
Halesowen Area Committee – 10th March 2010

Report of the Interim Director of Finance

The Earls High School Foundation Account – Application for release of funds

Purpose of Report

1. To consider and approve an application for release of funds from this account..

Background

2. Dudley MBC is the Corporate Trustee of the Foundation, which is governed by a scheme dated 23rd August 1989, and is a registered charity No. 527585.

The annual income of the Trust may be applied under the terms of the Trust in one or more of the under-mentioned ways:-

- a) In providing the school with such benefits of any kind not normally provided by the local education authority as may be agreed between the Trustees and the School Governors.
 - b) In promoting the education (including social and physical training) of persons under the age of 25 years who are attending or have attended the school and who are in need of financial assistance.
3. The Earls High School is attempting to pull together enough funding for a new building project linked with their Performing Arts Status and Collegiate. They need to access up to £100,000 from the Earls High School Foundation Account. This project is in the very early feasibility stages as they are trying also to access other grant funding. They are seeking to increase their performing arts rehearsal capacity because increased demand has left them very short of small rehearsal rooms. They also need capacity for the recently established Collegiate development and performing arts are a part of this. The new building will also help to continue the school's close association with Halesowen College who are part of the Halesowen Educational Trust. In order to meet their planned timescales they need to have the approval from the trustees now as they are planning to be able to open the new building soon after the beginning of the next academic year. The application was endorsed at a meeting of the full Governing Body on Thursday, 4th February .
 4. The Statement of Accounts for the Trust for the year ended 31st March 2009 was presented at the last area committee and showed the following reserves :-
 - Unrestricted - General fund £132,144
 - Unrestricted – Designated fund £20,250
 - Restricted fund - £127,397

5. If members acting as Trustees approve this request then monies would be released as required from the Unrestricted General Fund which, provided no unexpected additional costs are incurred, would have sufficient funds available. The proposal is , in my opinion, consistent with the terms of the Trust

Finance

6. This report is financial in nature and the proposal can be met from available funds.

Law

7. The Council is successor the former Halesowen Council by virtue of the Local Government Act 1972
8. Section 139 of the Local Government Act , 1972 empowers the Council to accept, hold and administer gifts of property, where it enables them to discharge any of their functions, and where the gifts are for the purposes of benefiting the inhabitants of their area
9. The conditions under which a gift is to be administered, are contained in the Deed creating the Trust, and any subsequent schemes made by the Charity Commission.
10. The law relating to Trusts, which are charitable, is contained in various Acts, the main ones being the Charities Act, 1960, the Charities Act 1992 and 1993 and the Trustee Investment Act, 1961

Equality Impact

11. The Trust have been set up to benefit the certain groups of people as outlined in the Deed of Gift

Recommendation

12. It is recommended that the Committee approve the request for release of up to £100,000 of funding for the proposed project.



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Bill Baker
Interim Director of Finance

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