

Report to:	TRUSTS AND CHARITIES COMMITTEE
Report of: Date of Decision:	Assistant Director of Property 22nd April 2021
SUBJECT:	HIGHBURY TRUST – AWARD OF FUNDS TO CHAMBERLAIN HIGHBURY TRUST
Wards affected:	Moseley

1. Purpose of report:

To enable the Committee to consider the award of a further grants to Chamberlain Highbury Trust from the unrestricted funds of the Highbury Estate in support of their continuing operations and for a bid by Chamberlain Highbury Trust to the National Lottery Heritage Fund (NLHF) for the refurbishment of Highbury.

2. Decisions recommended:

That the Committee

- 2.1 notes the report from Chamberlain Highbury Trust set out in Appendix 1 updating the Committee on its continuing activities on the estate, detailing how monies previously allocated have been properly spent and specifically to seek approval for funds for future activities and for an additional grant to support the proposed bid to the National Lottery Heritage Fund for funds for the refurbishment of Highbury.
- 2.2 Award a grant to Chamberlain Highbury Trust of £52,510 from the unrestricted funds of the Highbury Estate for the operations to be undertaken by Chamberlain Highbury Trust as set out in their draft budget for 2021/22.
- 2.3 Award a grant to Chamberlain Highbury Trust of £40,000 from the unrestricted funds of the Highbury Estate to assist the processes required in the making of a further bid to the National Lottery Heritage Fund in 2021.
- 2.4 To instruct officers in Finance and Legal Services to take all necessary steps to facilitate the award of the grant to Chamberlain Highbury Trust and report back to a future Committee meeting, once the grant application project has been completed.

Lead Contact Officers:	Nigel Oliver
Telephone No: E-mail address:	0121 303 3028 nigel.g.oliver@birmingham.gov.uk

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 sufficiently enable the future management of the estate.

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 the making of awards to support the bids for a refurbishment of Highbury.

Chamberlain Highbury Trust have been appointed to act as managing trustees for the Highbury Estate and have had grant awards to assist in funding their operations and to make bids to the NLHF in previous years.

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 income resources are the annual rent from the letting to Civic Catering. Previous bids by Chamberlain Highbury Trust to the NLHF for funds for the refurbishment of Highbury have been supported by the trustees. That Chamberlain Highbury Trust are making a further bid to the NLHF for funds for the refurbishment of Highbury is in line with the longer term ambitions of the trustees to secure the restoration of 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 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 31st March 1932 and is held in trust as Registered Charity no 1039194. 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.
- 4.3 Chamberlain Highbury Trust will continue to undertake operations develop and enhance the Highbury estate during 2021/22 for which it requires a further grant from the Highbury trust account as has been approved in previous years and is actively progressing a bid to the NLHF in the bid round for 2021. It has now submitted a report requesting funds from the Highbury Trust revenue account to assist both matters. It is noted that, if the bid for NLHF Development Phase funding is successful, that work and drawdown will not start before 1 April 2022, which will assist.

4.4 Aims and Objectives of the Charity

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 at Highbury 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”.

4.5 Trustee Powers

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 sufficient powers exist for the Trustees to make decisions on the future of the assets.

4.6 Charity Finances

Formal accounts are required to be prepared for the Charity Commission returns where appropriate. The Highbury Trust has a 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, the continuation of Chamberlain Highbury Trust and their proposed activities on the Estate and bids to external funding sources are beneficial to the Highbury Trust and are to be welcomed. Necessarily at this stage they require additional financial support for the bid. If successful in their bids for NHLF 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.

5. Evaluation of alternative option:

- 5.1 There is currently no alternative to progressing matters via Chamberlain Highbury Trust as they resolve the former governance issues and represent the best opportunity to win new monies for the Estate. To properly support them financially in the meantime is an appropriate use of Trust funds. To do nothing is not an option.

6. Reasons for Decision(s):

6.1 To best safeguard the asset long term it is appropriate to continue to support Chamberlain Highbury Trust in the financial year 2021/22 and contribute to the funding required for the NLHF bid.

Signatures

Chairman of the Trusts & Charities Committee

.....

Chief Officer
Assistant Director of Property (Interim)

.....

List of Background Documents used to compile this Report:

1. None.

List of Appendices accompanying this Report (if any):

1. Appendix 1 Report of Chamberlain Highbury Trust.

Date

.....

.....