

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 13 NOVEMBER 2019
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**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON WEDNESDAY 13 NOVEMBER 2019
AT 1030 HOURS IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM B1 1BB**

PRESENT:- Councillor Akhlaq Ahmed in the Chair;

Councillors Nicky Brennan, Gurdial Singh Atwal, Shabrana Hussain, Mohammed Idrees and Mike Sharpe.

ALSO PRESENT:-

Nigel Oliver	– Birmingham Property Services
Graham Arrand	– Senior Business Analyst, Finance
Les Sparks	– Chair of Chamberlain Highbury Trust (CHT)
Mike Williams	– Treasurer (CHT)
Rajesh Parmar	– Legal Services
Marie Reynolds	– Committee Services

APOLOGIES

1056 Apologies were submitted on behalf of Councillors Adrian Delaney and David Pears for their inability to attend the meeting.

DECLARATIONS OF INTEREST

1057 The Chairman reminded Members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the Minutes of the meeting.

Councillor Mike Sharpe declared a non-pecuniary interest (item 6 on the agenda) as a trustee of Alderson Disabled Ex-Servicemen's Homes Trust.

MINUTES

1058 **RESOLVED:-**

That part 1 of the Minutes of the last meeting of the Trusts and Charities Committee held on 18 September 2019 be noted and to include the following correction:

Councillors Adrian Delaney and David Pears attended the above-mentioned meeting.

MATTERS ARISING FROM THE MINUTES

1059 There were no matters arising from the Minutes.

REVENUE BUDGET MONITORING 2019/20 – QUARTER 2 (TO 30 SEPTEMBER 2019)

The following report of the Chief Finance Officer was submitted:

(See document No. 1)

Graham Arrand, Senior Business Analyst, Finance, provided a comprehensive breakdown of the report. He highlighted that the next report would include a breakdown of all the Charities and Trusts investments.

It was -

1060 **RESOLVED:-**

The Trust and Charities Committee:

Noted the latest income and expenditure position of Trusts and Charities as at 30 September 2019.

HIGHBURY – PROPOSED MATCHFUNDING IN SUPPORT OF CHAMBERLAIN HIGHBURY TRUST BID

The following report of the Assistant Director of Property was submitted:

(See document No. 2)

Nigel Oliver, Birmingham Property Services, made introductory comments to the report.

Mike Williams, Treasurer, CHT, reported on the purpose of the report which was to seek the Committee's approval to allocate monies from the unrestricted funds

Trusts and Charities Committee – 13 November 2019

of the Highbury Estate as matchfunding in support of proposed bids by the Chamberlain Highbury Trust for the improvement of the gardens at Highbury.

He specifically referred to Appendix 1 of the report which detailed the garden project, the final costing of the scheme and how the scheme would be financed through grant support:

- The National Lottery Heritage Fund (NLH) (£100,000)
- Chamberlain Highbury Trust (CHT) already secured £20,000,
- Other CHT funding including Heritage England (HE) (100,000)
- contribution from BCC (CHT) (80,000) unrestricted funds.

It was noted that with regard to the proposed programme of works (costing £300,000), there was a need to demolish the caretaker's house in order to reopen the driveway from the Moor Green Lane/Yew Tree Road at an estimated cost of £25,000- £30,000, which was not included in these costings.

A discussion ensued with Members of the Committee, the Trustees and Officers, highlighting the importance of the scheme; especially for the benefit of the public and the importance for the work to commence early next year which would take approximately 12 months to complete.

It was suggested and agreed that a letter from the Chair be submitted to NLH in support the funding application.

The Chair put the recommendations to the Committee, and it was unanimously agreed:

It was -

1061

RESOLVED:-

The Trust and Charities Committee:

- (i) Noted the intention of the Chamberlain Highbury Trust seeking to improve the gardens at Highbury to bid for monies from external grant giving organisations and which will require Committee support to the bids and that the essential matchfunding required for the bid be provided from the Highbury Trust unrestricted funds;
- (ii) Noted that in addition to the request by Chamberlain Highbury Trust further works will be required by the Highbury Trust to enable the new driveway to be completed particularly the demolition of the disused caretakers lodge, 52 Yew Road;
- (iii) Approved the making of the bids and agreed to set aside monies in support of the scheme proposed as set out in Appendix 1 subject to a further report to Committee on the outcome of any bid;
- (iv) Delegated to the Assistant Director of Property authority to confirm as appropriate on behalf of the Highbury Trust support for the proposals and

the provision of matchfunding of any successful bid and to apprise the Committee of the results of the applications.

