

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date:	9 March 2017
Title:	Hampshire Community Fund
Reference:	8120
Report From:	Assistant Chief Executive

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1. Executive Summary

- 1.1. This report proposes the transfer of a number of funds, of which Hampshire County Council is a trustee, to a new Hampshire Community Fund managed by the Hampshire and Isle of Wight Community Foundation (HIWCF).

2. Background

- 2.1. The County Council has been working with the HIWCF as a specialist fund manager and grant giving body to consolidate a number of Trust funds managed by the County Council into a new Hampshire Community Fund. The purpose of establishing a new Fund is to:
- relieve the County Council of the administrative responsibility of managing a range of funds.
 - breathe new life into some dormant funds, and
 - use a consolidated group of funds to grow a major new fund for the benefit of Hampshire's communities.
- 2.2. In July 2016 the Executive Member for Policy and Resources considered the principle of establishing the Hampshire Fund and:
- i. Agreed to Hampshire County Council entering into an agreement with HIWCF for the transfer of endowment funds to HIWCF in order to establish a Hampshire Community Fund into which such funds shall be placed and managed by HIWCF, subject to obtaining the necessary consents from the Charity Commission.
 - ii. Agreed that the agreement with HIWCF be finalised by the Chief Executive in consultation with the Executive Member for Policy and Resources.

- iii. Authorised the Chief Executive to agree with HIWCF the application to the Charity Commission for consent to the transfer of the initial low capital value dormant endowment funds to HIWCF for inclusion within the Hampshire Community Fund and, subject to such consent, authorise the subsequent transfer of these funds to HIWCF and the closure of these existing trusts.
- iv. Authorised the Chief Executive, in consultation with the Executive Member for Policy and Resources, on a case by case basis, to consult interested parties on proposals for transferring additional endowment funds, for which the County Council has a current management role, into the Hampshire Community Fund, to be managed by HIWCF.

3. Progress

- 3.1. Since July, the transfer Agreement has been negotiated with HIWCF. The Agreement creates a framework for the transfer of any funds of which the County Council is a trustee into a newly created Hampshire Community Fund, and for HIWCF to grow the Fund through private and corporate contributions. The County Council may retain a full and active role in the fund as it grows.
- 3.2. The Agreement reflects that the County Council appoints a minimum of three representatives on the Advisory Board of the Hampshire Community Fund, with a maximum of two representatives of HIWCF to advise and ensure that the recommendations are compliant with the Foundation's charitable objectives.
- 3.3. The HIWCF wish the permanent endowment restrictions in relation to any of the funds to be removed and the Charity Commission's preference is for any request for approval to this to be made to them as part of the application to them for the transfer of funds to HIWCF.
- 3.4. The development of the agreement has been based on the principles that:
 - The original intentions of the benefactors are fully respected and assured in respect of the active trusts.
 - The prestige and name of specific awards are retained along with links to associated partners.
 - Officers who have advised on the use of trust funds with specific professional knowledge, and with relevant service links, will be able to continue to play a full active role in promoting awards and advising on decisions.
 - The County Council can appoint a majority representation on the Advisory Board, whose role will be to determine priorities and make recommendations on awards on the whole fund as it develops.
 - The process of prioritisation on an annual basis will ensure that the distribution of grants will reflect the existing profile of constituent trusts.
 - Future commitments, for example in relation to annual scholarship awards, are fully honoured.
- 3.5. Where the County Council is the sole trustee of active trust funds, the current Members and supporting officers involved with these funds have been notified of the proposals and invited to comment.

- 3.6. The County Council has consulted joint trustees for two funds where there is a joint trusteeship, the Tom Trussler Fund and the Pratt Memorial Trust.
- 3.7. Discussions have been held with the Charity Commission regarding the requirements and procedures involved in transferring funds.
- 3.8. The County Council has identified the investments relating to the trusts and quantified a current value which can be reconciled through a final valuation as at date of transfer.

4. Small and dormant funds where the County Council is the sole or de facto trustee

- 4.1. It is proposed that the following small and inactive trusts be transferred into the general Hampshire Community Fund. The total capital value is approximately £23,600.

