

Charter Trustees for the City of Durham

22 March 2017

Proposed Closure of two former City of Durham Council Charities



City of Durham

Report of Clare Pattinson, Legal Manager, Governance and Elections

INTRODUCTION

1. The purpose of this report is to consult the Charter Trustees in relation to their views on the proposal by Durham County Council to close two former City of Durham Council charities and donate the money held within those charities to organisations with similar objectives.

BACKGROUND

2. The Charity named the Mayoress of Durham Fund (Registration number 240887) originates from a donation understood to be from a war bond at the end of the First World War. Charity Commission records describe the fund as being for general charitable purposes. No formal record of its purposes can be traced. It currently stands at £61.75.
3. The Charity entitled Unknown Donor (Registration number 240963) is described as an ancient charity whose income is intended to support the poor. It currently stands at £127.25.

PROPOSAL

4. Neither of these charitable bodies remain viable in view of the limited capital remaining within them. It is therefore proposed that they should be closed and the balances transferred to charities with similar objects.
5. Despite an extensive search of records held by the former City of Durham Council, archives and public records, it has not been possible to identify governing instruments for either charitable body, or ascertain whether such documents ever actually existed. Accordingly, there are no provisions governing the closure of the charities.
6. In general, a charity can be closed provided that all of its debts and liabilities have been satisfied, and its assets have been distributed in accordance with its objects. Neither of these bodies have outstanding debts or liabilities as far as the Council is aware, nor have any assets other than those identified above been attributed to them.

7. The objects of the Mayoress of Durham fund refers to relief of suffering from wartime and it is considered that an ex-servicemen's charity would be the appropriate recipient. The Mayor is currently raising funds for Veterans at Ease and it is believed that that charity has sufficiently similar objects to allow the proceeds of the charity to be donated to it.
8. The Unknown Donor's Fund is intended to support the poor of the City, and accordingly the City of Durham Food bank charity is proposed as a suitable recipient.

Recommendations

9. It is recommended that the City of Durham Charter Trustees:
 - (a) agree to Cabinet closing the Mayoress of Durham Fund and the Unknown Donor's fund;
 - (b) agree to Cabinet transferring the remaining balances in the two charities to Veterans at Ease and Durham Food Bank respectively.

Appendix 1: Implications

Finance

Durham County Council currently administers the charities named in the reports, however the sums involved do not enable the charity to use the income to benefit the community as the objectives intend. There are no financial consequences to the Charter Trustees in closing these charities.

Staffing

None

Risk

None

Equality and Diversity / Public Sector Equality Duty

None

Accommodation

None

Crime and Disorder

None

Human Rights

None

Consultation

None

Procurement

None

Disability Issues

None

Legal Implications

It is considered that closing these charities and donating the money to charitable organisations serving similar purposes will best fulfil the objectives of these charities.