee, once these enquiries are complete. Minute will be retained pending a report on the matters identified.</p>