- Catton Prize Fund
- Darwin Prize Fund
- Miss H Duerden Trust Fund
- J F Hooper Trust Fund
- Hayter Trust Fund
- The Father David Kee Prize
- QEII Coronation Eling Prize
- St Thomas Awards Fund
- GW Willis Prize Fund
- Julian Davies Foundation
- A H Hamsworth Trust
- Eastfield House Trust
- Aylward Memorial Prize

- 4.2. The following small and inactive trusts relate to Perins School. It is proposed these are also consolidated and transferred to the new Hampshire Community Fund. The related income would be reflected in the annual prioritisation process to be made available to the school to recognise achievements of pupils, subject to the school confirming the number of beneficiaries. The current total capital value of these funds is less than £3,700.

- Alresford Crafts Modern languages Prize Fund
- Dr Ken Collins Science Prize Fund
- Michael Curtis Design and Technology Prize Fund
- Tony Dowling Mathematics Fund
- Constance Foster Memorial prize Fund for English
- Ken Hampton Memorial Fund for Horticulture and Agriculture prize
- Margaret Murray History Prize fund

5. The **Green Meadows Trust** relates to the Green Meadows Care Home in Denmead, which is operated by the County Council. The trust was bequeathed by a former resident to support the amenities fund operated by this Home to

support activities and improvements for residents. The Manager of the Care Home has confirmed that an amenities fund continues to operate to deal with local contributions and fund raising proceeds. This trust has fallen dormant but it would be welcomed as means of providing a significant contribution to amenities for residents of the Home. It is proposed that this fund be transferred to the HIWCF for inclusion in the Hampshire Community Fund and that the related income be reflected in the annual prioritisation process to be made available to the Green Meadows Care Home for the benefit of residents, subject to the establishments confirming the number of beneficiaries. The current capital value is £20,200.

6. Funds where the County Council is a joint trustee

6.1. Tom Trussler Fund

6.2. The Governors of Perins School are named as joint trustees of the Tom Trussler Prize fund which has not been active in terms of awards for several years. The School has confirmed that the Governors have been consulted and agreed to the proposal to transfer this fund to the HIWCF for inclusion in the Hampshire Community Fund and that the related income be reflected in the annual prioritisation process to be made available in the same way as the income from the other trust funds for Perins School listed in 4.2 and with the same purposes and accounting arrangements. The current capital value of this fund is approximately £800.

6.3. Pratt Memorial Prize Trust

6.4. This trust was established for prizes in relation to former secondary schools in the Winchester area. The joint trustees of these trusts have been contacted to establish their agreement to the proposal.

6.5. Two co-trustees have responded. The Mayor of Winchester has agreed that the funds be applied to the following schools currently serving the Winchester area: Kings, Henry Beaufort, Westgate Schools. Dr Mitchell has proposed that Perins school also benefits and that the funds be directed towards recognising educational achievement of pupils especially those demonstrating overcoming barriers of disadvantage.

6.6. It is proposed that this be transferred to the HIWCF for inclusion in the Hampshire Community Fund and that the related income be reflected in the annual prioritisation process to be divided equally and made available to the four schools. The current capital value of this fund is £18,800.

7. Larger funds where the County Council is the sole trustee

7.1. The main opportunity to lever the growth of the Hampshire Community Fund will be the transfer of larger funds. Four have been identified initially where the County Council is the sole trustee with a current approximate total capital value of £544,000. These are active funds where the County Council officers and elected Members are engaged in ensuring the original intentions of the

benefactors are fulfilled and the funds are managed effectively alongside other resources and directed towards deserving causes.

- DAYAS Music Scholarship
- Michael Austin Harlick Memorial Fund
- Hampshire Old Industrial and Reformatory Schools Trust
- MACE Educational Trust

