



City of Westminster

# Cabinet Member Report

<b>Decision Maker:</b>	Leader of the Council
<b>Date:</b>	27 February 2019
<b>Classification:</b>	General Release
<b>Title:</b>	Governance arrangements between the Council and the City of Westminster Charitable Trust for the collection and distribution of donations made through the voluntary Westminster Community Contribution scheme
<b>Wards Affected:</b>	All
<b>Key Decision:</b>	No
<b>Financial Summary:</b>	<p>All costs incurred by the Council to support the Trust will be met from existing budgets.</p> <p>These costs incurred will be a donation from the Council to the Trust and where it is possible to reliably estimate their value they will be included in the charity's accounts as such. This may also include a benefit in kind for Council officer time provided to the benefit of the Trust.</p>
<b>Report of:</b>	Chief Executive

## 1. Executive Summary

On 7 March 2018 Council resolved to introduce the Westminster Community Contribution scheme to allow higher value properties in the city to voluntarily contribute towards funding local discretionary services. Residents were invited to make their contributions to the City of Westminster Charitable Trust (the Trust). The purpose of this report is to renew the governance arrangements between the Council and the Trust in relation to the collection of the contributions

## **2. Recommendations**

2.1. That the Leader of the Council approves that:

- For a fixed period of four years to 28 February 2023 the Council fundraises on behalf of the Trust to support youth services in Westminster, helping rough sleepers off the streets at night in Westminster, and helping lonely and isolated people in Westminster. All fundraising activities undertaken by the Council shall comply with the Code of Fundraising Practice issued by the Fundraising Regulator (an independent regulator of charitable fundraising)
- Any fundraising activity undertaken by the Council after 28 February 2023 require a further formal decision by the Council.
- In the event contributions under the scheme are made direct to the Council the Section 151 Officer makes provision to transfer to the Trust any such contributions unless otherwise specified by the contributor.
- The Chief Executive to make provision to provide administrative and financial support to the charity as deemed mutually appropriate between them and the Trustees of the charity
- The Council to comply with data processing principles when soliciting donations from the residents on behalf of the charity.

## **3. Reasons for Decision**

3.1. Between 17 November 2017 and 15 December 2017, the Council consulted with all Band H Council tax paying properties on a proposal to allow people living in the city's highest value properties to pay a voluntary contribution to support local priorities and projects. The consultation found a significant showing of support for the scheme.

3.2. Since launching, the scheme has proved to be very successful and has to date raised over £600,000 for local projects.

## **4. Background, including Policy Context**

4.1. The City of Westminster Charitable Trust is a registered charity (registration number 296091). The Trustees intend to use the money received through the Westminster Community Contribution in line with the charity's objectives to support discretionary local services.

A report by the Honourable Secretary and Honourable Treasurer of the Trust was presented at a Trust meeting on 1 March 2018. At this meeting Trustees agreed the following;

- i) Residents can make voluntary community contributions as donations to the Trust and that these be collected in line with fundraising and data protection law, and disbursed in accordance with the objects of the charity;

- ii) Any funds collected through the Community Contribution scheme be distributed to support the following three priorities:
- Youth services in Westminster;
  - Helping rough sleepers off the streets at night in Westminster; and
  - Helping lonely and isolated people in Westminster.
- iii) That the Hon Treasurer be authorised to open additional bank accounts if, in his opinion, it is prudent to do so in order to keep proper accounts with the mandates being two signatories, as currently authorised;
- iv) That the Hon Treasurer be authorised to invest the Trust's funds as he sees fit in consultation with the Trustees.

This decision by the Trust is not time limited, but can be subject to review by the Trust.

## **5. Data Protection**

- 5.1. The Council follows guidance issued by the Information Commissioners Office (ICO) in relation to the internal sharing of Council tax data. It is not proposed the personal data relating to any of the Council tax payers is disclosed to the Trust.

## **6. Financial Implications**

- 6.1. All costs incurred by the Council to support the Trust will be met from existing budgets.
- 6.2. These costs incurred will be a donation from the Council to the Trust and where it is possible to reliably estimate their value they will be included in the charity's accounts as such. This may also include a benefit in kind for Council officer time provided to the benefit of the Trust.

## **7. Legal Implications**

- 7.1. The power of general competence in s1 Localism Act 2011 provides the power for the Council to set up such a scheme.
- 7.2. For queries, please contact: Hazel Best, Bi-borough Legal Services Principal Solicitor, on 020 7641 2955.

## **8. Consultation**

- 8.1. Between 17 November 2017 and 15 December 2017 the Council consulted with all Band H Council tax paying properties on the proposal to allow people living in the city's most expensive homes to pay a voluntary contribution to support local services.
- 8.2. 904 returns were received by the consultation end date. Consultees self-determined the value of their own homes and those responses broke down as follows:
- 48% of people with homes under £5m supported the proposal.

- 52% of people with homes between £5m and £10m supported the proposal.
- 55% of people with homes over £10m supported the proposal.

8.3. The consultation also invited people to indicate if they had any preferences for how contributions should be spent. Among those who responded, there was a strong showing of support for the contributions to be:

- directed towards supporting specific priorities, including youth services, helping lonely and isolate people, and helping rough sleepers.
- treated as a charitable donation.

## **9. Background papers**

9.1. Report to Leader 8 March 2018: Governance arrangements between the Council and the City of Westminster Charitable Trust for the collection and distribution of donations made through the voluntary Westminster Community Contribution scheme.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact:**

Lucy Hoyte, Strategy Team Leader

[lhoyte@westminster.gov.uk](mailto:lhoyte@westminster.gov.uk)

For completion by the Leader of the Council

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

NAME: \_\_\_\_\_

State nature of interest if any .....

..... (N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled **Governance arrangements between the Council and the City of Westminster Charitable Trust for the collection and distribution of donations made through the voluntary Westminster Community Contribution scheme** and reject any alternative options which are referred to but not recommended.

Signed .....

Leader of the Council

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment: .....  
.....  
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, Section 151 Officer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.