

Summary of Charity Trustees' role

The City Corporation, acting through the Court of Common Council and committees to which functions of the Bridge House Estates Charity have been delegated, is the sole trustee of the Charity. Therefore all Members of the Court (or those committees) collectively, perform that role. All Charity trustees must always act in the best interests of the Charity and manage any conflicts of interest or loyalty accordingly.

¹When Members of the Court (at the Court itself or across committees) are dealing with business associated with the Charity, they must ensure that the best interests of the Charity are paramount.

The City Corporation, as trustee of Bridge House Estates has the following main duties:-

1. To ensure the charity is carrying out its purposes for the public benefit.
2. To comply with the charity's governing documents and the law.
3. To act in the charity's best interests.
4. To manage the charity's resources responsibly.
5. To act with reasonable care and skill.
6. To ensure the charity is accountable.

The courts have developed principles of trustee decision-making which trustees should be able to show that they have followed. These are that in making decisions about the charity, trustees must:

1. act within their powers (i.e. consistent with the charity's objects and powers.)
2. act in good faith, and only in the interests of the charity.
3. make sure they are sufficiently informed, taking any advice they need.
4. take account of all relevant factors.
5. ignore any irrelevant ones.
6. manage conflicts of interest.
7. make decisions that are within the range of decisions that a reasonable trustee body could make in the circumstances.

While the City Corporation is acting in its general corporate capacity as trustee of Bridge House Estates, the Charity Commission's guidance for Local authorities acting as a charitable Trustee is helpful in providing clarification where an organisation must balance its competing duties and interests (available on their website at : <https://www.gov.uk/government/publications/local-authorities-as-charity-trustees>); as is the Charity Commission's Conflicts of Interest Guidance, CC29 (also available on their website at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343408/CC29- PDF.pdf)

¹ In the event of the report requiring decisions of the City acting as trustee of BHE and decisions of the City acting in another capacity, each recommendation should make clear in which capacity it is being made. Non-BHE decisions should always be subject to the City as trustee of BHE first being satisfied (in recommendation 1) that the BHE decision is consistent with the proper exercise of the duties of a charity trustee.