8. Dayas Music Scholarship

- 8.1. The intention of this trust is for a perpetual scholarship for music for the geographical County of Hampshire. Scholarships are awarded annually to enable musicians of any age to undertake studies or projects in connection with composition, conducting, instrumental performance, singing, music in education and musicology. Awards normally cover up to 50% of costs with discretion for higher contributions in exceptional cases relating to hardship or special ability. Scholarships may be available in connection with competitions of international standard. Applications must be supported by a professional musician or a person of standing in the world of music. Applications are not normally considered for those in full-time education, or for courses leading to qualifications or for the purchase of instruments. There is no upper age limit.
- 8.2. These scholarships are managed by the Head of the Hampshire Music Service. In response to the proposal the Head of Hampshire Music Services is concerned to see the original purposes of the fund to be retained and to maintain an involvement in encouraging applications and advising on awards to a value commensurate with the existing income of the fund. DAYAS awards have been highly valued by many recipients over the years and it has been a very important extension to the work of Hampshire Music Service to be able to support adults in the community.
- 8.3. There is a strong desire to maintain the links with the Hampshire Music Service and the HMS is happy to continue the role of handling the publicity, receipt, review and overview of the grants each year. If these cannot be ensured, then it would be the preferred option of the Head of HMS for DAYAS to remain with the Music Service.
- 8.4. It is proposed that the trust can be transferred to the HIWCF for inclusion in the Hampshire Community Fund with allocations of grant made within the annual prioritisation process to continue to meet the DAYAS objectives. The annual prioritisation and award process would be set by HIWCF as trustee on the recommendation of the Advisory Board with a majority of County Council representatives.
- 8.5. The Foundation will work closely with the Head of Hampshire Music Service to ensure the Hampshire Community Fund continues: to support the established practical arrangements for the continued full involvement of the Service, to meet the original intentions of the benefactor, that the award titles are maintained and that the awards can continue to be connected with the Hampshire Music Service.
- 8.6. The current capital value of the trust is £114,600.

9. Michael Austin Harlick Memorial Fund

- 9.1. The Michael Austin Harlick awards recognise consistent and outstanding achievement in school sports activities throughout the academic year. Nominations are received from county schools' sports associations affiliated to the Hampshire Schools' Sports Federation. An annual prize giving event is hosted by the County Council also involving the Hampshire Schools Sports Federation.
- 9.2. The fund arrangements are managed by the Service Manager for Outdoor Education, PE & DofE who, in consultation with the chair of the Schools Sports Federation would wish to ensure the continued recognition of Michael Austin Harlick in future awards and the annual prize giving arrangements be maintained.
- 9.3. It is proposed that the trust can be transferred to HIWCF for inclusion in the Hampshire Community Fund with allocations of grant being made within the annual prioritisation process to continue to meet the Michael Austin Harlick Fund objectives. The annual prioritisation and award process would be set by HIWCF as trustee, on the recommendation of the Advisory Board with a majority of County Council representatives.
- 9.4. The Foundation will work closely with the Service Manager for Outdoor Education, PE & DofE to ensure the Hampshire Community Fund continues to support the established practical arrangements to meet the original intentions of the benefactor, that the award titles are maintained and that the awards can continue to be connected with the Outdoor Education Service and its partners.
- 9.5. The current capital value of the trust is £252,600.

10. Hampshire Old Industrial and Reformatory Schools Trust (HOIRST)

- 10.1. This Trust is a charity which has provided support to children in the care of the County Council and care leavers for education and training purposes. The supporting Manager has advised that this does require a level of professional advice regarding to the legislation relating to these groups of young people. It is also important that Children's Services has the opportunity to maintain a connection to the Advisory Board for the Hampshire Community Fund for this purpose and to provide a conduit to operational social work teams to engage and help target potential beneficiaries.
- 10.2. It is proposed that the trust can be transferred to HIWCF for inclusion in the Hampshire Community Fund with allocations of grant being made within the annual prioritisation process to continue to meet the HOIRST objectives. The annual prioritisation and award process would be set by HIWCF as trustee, on the recommendation of the Advisory Board with a majority of County Council representatives.
- 10.3. The Foundation will work closely with the current Service Manager to ensure the Hampshire Community Fund continues to support the established practical arrangements to meet the original intentions of the benefactor, that the award

titles are maintained and that the awards can continue to be shaped with professional input from Children's Services.

10.4. The current capital value of the trust is £70,400

11. Evelyn MACE Educational Trust

11.1. This Trust was established in 1999 following a bequest received by the County Council from Mrs Evelyn Mace, a former head teacher and Winchester School Governor. The net yearly income of the trust is to be applied by the County Council for the advancement of education through the award of scholarships, bursaries or similar financial assistance to students under the age of 25 years resident in Hampshire. The County Council establish two types of annual scholarship for this purpose:

- Evelyn Mace Drama Scholarships for students due to start a drama or poetry course of Higher Education
- Evelyn Mace Scholarships to be made to students formerly in the care of Hampshire County Council in order for them to pursue a course of Higher Education.

