

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of:	Assistant Director of Property (Interim)
Date of Decision:	11th September 2019
SUBJECT:	HIGHBURY – PROGRESS REPORT
Wards affected:	Moseley

1. Purpose of report:

To report to the Committee on progress and expenditure following the approval of a grant to Chamberlain Highbury Trust to cover operating costs in 2019/20 from the unrestricted funds of the Highbury Estate.

To advise the Committee of an opportunity to undertake a programme of works in the grounds of the estate.

2. Decisions recommended:

That the Committee note the report and to support the Trust in developing a project of early works in the grounds of the Highbury Estate.

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3. Compliance:

3.1 Consultations:

No additional separate consultation is envisaged at this stage. Ward Members have not been specifically consulted as this is not usually undertaken for Trust matters and this matter is not considered controversial.

3.2 Are there any relevant legal powers, personnel, equalities, procurement, regeneration and other relevant implications?

The City Council acts as Sole Corporate Trustee for a number of charitable and non-charitable Trusts and has delegated day to day decision making to the Trusts and Charities Committee. Charitable trust activity is regulated by the Charity Commission and any proposals relating to the Estate will be governed by the charity's Trust document as amended by any Scheme approved by the Charity Commission. Trustees can also rely on the provisions of the Section 6(1) Trusts of Land and Appointment of Trustee Act 1996 which provides an implied statutory power for the trustees to manage the assets of the Trust as absolute owner. The objects of the charity as set out in paragraph 4.4 are necessarily limited but will enable the future management of the estate without hindrance. Actions proposed by the Trustees are required to be in the best interests of the trust and are intended to safeguard the trust estate for the future.

The Highbury Trust holds the freehold interest of the land in trust as Sole Trustee and is empowered to undertake actions to properly manage the assets of the Trust including effecting repairs. Chamberlain Highbury Trust have been appointed to act as managing trustees for the Highbury Estate and have received three grant awards to assist in funding their operations.

3.3 How will decisions be carried out within existing finances and resources?

The Committee has responsibility for ensuring the proper governance of the Trust in accordance with the objects and purposes of the trust and charity law and as Trustees to ensure that actions are undertaken within financial resources.

Highbury Trust's only resources are the accumulated rent from the letting to Civic Catering and annual award of monies from the Leader to the Trusts and Charities Committee to further its activities generally but which has in recent years been principally allocated for repairs at Highbury.

3.4 Main Risk Management and Equality Impact Assessment Issues (if any):

N/A. The statutory functions discharged by the Council as Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, Trustee Act 2000 and relevant Charity Commission guidance. These are non- executive functions and are therefore not subject to the Equalities Act 2010 provisions.

4.	Relevant background/chronology of key events:
4.1	The Highbury Estate comprises approximately 13.03 hectares (32.2 acres) of park land including Highbury Hall and Chamberlain House and three lodges. It now accommodates part of Uffculme Special School in Chamberlain House and also at 92 Queensbridge Road the Four Seasons Gardeners, an Adult Services enterprise.
4.2	The Estate was gifted by the heirs of the Right Honourable Joseph Chamberlain on 31 st March 1932 and is held in trust as Registered Charity no 1039194 since 1994. Chamberlain Highbury Trust registered charity no. 1169845 has been set in place to best resolve the governance issues and to manage the Estate and seek external grants to enable the refurbishment of Highbury. Chamberlain Highbury Trust (CHT) is actively progressing its further bid to the National Lottery Heritage Fund (NLHF).
4.3	In March it submitted a report to update the Committee about bidding for NHLF Funding, to account for the allocations to the Chamberlain Highbury Trust (CHT) from the Highbury Trust (HT) in 2018/19, and to seek approval for allocations to cover operating costs in 2019/20.
4.4	<p>Aims and Objectives of the Charity</p> <p>Each charitable asset is held as a separate trust and decisions need to be in the best interests of that trust. The terms of the gift simply provided that the Trustees should hold them “in the first instance for use as a hospital for the treatment of limbless and other soldiers, sailors or pensioners” and “if and when the Trustees should consider that they were no longer needed for those purposes the Trustees should hold the property for such public purposes as they with the consent of the Corporation of Birmingham might determine or might at the request of the Corporation transfer it to them for the general benefit of the Citizens of Birmingham”. The Objects of the Charity remain as originally set “for the general benefit of the Citizens of Birmingham”. The Trust secured additional powers through the Charity Commission Scheme to effect disposals.</p>
4.5	<p>Trustee Powers</p> <p>The charity’s constitution is set out within the executed Trust Deed, principally the acquisition deeds or as amended by any Scheme agreed with the Charity Commission. All decisions will be mindful of the original intention set out in the governing documents however subject to compliance with Charity law and Part 7 Charities Act 2011 sufficient powers exist for the Trustees to make decisions on the future of the assets.</p>
4.6	<p>Charity Finances</p> <p>The Trust has a strong revenue stream principally from the letting of Highbury to Civic Catering for the continuing use of the property as a wedding/conference centre but the cost of on-going repairs continually outstrips the resources available. However CHT and their proposed activities on the Estate are beneficial to the Trust and if successful in their bids for NLHF and other monies they would progress the refurbishment and take over the management of the Estate and over time end any need for the trust to directly support them.</p>

