

REPORT TO: CHARITIES COMMITTEE **DATE:** 16th March, 2016
HEADING: TRUST FUNDS
PORTFOLIO HOLDER: N/A
KEY DECISION: NO **SUBJECT TO CALL-IN:** NO

1. PURPOSE OF REPORT

To provide an update to the report given to the Committee on 1 October 2015 regarding four trust funds which have remained unused for several years either due to the purpose no longer being relevant and/or there being limited funds available. It will be beneficial to the residents of Ashfield for the monies in these trust funds to be transferred to charitable organisations with a similar purpose as the existing trust funds.

2. RECOMMENDATION(S)

It is recommended the Committee recommend to Council that:

That the funds from the William Booth Charity for the Poor continue to be held by the Authority until they can be transferred to the Community Food Bank.

3. REASONS FOR RECOMMENDATION(S)

The decision made previously was to transfer the funds from the William Booth Charity for the Poor once they were awarded charitable status however the Food Bank does not yet have charitable status. The Food Bank has a similar purpose to the William Booth Charity for the Poor which is why it is recommended that the Authority continues to hold these funds until the Food Bank receive charitable status.

4. ALTERNATIVE OPTIONS CONSIDERED (with reasons why not adopted)

The Committee could suggest alternative charities however the decision to close would then need to be deferred to allow further investigation into that charity.

The Committee could choose to spend the remaining trust monies before winding up, however, due to the small amounts involved and in some cases the lack of relevant purpose it is considered that greater benefit will be gained by transferring the funds to similar local charities.

5. BACKGROUND

The Charities

The four trusts are:

a) **Wansley Hall Trust Fund - Balance at 04.12.14 - £403.84**

This was set up in 1981 for the purpose of conserving the historic remains of Wansley Hall which was completed by 1988.

Enquires have been made with the Thoroton Society of Nottinghamshire as to whether or not they have any work in the District of Ashfield which has some heritage impact and social value. Unfortunately they do not have any projects in the District of Ashfield, but did suggest that we look at the Nottinghamshire Building Preservation Trust who is a registered charity

with the aim of protecting, restoring and enhancing all historic building within the County of Nottinghamshire. Having looked at their projects they are undertaking work with others in the District of Ashfield and are involved in particular with Annesley Hall.

The funds from the Wansley Hall Trust have been transferred to the Nottinghamshire Building Preservation Trust Charity Number 254094 and the trust is in the process of being closed with the Charity Commission.

b) Charles Beastall Beecroft Trust Fund – Balance at 04.12.14 - £267.97

This fund was established to purchase coal for the poor in Sutton in Ashfield.

Enquires have been made with Rural Community Action Nottinghamshire (RCAN) who have confirmed that they run a Bulk Oil scheme within the County of Nottinghamshire. Residents sign up the scheme and notify RCAN of their oil needs, RCAN purchases the oil in bulk for their members which then provides a discount on the normal prices for individuals. There are members of this scheme within the District of Ashfield and RCAN have confirmed that should we choose to divert the funding from this trust to them, then it will be used to help grow the scheme in the District of Ashfield.

The funds from the Charles Beastall Beecroft Trust have been transferred to Rural Community Action Nottinghamshire Charity Number 2118349 and the trust is in the process of being closed with the Charity Commission.

c) William and Mary Barrett Swimming Prize Fund Charity – Balance at 04.12.14 - £233.46

This fund was established by will in 1935 to purchase swimming prizes for elementary school children in Hucknall.

The Hucknall and Linby Dolphins Swimming Club have been contacted and would be happy to accept the funds should the Committee feel that it is appropriate. The funds would be used to aid the renewal of their trophies and perhaps enable them to have a sponsored trophy for some new events they are looking to introduce.

The funds from the William and Mary Barrett Swimming Prize Fund have been transferred to the Hucknall and Linby Dolphins Swimming Club Charity Number 1108343 and the trust is in the process of being closed with the Charity Commission.

**d) William Booth Charity for the Poor – Balance as at 04.12.14 £1,848.99 (in bank)
Investment Value £2,119.98 at 31.12.14**

This was established in 1944 and operates under a scheme from 1994 for the benefit of the residents of Annesley Woodhouse experiencing hardship.

Ashfield Voluntary Action have confirmed that the food bank run at All Saints Church, Annesley and St Johns Church, Kirkby Woodhouse is not managed by them. They did provide the contact details for the food bank which is run by the Church themselves and are called Community Food Bank. Enquiries have been made and they have confirmed that they are in the process of obtaining charitable status for the food bank. They are very welcoming and eager to help the community. Legal have been invited to see the work first hand and it is anticipated that should Members want to visit the project to see the work that is undertaken that this invitation will extend to them too. The food bank assists residents in Annesley, Newstead, Kirkby Woodhouse and the Nuncargate area by providing food parcels.

The previous decision was to transfer the funds from the William Booth Charity for the Poor to the Community Food Bank once they are awarded charitable status. The Food Bank have

confirmed that although they have had some difficulties in getting their submission ready they are now in the process of getting the trustees to sign the documentation and then it will be submitted.

6. IMPLICATIONS

Corporate Plan:

The Council's Corporate Plan has Health and Wellbeing as a priority theme. Within this, the Council will have a targeted approach to improving health and well-being in areas of greatest need.

As part of the Housing priority theme, the Council will support the delivery of energy efficiency and seek to achieve a reduction in levels of fuel poverty.

Legal:

The Law allows charities to be closed for a number of reasons. Such reasons include insufficient funds to achieve the purpose or that the original purpose is no longer relevant.

Before a charity can close the Trustees must consider if effective use of the remaining funds can be made by transferring them to another charity with a compatible purpose. Any debts or liabilities must also be cleared before spend/transferring any remaining assets.

If a registered charity is closed the Charity Commission must be informed.

After a charity is wound up the Trustees must ensure its financial records are retained for at least 6 years from when they were made.

If a charity was originally given property to be held by it forever it is said to be a "permanent endowment". This could be the case where money was given for a charitable purpose and the donor specified the money should be invested with only the income to spend on the purposes of the trust. In such cases, to spend or transfer the money may require Charity Commission consent. To transfer the money Trustees must hold a meeting to make such a decision, agree by at least two thirds of them voting that it is the right thing to do, the trustees must decide how to transfer the assets and ensure they are used for substantially similar purposes.

Financial:

The amounts paid to the parties listed is slightly higher than that quoted in the report to account for interest earned during the financial year 2014/15 and 2015/16. The remaining William Booth Charity for the Poor Trust Fund balance will be paid over once appropriate legal status arrangements are in place.

Health and Well-Being / Environmental Management and Sustainability: No implications

Human Resources: No implications

Diversity/Equality: No implications

Community Safety: No implications

Other Implications: None

BACKGROUND PAPERS

REPORT AUTHOR AND CONTACT OFFICER

Ruth Dennis, Assistant Chief Executive (Governance)
01623 457009
r.dennis@ashfield-dc.gov.uk