

Executive Shareholder and Trustee Committee Report
Report of Director of Resources
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Guildford Sports Ground Charity Annual Returns year ending 31 March 2017

Summary

The terms of reference for the Committee include the completion and submission of Charity Annual Account returns and the Charity Annual Trustee Report to the Charity Commission on behalf of the Guildford Sports Ground charity ("the Charity"). Attached at Appendix 1 and 2 are the Trustee Annual Report and the Annual Accounts year ending 2017 to be submitted to the Charity Commission.

Recommendation to Committee

It is recommended that

1. The Trustee Committee approve the Annual Trustee Report and the Annual Accounts year ending 31 March 2017, as set out in Appendix 1 & 2;
2. The Trustee Committee note the report of the Independent Examiner, as set out in Appendix 4; and
3. The Principal Corporate Services Solicitor be authorised to submit the Annual Trustee Report, Annual Accounts and the Independent examiner's report to the Charity Commission supported by the relevant department(s).

Reason for Recommendation:

To comply with the legal requirement that the Charity must keep its registered details up-to-date. If the Trustee fails to submit these returns, it could result in the Charity Commission removing the charity from its register and taking further action.

1. Purpose of Report

- 1.1 This report presents the Charity's Annual Account Returns year ending 31 March 2017 and the Annual Trustee report for approval. This report explains the legal requirement to submit the Charity's Annual Trustee Report and accounts to the Charity Commission (at Appendix 1 and 2).

- 1.2 The report of the Independent Examiner is for noting. If the Trustee Committee approves the Annual Trustee Report and Annual Accounts, the Independent Examiner will sign off their report as drafted and set out in Appendix 4.

2. Background

- 2.1 Trustees have overall control of the Charity and are responsible for making sure it is doing what it was set up to do.
- 2.2 Trustees must make sure the Charity complies with charity law requirements and other laws that apply to it. Trustees should take reasonable steps to read relevant guidance and keep the Charity's details on the Charity Commission register up to date. Trustees must ensure they send the right financial and other information to the Commission in their Annual Returns.
- 2.3 Trustees must decide what will best enable the Charity to carry out its purpose, make balanced and adequately informed decisions, thinking about the long terms as well as the short term.
- 2.4 Trustees must avoid putting themselves in a position where their duty to the Charity conflicts with their personal interests and / or interests of the Council.
- 2.5 The terms of reference for the Trustee include the completion and submission of an Annual Account return and an Annual Trustee Report to the Charity Commission.
- 2.6 The Executive Shareholder and Trustee Committee acts as the Charity's sole Trustee, allowing the management of the Charity to be kept separate, as far as possible, from the usual business of the Council.

3. Financial Implications

- 3.1 There are no financial implications arising from this report.

4. Legal Implications

- 4.1 The bulk of charity law is contained in Charities Act 2011. The Charity Commission registers and regulates charities in England and Wales. The Commission is responsible for ensuring that charities meet their legal requirements, including providing information on their activities each year.
- 4.2 The Commission has powers to take enforcement action against charities where there is malpractice or misconduct.

5. Human Resource Implications

- 5.1 There are no human resource implications arising from of this report.

6. Conclusion

- 6.1 The role of the Trustee is to manage the Charity in a manner that is clearly distinct from usual Council business. When making decisions the Trustee has a duty to act in the Charity's best interests. There is a legal requirement to submit an annual Trustee Report and annual accounts for the Charity to the Commission.

7. Background Papers

7.1 Charity Commission guidance

- Charity trustees and decision making
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/583855/CC27_new.pdf
- Conflicts of interest
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/636091/CC29.pdf

8. Appendices

Appendix 1: Trustee Annual Report 2016-17

Appendix 2: Charity's Annual Account returns year ending 31 March 2017

Appendix 3: Charity Commission Guidance on public benefit (PB3)

Appendix 4: Independent Examiner's report