




REPORT TO CABINET

9 October 2019

Subject:	Transfer of Dormant Trust Funds to Sandwell College
Presenting Cabinet Member:	Councillor Joyce Underhill - Cabinet Member for Best Start in Life
Director:	Director – Education, Skills and Employment – Chris Ward
Contribution towards Vision 2030: 	 
Key Decision:	Yes
Cabinet Member Approval and Date:	Councillor Joyce Underhill - Cabinet Member for Best Start in Life:
Director Approval:	Chris Ward: Director of Education Skills and Employment:
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	Exemption provisions do not apply
Ward Councillor (s) Consulted (if applicable):	This report affects the whole borough
Scrutiny Consultation Considered?	Scrutiny has not been consulted on the proposals
Contact Officer(s):	Heather Chinner, Neighbourhoods heather_chinner@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Cabinet:

1. Agree that in respect of the following registered charities, the council close the charity and notify the Charity Commission that the charities have closed:

Chance Technical College Prize Fund (registered charity 529060)
 Harry Garratt Memorial Award (509969)
 H.W.Coultas Prize 529059
 John Arthur Kendrick 529011
 Savage V.C. Memorial 529061

W.W. Hackett Prize 527105

Chance Scholarship Fund/Warley College of Technology 527566.

2. Agree that the investments linked to the following trusts be sold and the proceeds transferred to the cash funds linked to those trusts:

Warley College Prize

W.W. Hackett Prize.

3. Agree that the funds associated with the following 18 trust funds be merged into a single balance called "Sandwell College Trust Fund" to be held on the council's balance sheet on behalf of the college until such a time that they formally request the balance:

Charles Southern (WBCCT)

Chance Technical College Prize Fund

Harry Garratt Memorial Award

H. W. Coultas Prize

Inco Prize Fund

John Arthur Kendrick

John Lees Memorial

Lees Memorial

National Foundry College

R. Lloyd Whiteley

Rylands Memorial

Savage V. C Memorial

Warley College Prize

W.W. Hackett Prize

Tarmac Prize Fund

Harold Harman Prize

Albert Malin

Chance Scholarship/ Warley College of Technology.

4. Agree that the Director of Education Skills and Employment, in conjunction with the council's Monitoring Officer, be authorised to negotiate and agree the details of the transfer of the funds to Sandwell College for the benefit of Sandwell students

1 PURPOSE OF THE REPORT

- 1.1 The Council has been taking steps to bring a number of dormant trusts back into active use by transferring them to the most appropriate body, in line with the wishes of the Charity Commission. In May 2018 Cabinet agreed to transfer 21 dormant trusts to the Heart of England Community Foundation and in July 2019 Cabinet agreed to transfer a further three trust funds to the Heart of England Community Foundation, one trust fund to the museum service and one trust fund to a local primary school.
- 1.2 A further 18 dormant trusts are linked to former higher education colleges (such as Oldbury Technical College, Warley College of Education, Chance Technical College), which were part of the Council. The purpose of this report is to seek agreement to transfer these funds to Sandwell College, the successor body to these colleges.

2 IMPLICATIONS FOR THE VISION

- 2.1 Any proposal from Sandwell College about the future use of these funds will need to link to Vision 2030, particularly ambition 4. “Our children benefit from the best start in life and a high-quality education throughout their school careers with outstanding support from their teachers and families” and ambition 1. “Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience”.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The Charity Commission is keen to see the release of the many dormant and frustrated trust funds locked in local authorities around the country. It is timely to determine the future of the remaining dormant funds. In view of the original purpose of the many of the trusts, Sandwell College would be the most appropriate recipient.
- 3.2 These trusts are linked to former higher education colleges (Warley College of Technology, County Engineering College Wednesbury, Chance Technical College, National Foundry College, Ryland Memorial school of Art West Bromwich, Oldbury Technical College, West Bromwich College of Commerce and Technology) which were part of the Council. Over time these colleges merged into Sandwell College. The Further and Higher Education Act 1992 led to the separation of Sandwell College from the Council. In 1993 Sandwell College elected that the Council should retain the 18 trust funds and administer them on their behalf.
- 3.3 In the last 26 years these trusts have become dormant, with only 1 used to fund awards to students in the last 10 years.

4 THE CURRENT POSITION

4.1 Further details about these dormant trusts are as follows:

Name	Registered charity	Funds (cash and investments) at 31.03.19
Charles Southern (WBCCT)		4,927.86
Chance Technical College Prize Fund	529060	9,123.65
Harry Garratt Memorial Award	509969	1,023.50
H.W.Coultas Prize	529059	2,218.07
Inco Prize Fund		1,699.07
John Arthur Kendrick	529011	168.32
John Lees Memorial		4,982.39
Lees Memorial		6,828.71
National Foundry College		11,587.26
R.Lloyd Whiteley		462.98
Rylands Memorial		1,602.46
Savage V.C. Memorial	529061	15,109.39
Warley College Prize		4,093.87
W.W. Hackett Prize	527105	4,143.86
Tarmac Prize Fund		980.90
Harold Harman Prize		1,900.54
Albert Mallin		277.45
Chance Scholarship Fund/Warley College of Technology	527566	2,436.04
Total		73,566.33

4.2 Sandwell Council have administered the funds producing the annual accounts and returns to the charity commission and have not charged the college for this service. The College have only made payments for the benefit of learners from one of the eighteen funds in the past ten years with the other funds remaining dormant.