11.2. Annual awards are made by the Executive Member for Policy and Resources and for continuing students for up to four years.

11.3. The supporting officer for this Trust has highlighted that there are a number of forward commitments for scholarships £6,200, split across two financial years (£4,350 2017/18 and £1,850 2018/19). It is important that these commitments are honoured and the prioritisation of grants includes provision for future scholarships for those leaving care.

11.4. It is proposed that the trust can be transferred to HIWCF for inclusion in the Hampshire Community Fund with allocations of grant being made within the annual prioritisation process to continue to meet the Evelyn Mace Educational Trust objectives. The annual prioritisation and award process would be set by HIWCF as trustee, on the recommendation of the Advisory Board with a majority of County Council representatives.

11.5. The Foundation will work closely with the current Service Manager to ensure the Hampshire Community Fund continues to support the established practical arrangements to meet the original intentions of Evelyn Mace, that the award titles are maintained and that the awards can continue to be shaped with professional input from Children's Services. Forward commitments to annual scholarships will be protected.

11.6. The current capital value of the trust is £106,300.

12. A framework for managing trusts

12.1. The Hampshire Community Fund provides a flexible framework which represents an option for the transfer and management of any funds which the County Council manages as a trustee. A small number of further trusts are being explored in terms of their activity and interests to determine whether it is appropriate for future transfer.

13. Recommendations

It is recommended that the Executive Member for Policy and Resources:

- i. Authorise the Head of Law and Governance and Monitoring Officer to settle the detailed terms and conditions of the transfer agreement and to complete it
- ii. Appoint a County Council trustee to the Board of the Hampshire and Isle of Wight Community Foundation.
- iii. Appoint the County Council's trustee on the Hampshire and Isle of Wight Community Foundation (as in ii. above) to the Hampshire Community Fund Advisory Board and authorise the Director of Children's Services to appoint at least two professional officers to the same.
- iv. Agree that the County Council representatives on the Hampshire Community Fund Advisory Board be provided with information and recommendations to inform the annual priority setting and arrangements for awards to meet the principles as set out in the report.
- v. Authorise the Head of Law and Governance and Monitoring Officer to make declarations to the Charities Commission requesting consent to the transfer of the funds to the Hampshire and Isle of Wight Community Foundation and to the removal of all permanent endowment restrictions.
- vi. Subject to the approval of the Charity Commission agree to the transfer of the following trust funds (in cash and investments) to the Hampshire and Isle of Wight Community Foundation for inclusion in the Hampshire Community Fund and the subsequent closure of these trusts:
 - Alresford Crafts Modern Languages Prize Fund
 - Dr Ken Collins Science Prize Fund
 - Michael Curtis Design and Technology Prize Fund
 - Tony Dowling Mathematics Fund
 - Constance Foster Memorial Prize Fund for English
 - Ken Hampton Memorial Fund for Horticulture and Agriculture prize
 - Margaret Murray History Prize Fund
 - Tom Trussler Arts Fund
 - Green Meadows Trust
 - Catton Prize Fund
 - Darwin Prize Fund
 - Miss H Duerden Trust Fund
 - J F Hooper Trust Fund
 - Hayter Trust Fund
 - Pratt Memorial Prize Trust
 - Hampshire Old Industrial and Reformatory Schools Trust
 - MACE Educational Trust
 - Michael Austin Harlick Memorial Fund
 - DAYAS Music Scholarship
 - The Father David Kee Prize
 - QEII Coronation Eling Prize

- St Thomas Awards Fund
- GW Willis Prize Fund
- Julian Davies Foundation
- A H Hamsworth Trust
- Eastfield House Trust
- Aylward Memorial Prize

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	Yes
Maximising well-being:	Yes
Enhancing our quality of place:	Yes

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
None		
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	
None		

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Application form and correspondence received from charity	Director of Transformation and Governance - Corporate Services

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

The proposal will not have a material impact on groups with protected characteristics since the new fund will reflect the purposes and intended beneficiaries of the original trusts to be consolidated. The proposal represents a change in trusteeship and management of the funds rather than a change in their purpose.

2. Impact on Crime and Disorder:

Not applicable

3. Climate Change:

How does what is being proposed impact on our carbon footprint/energy consumption?

Not applicable

How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Not applicable