CALTHORPE PARK – LEASE OF PLAY CENTRE FOR GENERAL COMMUNITY PURPOSES

The following report of the Assistant Director – Neighbourhoods was submitted:

(See document No. 3)

Nigel Oliver, Birmingham Property Services, reported on the purpose of the report which was to obtain revised management powers for Calthorpe Park, held in trust, including a power of disposal which would enable the grant a lease of the existing Play Centre.

He confirmed that The Active Wellbeing Society currently managing the former Calthorpe Park Play Centre on Edward Road (as part of their service review) no longer wished to directly operate the property and therefore, it was proposed in order to maintain community service provision that the premises be advertised as available to let.

He confirmed that this change would require the occupation of the premises on the trust's land to be regularised by the grant of a formal lease and referred to 2.2 to 2.5 of the report which detailed the necessary actions that needed to be taken.

A discussion ensued with Members of the Committee and officers regarding the importance of obtaining the consent of the Charity Commission before any further actions could be progressed regarding the reletting or disposal of the property.

At this juncture, Nigel agreed to provide a further update on the current position at the next Committee meeting.

The Chair put the recommendations to the Committee and it was unanimously agreed:

It was -

1062

RESOLVED:-

The Trust and Charities Committee:

- (i) Noted The Active Wellbeing Society, being the community benefit society (also known as a mutual) set up to deliver the council outcomes of the Wellbeing Service currently manages the former Calthorpe Park Play Centre on Edwards Road but as part of their Service Review no longer wish to directly operate the property. It is proposed that to maintain community service provision in the area the premises be advertised as available to let. This change will require the occupation of the premises on the trust's land to be regularised by the grant of a formal lease;

Trusts and Charities Committee – 13 November 2019

- (ii) Authorised that applications be made to the Charity Commission to obtain either an Order or Scheme for the better management of the trust assets including a power of disposal and if appropriate an Order to permit a disposal to a 'connected person';
- (iii) Authorised the disposal by way of a lease for up to 25 years from an early date to be agreed, of the land currently allocated to the Service being granted to a suitable community organisation and that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustees for approval;
- (iv) Delegated to the Assistant Director of Property authority to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 for the disposal of the property and negotiate the terms of any disposal;
- (v) Authorised the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to grant the lease including the applications to the Charity Commission to give effect to the above recommendations and to apprise the Committee of the results of the applications and consultation.

BILBERRY HILL CENTRE – POWERS FOR DISPOSAL

The following report of the Assistant Director – Skills and Employability be submitted:-

(See Document No. 4)

Nigel Oliver, Birmingham Property Services, reported on the purpose of the report which was to seek approval in order to obtain appropriate management powers for the land and premises known as the Bilberry Hill Centre, held in trust, including a power of disposal.

He provided a brief background of the acquisition of the land, premises and the usage of the premises detailed in sections 4.1 and 4.2 of the report and the current up to date position with the premises standing vacant and the keys returned to BCC.

A discussion ensued with Members of the Committee and officers regarding the importance of obtaining the consent of the Charity Commission in order before further actions could be progressed regarding the reletting or disposal of the property.

It was highlighted the importance of safeguarding the property while vacant and the way in which this could be addressed with good residents occupying the building on a temporary basis (which was taking place in other BCC properties) across the city.

Trusts and Charities Committee – 13 November 2019

At this juncture, Nigel agreed to provide a further update on the current position at the next Committee meeting.

The Chair put the recommendations to the Committee and it was unanimously agreed:

It was -

1063 RESOLVED:-

The Trust and Charities Committee:

- i. Noted the premises formally leased to the Birmingham Federation Clubs for Young People is considered to be held in trust but are now vacant, the Federation having recently been placed in administration;
- ii. Authorises applications be made to the Charity Commission to obtain either an Order or Scheme for the better management of the trust assets including a power of disposal and, if appropriate, an Order to permit a disposal to a 'connected person' and that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustee for approval;
- iii. Delegated to the Assistant Director of Property authority to secure appropriate valuation and marketing advice for the disposal of the property in line with statutory requirements of the Charities Act 2011 and to negotiate the terms of any disposal subject to the terms and conditions of any disposal having been first considered by the Committee;
- iv. Notes that any disposal of land will require consent from the Council as Trustee.

DATE OF NEXT MEETING

- 1064 The next meeting is scheduled to take place on Wednesday, 22 January 2020 at 1030 hours in Committee Room 2, Council House.

OTHER URGENT BUSINESS

- 1065 There was no other urgent business raised.
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AUTHORITY TO CHAIRMAN AND OFFICERS

1066 **RESOLVED:-**

The Chairman moved that:-

“In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee.”

EXCLUSION OF THE PUBLIC

1067 **RESOLVED:-**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Minutes of the last meeting – Exempt paragraph 3