4.3 Further details of each fund are as follows:

The Charles Southern Prize Fund

Copy of will available. Dated 1928

£100 left to Boys High School Wood Green, to be invested. Net income to be used for a prize for the boy achieving the best standard of work.

Charles Southern was a retired newspaper owner.

£100 to the County Engineering College Wednesbury, to be invested. Net income to be used for a prize for the student making the most progress.

College Prize Fund

Registered charity 529060

No information available

Harry Garratt Memorial

Registered charity 509969

£200 donation made in 1980 by family of Harry Garratt, former principal of Warley College of Technology who died in 1979. Donation to be invested. Net income to be used for a prize for a student who has made exceptional progress.

H W Coultas Prize Fund

Registered charity 529059

£100 donation from the estate of Mr H W Coultas who died in 1963. He was the author of a book "The Theory of Structures", a copy of which had been presented as a prize to a student from the Chance Technical College. When stocks of the book ran out the income from the donation was to be used for a suitable alternative prize.

Inco Prize Fund

No information available

J A Kendrick

Registered charity 529011

No information available

John Lees Memorial

No information available

Lees Memorial

No information available

National Foundry College

1967 Transfer of responsibilities and property from National Foundry College to West Bromwich Education Authority

R Lloyd Whiteley

No information available

The Rylands Memorial Fund

1952 Donation of £200, made by Sybil Mary Ryland Thompson, to be invested. Income to be used for a prize to the value of not less than £5 for the purchase of books and/or art materials. The prize would be awarded on the recommendation of the principal of the Ryland Memorial School of Art, West Bromwich.

Savage V.C. Memorial

Registered charity 529061

Trust was established in 1952 by the County Borough of Smethwick. The Savage VC Memorial Fund (£1,000) was raised by public subscription in memory of Able Seaman William Savage VC for the promotion and encouragement of education. The income from the Fund was to be used to establish scholarships for young people who had completed a course at Chance Technical College for higher technical or engineering training (failing that for scholarships for students from Holly Lodge Boys and Girls Grammar Schools).

Warley College Prize Trust

Registered charity

1950. £350 donated by Roger James Ferguson Chance and William High Stobart Chance to the County Borough of Smethwick to provide 2 prizes of 3 guineas and 2 prizes of 2 guineas each for scholars attending Chance Technical College.

William Walter Hackett Fund

Registered charity 527105

1959. £250 donated by William Walter Hackett to be invested, the income to be used for the provision of prizes for academic achievement at Oldbury Technical College/ Oldbury College of Further Education

Tarmac Prize for Enterprise

1986. £250 to establish a fund from which a prize of £50 will be awarded each year for 5 years for the best piece of written work submitted by a student at West Bromwich College of Commerce and Technology.

Harold Harman Prize

Legacy of £400 in 1986. The money was left by Ronald Lewis Wright to West Bromwich College of Commerce and Technology, to be invested as the Harold Harman Prize Fund to provide an annual prize of the value of at least 1 guinea for commercial students.

The Albert Mallin Prize

1990. Donation of £200 made by Mr K Mallin to establish a prize fund in memory of his father. Money to be invested and the interest used to award a prize at the technology awards held by Sandwell College.

Chance Scholarship Fund Warley College of Technology

Registered charity 527566

No information available

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Discussions have begun with Sandwell College who have indicated that they would like the funds to be transferred to them. Details of the original trusts have been shared with them.

6 ALTERNATIVE OPTIONS

- 6.1 If no action is taken these trusts are likely to remain moribund. The council will continue to incur costs in terms of officer time to manage these funds and report to the Charity Commission.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The proposed actions will considerably reduce the amount of officer time spent accounting for these trusts and will ensure that Sandwell students will benefit from these funds.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 This report comes to Cabinet as the Council is the trustee of the charitable funds described. The recommendations proposed reflect the requirements of the Charities Act 2011. The original purposes of these trusts will be considered when the proposal from Sandwell College is assessed.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The proposal from Sandwell College will need to have regard to equality.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 There are no data protection implications.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 There are no significant risks associated with the transfer of these dormant trusts to Sandwell College.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 The proposal from Sandwell College will need to consider how future Sandwell students will benefit from these trusts (for example by investing the funds).

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 It is anticipated that the proposal from Sandwell College will improve the wellbeing of a number of Sandwell students.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 There is no impact on any council managed property or land.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The proposed course of action will streamline the arrangements for the 18 dormant trust funds and will enable discussions to be concluded with Sandwell College in a timely fashion.

16 BACKGROUND PAPERS

16.1 Trust documents relating to the specific trusts.

17 APPENDICES:

Chris Ward
Director – Education, Skills and Employment