



COUNCIL AS TRUSTEE 7 NOVEMBER 2017

**MINUTES OF A MEETING OF THE
COUNCIL AS TRUSTEE COMMITTEE
HELD ON TUESDAY 7 NOVEMBER 2017
AT 1345 HOURS IN THE COUNCIL CHAMBER,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT:- Lord Mayor (Councillor Anne Underwood) in the Chair.

Councillors

Uzma Ahmed	Mick Finnegan	Kieth Kinnecor
Mohammed Aikhlaq	Des Flood	Mary Locke
Deirdre Alden	Jayne Francis	Ewan Mackey
Robert Alden	Carole Griffiths	Majid Mahmood
Sue Anderson	Peter Griffiths	Karen McCarthy
Gurdial Singh Atwal	Paulette Hamilton	James McKay
Mohammed Azim	Andrew Hardie	Yvonne Mosquito
Susan Barnett	Roger Harmer	Brett O'Reilly
David Barrie	Kath Hartley	John O'Shea
Bob Beauchamp	Barry Henley	Eva Phillips
Kate Booth	Des Hughes	Robert Pocock
Sir Albert Bore	Mahmood Hussain	Habib Rehman
Barry Bowles	Shabrana Hussain	Fergus Robinson
Randal Brew	Timothy Huxtable	Gary Sambrook
Marje Bridle	Ziaul Islam	Rob Sealey
Mick Brown	Morriam Jan	Shafique Shah
Alex Buchanan	Kerry Jenkins	Mike Sharpe
Tristan Chatfield	Meirion Jenkins	Sybil Spence
Zaker Choudhry	Simon Jevon	Claire Spencer
Debbie Clancy	Julie Johnson	Stewart Stacey
Liz Clements	Brigid Jones	Martin Straker Welds
Lyn Collin	Carol Jones	Paul Tilsley
Maureen Cornish	Nagina Kauser	Lisa Trickett
John Cotton	Tony Kennedy	Ian Ward
Basharat Dad	Changeese Khan	Mike Ward
Diane Donaldson	Mariam Khan	Fiona Williams
Peter Douglas Osborn	Narinder Kaur Kooner	Ken Wood
Barbara Dring	Chaman Lal	Alex Yip
Neil Eustace	Mike Leddy	Waseem Zaffar

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Mohammed Fazal

Bruce Lines

NOTICE OF RECORDING

- 29 The Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's internet site and that members of the Press/Public may record and take photographs except where they were confidential or exempt items.

MINUTES OF LAST MEETING

- 30 **RESOLVED:-**

That the Minutes of the meeting of Council as Trustee held on 12 September 2017, having been printed and a copy sent to each Member of the Council as Trustee, be taken as read and confirmed and signed.

A MULTIPLE REPORT ON PROPERTY MATTERS FOR DECISION BY COUNCIL AS TRUSTEE

The following report of the Trusts and Charities Committee was submitted:-

(See document No. 1)

Councillor Habib Rehman moved the motion which was seconded.

A debate ensued.

Councillor Habib Rehman replied to the debate.

The Lord Mayor indicated that that she would take each part of the Motion separately.

The Motion having been moved and seconded was put to the vote separately as follows

Part A - Highbury – Disposal of former lodge 98 Queensbridge Road by a show of hands was declared to be carried.

Part B - Moseley Road Community Centre (Friends Institute), 220 Moseley Road by a show of hands was declared to be carried.

Here upon a poll being demanded the voting, with names listed in seat number order, was as follows:-

(See document No 2)

The total results referred to in the interleave read:-

Yes – 62 (For Part B of the Motion);

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No – 24 (Against Part B of the Motion);

Abstain – 2 (Abstentions).

Part C - Elford Estate – disposal of land adjoining Paget House by a show of hands was declared to be carried.

Here upon a poll being demanded the voting, with names listed in seat number order, was as follows:-

(See document No 3)

NB The documents have been amended to show that Councillor Mahmood Hussain had voted yes and Councillor Martin Straker Welds had vote yes and not as shown in the documents.

The total results referred to in the interleave read:-

Yes – 61 (For Part C of the Motion);

No – 24 (Against Part C of the Motion);

Abstain – 2 (Abstentions).

It was therefore –

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RESOLVED:-

That Full Council sitting as 'Council as Trustee':

A. Highbury – Disposal of former lodge 98 Queensbridge Road

- i) notes that the property is currently vacant and although safeguarded by a guardian occupation, is principally unimproved and in need of capital improvements but no longer required as residential accommodation by the Chamberlain Highbury Trust; and
- ii) approves the proposal to negotiate a disposal of the freehold interest on terms to be agreed of the house and grounds set out in Appendix 1.

B. Moseley Road Community Centre (Friends Institute), 220 Moseley Road

- i) notes the report approved at Committee on 3rd July 2013 and the continuing desire to release the premises in the open market for community purposes or, if needs be, other uses and that this will ultimately require powers to enable the disposal of the premises by sale or by the grant of a formal lease or leases, but for which no existing power exists;
- ii) confirms that Expressions of Interest from the third sector with a view to transferring management or ownership of the building be sought in line with the terms approved by Committee on 3rd July 2013;

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- iii) authorises that separately applications be made to the Charity Commission to obtain a further revision to the existing Scheme for the better management of the trust assets including powers of disposal, winding up the Charity if appropriate and/or seeking to widen the charitable activities at the premises;
- iv) authorises, if necessary, the making of applications including a Deed of Release from the giftor's family seeking to remove or amend the restrictive covenants limiting the use of the premises that might hinder disposal or future use; and
- v) authorises the disposal of the premises by way of a sale or by a lease, for up to 35 years from an early date to be agreed, to an appropriate organisation or persons to be determined via the proposed marketing and selection procedures.

C. Elford Estate – disposal of land adjoining Paget House

- i) notes that land identified on the plan in Appendix 1 is land not accessible to the general public and provides no community function for the Elford trust nor provides any opportunity for further development; and
- ii) approves the proposal to negotiate a disposal of the freehold interest on terms to be agreed of portions of this land to the owner of the adjoining Paget House.

and

that the Assistant Director of Property (Interim) be authorised to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 for the disposal of property and to negotiate and agree the terms of all agreements on behalf of the Trusts provided that appropriate restrictions are included in the disposal terms to properly safeguard the individual Trust

and

that the City Solicitor and Monitoring Officer be authorised to prepare, negotiate, execute, seal and complete all necessary documentation, including the making of applications to the Charity Commission for any purposes required to give effect to the above decisions and also to place any formal advertisements required under either s123 of the Local Government Act 1972 or the various statutes as may relate to the charitable status of the land, manage any appropriate consultation stages and to appraise the Trusts and Charities Committee of the results of that consultation.

The meeting ended at 1400 hours.

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CHAIRMAN