

BIRMINGHAM CITY COUNCIL – COUNCIL AS TRUSTEE**PUBLIC REPORT**

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	Assistant Director of Property 22nd April 2021
SUBJECT:	CROPWOOD ESTATE – BLACKWELL FESTIVAL
Wards affected:	Outside of the City Boundaries

1. Purpose of report:

- 1.1 To consider the request by the Blackwell Festival Charity to hold the Blackwell Festival on land in the Cropwood Estate

2. Decisions recommended:

That the Committee

- notes the request of the Blackwell Festival Charity to hold the Festival on Cropwood Trust land formerly part of the Hunters Hill College and the Charity request this land be used by them at a peppercorn rent (at less than best value)
- 2.1 approves the use of the land for the Blackwell Festival on terms to be agreed by the Assistant Director of Property
- 2.2 and if appropriate authorises the City Solicitor to negotiate, seal, execute and complete all legal documentation to give effect to the above recommendations.

Lead Contact Officers:	Nigel Oliver, Property Services
Telephone No: E-mail address:	0121 303 3028 Nigel.G.Oliver@birmingham.gov.uk

3. Compliance:

3.1 Consultations:

Internal

The land is outside of the City boundaries and no Member involvement beyond the Committee is required at this stage.

External

Public consultation is not required but may be undertaken.

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 Trust document as amended by any Scheme approved by the Charity Commission.

The Cropwood Estate Trust holds the freehold interest of the land held in trust as Sole Trustee and is responsible for ensuring the Trust is managed in accordance with the governing document and in accordance with charity law and relevant Charity Commission guidance.

The Charity Commission Scheme dated 12th November 1997, establishing the regulation of the Cropwood Estate provides appropriate powers for the management of the Estate including disposal of assets by sale or for lease and license and is considered sufficient to undertake any actions that might be recommended. The Objects of the charity are wide enough to also permit the use of the land for general purposes including the Festival.

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 of the trust and charity law. The Trustees must act with prudence and must ensure that the charity is and will remain solvent and that appropriate cost controls are in place. Principal revenue costs for the Estate are currently still covered by the Birmingham City Council Education Service. Any release of any part of the Estate is treated as a disposal and will be conducted in line with statutory processes set out in the Charities Act 2011.

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

Not applicable. 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.

It should be noted that any license granted for the Festival will include appropriate insurances, Risk Assessments and public liability Insurance and require that no liability for any matters related to the Festival impact on the Cropwood Estate.

4.	Relevant background/chronology of key events:
4.1	The main area of land comprising the Cropwood Estate was gifted to the City either jointly or separately by Barrow Cadbury and Mrs Geraldine S Cadbury in three main transfers dated 1 st June 1921, 28 th February 1933 and 20 th May 1938 and is approximately 36.5 hectares. It was gifted principally for education use and the majority of the land has been used by Hunters Hill Technology College.
4.2	Much of the Cropwood Estate is grazing land and woodland. A report dated 17 th January 2018 allocated these areas, then vacant, to the College to support its curriculum provision. In previous years the College have given consent to the Festival proceeding on this land but with the proposed closure of the College now agreed at Birmingham City Council Cabinet February 2021 for August 2021 any decision to enable the Festival to proceed on Cropwood Estate land is for the trustees to make.
4.3	Members will be aware a report to Committee on 21 st December 2020 recommended that if the College closed consideration be given to the disposal of the Trust assets and processes are in hand to obtain suitable advice. However, it is unlikely that any material change will have taken place before the end of September and as such the land requested for the Festival will be available for use.
4.4	The Cropwood Estate Trust, registered Charity no. 1085296, is governed by a scheme dated 12 th November 1997 which permits trustees to manage the land. The specific objects of the Cropwood Estate trust are wide ranging and are: the furtherance of any charitable purpose for the benefit of the inhabitants of the City of Birmingham including all or any of the following purposes (a) the provision and support of educational facilities (b) the provision and support of facilities for recreational and other leisure time occupation with the object of improving the conditions of life for the said inhabitants (c) the relief of the aged, impotent and poor (d) the relief of sickness.
4.5	The Blackwell Festival is a one day ticketed annual event open to all. In managing the estate it is not inappropriate to work with the local community in Blackwell which directly adjoins the trust land.
4.6	Aims and Objectives of the Trust Each property in trust is held as a separate trust and decisions need to be in the best interests of that trust. The assets of the Trust should at all times assist the Trust to comply with the Objects of the trust or where this is no longer possible consider options available under the Scheme.
4.7	Trustee Powers A trust's constitution is set out within the executed Trust Deed for each property principally the acquisition deeds as amended by a Scheme agreed with the Charity Commission.
4.8	Trust Finances The College is Local Authority managed and Education cover all expenses for their use and maintenance of the assets. The Cropwood Estate Trust has a small revenue source from lettings of parts of the estate and interest from previous capital receipts.
5.	Evaluation of alternative option: The trustees do not have to support the Festival but it would seem appropriate to do so, though this may be the last year in which it can do so.

6. Reasons for Decision(s):

- 6.1 To support the local community, safeguard the assets of the Cropwood Estate trust and advise the trustees.

Signatures:

Chief Officer(s):

Dated:

List of Background Documents used to compile this Report:

None

List of Appendices accompanying this Report (if any):

1. Plan of the Cropwood Estate holdings and site of Festival
2. Blackwell Festival charity report on previous Festivals.