5. CHT Progress Report

- 5.1 The 2019/20 funding allocation to the CHT approved on 20th March included financial provision for the appointment of a Project Development Manager and an Activities Organiser. The new NLHF Strategy and desired outcomes will mean, that whilst the main elements of the previous HLF Bids (which included replacing services, dealing with external fabric deterioration to the house, installing lifts and improving disability access, and much needed improvements to the grounds) still need to be included, savings will have to be made because the level of NLHF funding available will be significantly reduced. The NLHF have also developed a revised outcomes-based approach, including a new outcome for “Wellbeing”, and CHT will also have to demonstrate a more mature involvement with local community groups and a track record of community engagement and activity when the new bid is submitted.
- 5.2 These two appointments have now been made within the sums allocated. Katie Norgrove of Cultural Consulting Network has been appointed for a period of 12 months as Project Development manager to review the project and assess its viability and potential success against the criteria in the new NLHF strategy, and subject to that review, to work up and submit a grant application to the NLHF in June 2020. Lucy Bailey-Wright of Fourth Wall has been appointed for a period of 24 months to act as Activity Planner to devise and manage a programme of community activities at Highbury to establish evidence of successful outcomes to meet the requirements of the NLHF.
- 5.3 CHT will design and pilot a range of innovative activities for all ages and abilities. It particularly wants young people to use Highbury to explore issues around civic governance, colonialism and leadership. Joseph Chamberlain was passionate about orchids and other exotic plants, many of which he introduced into cultivation from South America. This raises issues of relevance for today’s decision makers about safeguarding biodiversity, plant collecting, horticulture and climate change adaptation. We plan to further develop our recent successes in hosting school parliaments, drama and other performance events in the grounds.

6. Highbury Grounds
<p>6.1 Highbury Park, including the 13 hectares of the Highbury Estate that form the historic grounds of the Hall, have recently been placed by Historic England (HE) on the National Register of Historic Properties at Risk. The Hall itself was placed on the Register in 2018 and, as a consequence the Council has received an award of £195,300 from Historic England towards urgent works of repair.</p> <p>6.2 CHT has identified the opportunity for an urgent programme of works in the historic grounds that could be the subject of applications to both the NLHF and HE. The NLHF runs an award scheme for smaller grants up to £100,000 that can be determined within an 8 week timetable. Applications to both the NLHF and HE would have to be made jointly by the CHT and the City Council and a financial contribution from the applicants would also be required. The cost of the project is expected to be in the order of £300,000.</p> <p>6.3 The work would focus on the clearance of non-native invasive plants and other self-seeded vegetation to reopen views between the Hall and the Park, and to clear the original driveway from the Lodge to the Hall to re-establish the historic approach to the building. The recreation of the original approach would also achieve the restoration of the historic circuit route around the grounds. However, the benefits of this would be somewhat negated without the demolition of the caretaker's house, built in the 1960's and now becoming derelict, which stands incongruously in front of the Hall.</p> <p>6.4 The CHT is looking for the support of the Committee to investigate this opportunity further with a view to bringing a report back to the November meeting with a recommendation to proceed with the applications and with a financial contribution.</p>
<p>Signatures:</p> <p>Chairman of the Trusts & Charities Committee</p> <p>.....</p>
<p>Chief Officer Assistant Director of Property (Interim)</p> <p>.....</p>