



# EXECUTIVE MEMBER DECISION

**REPORT OF:** Executive Member for Resources  
**LEAD OFFICERS:** Director of Finance and Customer Services  
**DATE:** 30<sup>th</sup> November 2018

**PORTFOLIO/S AFFECTED:** Resources

**WARD/S AFFECTED:** All

**SUBJECT: ALLOCATION OF MONIES FROM THE COUNCIL CHARITIES: COMMON GOOD TRUST, POORS LAND, HENRIETTA KENYON BEQUEST AND HARRIET HOLT.**

## 1. EXECUTIVE SUMMARY

In delivering the Council's proposal to allocate the monies held in the Council's dormant charities: Common Good Trust, Poors Land, Henrietta Kenyon Bequest & Harriet Holt ("the charities")

## 2. RECOMMENDATIONS

That the Executive Member approves:

1. The transfer of funds from the Council's charities to the named recipients as set out in this report
2. To close the accounts and all business relating to the charities
3. To carry out all necessary legal formalities to remove the charities from the Charities Commission and to close all business and dealing

## 3. BACKGROUND

A report was previously presented to the Council's Executive Board in June 2018 which resolved to close the accounts of the charities and 'approved the transfer of funds to other charities identified as having the same purpose by the Director of Finance and Customer Services in consultation with the Executive Member for Resources'.

In the previous report the 'purposes' of the charities were also changed to allow the Council to efficiently transfer the monies within the Borough.

The following sums are remaining in the accounts as follows (figures at 31<sup>st</sup> March 2018):

Common Good Trust - £23,648.60  
Poors Land - £3,337.76  
Henrietta Kenyon Bequest - £16,555.30  
Harriet Holt - £7,738.70

## 4. KEY ISSUES & RISKS

The Council has since received expression of interests from various charities and organisation in the

Borough for the allocation of these funds.

Having considered all the information submitted, the Council considers that the following applicants are the appropriate recipients of the funds as follows:

Common Good Trust – As at 31<sup>st</sup> March 2018 the balance held is £23,648.60 comprising of £14,700 invested internally with the Council (i.e. held on the Council's balance sheet) and £8,948.60 in two separate bank accounts held in the Trust's name. Once the bank accounts are closed the total funds are to be divided equally between: The Wish Centre (Charity no 1116444), Foodbank (charity no 1151310) and Nightsafe (charity no 1002057) for the monies to be applied for the benefit of the inhabitants of the borough

Poors Land - As at 31<sup>st</sup> March 2018 the balance held is £3,337.76 of which £1,304.66 is invested in stock and £2,033.10 in a bank account held in the charity's name. Once the bank account is closed and the investments are realised, the resulting funds are to be transferred to the Nightsafe (charity no 1002057) for the monies to be spent to support homelessness and the poor of the borough

Henrietta Kenyon Bequest – As at 31<sup>st</sup> March 2018 the balance held is £16,555.30 comprising £8,657.88 invested internally with the Council (i.e. held on the Council's balance sheet) and £7,897.42 is invested in COIF shares. Once the investments are realised, the total funds are to be transferred as follows, for monies to be spent for the benefit of older people in the borough:

60% to Age UK (charity no 1143809)

40% to East Lancashire Hospital NHS Trust (charity no 1050478)

Harriet Holt – As at 31<sup>st</sup> March 2018 the balance held on the Council's balance sheet is £7,738.70. These monies are to be transferred to Blackburn and District Blind Society (charity no 519938) to be applied for the benefit of blind people in the Borough.

## **5. POLICY IMPLICATIONS**

The Council supports a range of services in the local community and transferring money from a dormant charity account to support local services reflects the Council's objectives of improving health and wellbeing of all persons in our community.

## **6. FINANCIAL IMPLICATIONS**

There are no direct financial costs to the proposals to transfer money from a dormant account to a local charity as set out in the report, other than internal officer time and resources.

## **7. LEGAL IMPLICATIONS**

Registered charities are encouraged by the Charities Commission to dispose of dormant funds to suitable recipients who will use the funds for the same purpose. The Council will therefore require that the monies are utilised for the current purpose of this charity, as set out in this report.

After the charity is wound up, the Council must arrange for its accounting books and records (including cash books, invoices and receipts) to be kept for at least six years after the year they were made. The former charity trustees remain responsible for the decisions they made while they were in office.

The charity will be closed in accordance with all legal requirements and in consultation with the Charities Commission.

## 8. RESOURCE IMPLICATIONS

The legal processes required will be funded from within existing resources and once completed the transfer will result in a small resources utilisation saving within the Financial Services Team which is factored into the current restructuring programme.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

The Council has previously consulted with the Charities Commission.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

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| <b>VERSION:</b> | <b>2</b> |
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| <b>CONTACT OFFICER:</b> | <b>Louise Mattinson</b> |
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| <b>DATE:</b> | 6 <sup>th</sup> December 2018 |
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| <b>BACKGROUND PAPER:</b> | None |
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