

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 22 APRIL 2021

**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON THURSDAY 22 APRIL 2021
AT 1030 HOURS AS AN ON-LINE MEETING**

PRESENT:- Councillor Akhlaq Ahmed in the Chair;

Councillors Gurdial Singh Atwal, Adrian Delaney, Shabrana Hussain, Mohammed Idrees and David Pears.

ALSO PRESENT:-

Councillor Saddak Miah – International Mother Language Monument Project
Nigel Oliver – Birmingham Property Services
Hardeep Rai – Senior Business Analyst, Finance
Sanjeev Bhopal – Legal Services
Paul Ruffle – Senior Travel Demand Officer
Robert Churn – Head of Landscape and Development Neighbourhoods
Phil Wright – Committee Services
Mike Williams – Chamberlain Highbury Trust
Les Sparks – Chamberlain Highbury Trust
Rupert Dugdale – Blackwell Festival Charity
Lisa Winterbourn – Blackwell Festival Charity

NOTICE OF RECORDING

1161 The Chair advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and members of the press/public could record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

1162 The Chair 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.

APOLOGIES

- 1163 Apologies were submitted on behalf of Councillors Nicky Brennan and Mike Sharpe for their inability to attend the meeting.
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MINUTES

1164 **RESOLVED:-**

That the Minutes of the last meeting of the Trusts and Charities Committee held on 25 March 2021 having been circulated, be taken as read and confirmed and signed.

MATTERS ARISING

- 1165 There were no matters raised.
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HIGHBURY TRUST - AWARD OF FUNDS TO CHAMBERLAIN HIGHBURY TRUST

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

(See document No. 1)

Nigel Oliver, Birmingham Property Services, made introductory comments relating to the report before Mike Williams, Chamberlain Highbury Trust outlined the activities of the Trust and spoke in support of the Trust's funding requests.

Mr Williams made particular reference to first two bullet points in paragraph 2 of the appendix and highlighted the amount of funding being requested as set out in paragraph 10 of the appendix to the report.

Sanjeev Bhopal, Legal Services, explained that he was attending the meeting in place of Rajesh Parmar who was unwell. He noted that he had been called to cover the meeting at the last moment and had not had the opportunity see the reports at Chair and officer's pre-agenda meetings. He indicated that historically when the Chamberlain Highbury Trust had made an application for grants it was on the basis that a Conditions of Grant Aid Funding Agreement was made. Mr Williams, in noting that such an agreement had not been used in recent years, agreed to such an agreement.

In response to a question from the Chair, Mr Williams confirmed he was seeking £24,600 for costs in 2020/2021, £52,510 for costs in 2021/2022 and £40,000 for match funding. He noted that he did not wish to draw down funds from Highbury Trust that he did not need and therefore would come back to the Committee in the year if all of the 2021/2022 funding was not required. He noted that the £80,000 allocated for the Garden Project had not been paid yet.

Trusts and Charities Committee – 22 April 2021

Hardeep Rai, Senior Business Analyst, Finance, advised that the Highbury Trust had £182,000 in reserves and he could not confirm if a payment had made in respect of the garden project and having received details of that he could take action to process it. Mr Williams advised that at 31 March 2020 the Highbury Trust reserves were £226,000 although he acknowledged that he was not aware of what had happened since that date.

Sanjeev Bhopal, Legal Services, suggested that a briefing note be presented to the next meeting setting out what the Garden project entailed and what the outcomes were on the ground.

Mr Williams reiterated that the £80,000 had been approved but not paid so did not form part of the report before Committee. Robert Churn, Head of Landscape and Development, indicated that the Landscape Practice Group had been working with the Chamberlain Highbury Trust on the project and a separate report seeking approval to place orders with contractors for the work in the gardens and undertook to manage all the budgets. A report sought approval to spend the grant funding of £302,000 which included the £80,000. He suggested that an internal transfer of the £800,000 was now required. Nigel Oliver, Birmingham Property Services, confirmed that the £80,000 and £24,000 had been approved by Committee and the Committee need only to concern themselves with the £52,510 for costs in 2021/2022 and £40,000 for match funding. He emphasised that there was a finite amount of money in the Highbury Trust reserves and care was required not to draw down too much at any one time. He felt that the request could be supported but was dependant on Highbury Trust's own cashflow.

Councillor David Pears noted that minutes would be available to show the payment of £80,000 was to be paid and he noted that it troubled him that due to Covid it was not the first time he had heard of a slow payment. He suggested that other payments should be checked to ensure that they had been paid in a timely manner and organisations were not waiting upon payment to their detriment. The Chair requested that officers check if other payments had been delayed. Nigel Oliver, Birmingham Property Services, noted that neither the Landscape Practice Group or the Chamberlain Highbury Trust had requested payment of the £80,000 which was ready.

Mr Williams undertook to speak with Hardeep Rai, Senior Business Analyst, Finance, to get through the funds available in the Highbury Trust and what funding the Chamberlain Highbury Trust had requested.

It was:

1166

RESOLVED;-

- (i) That 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 be noted;

Trusts and Charities Committee – 22 April 2021

- (ii) that the award of 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 be agreed;
- (iii) that the award of 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 be agreed; and
- (iv) that officers in Finance and Legal Services be instructed 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.

SMALL HEATH PARK – INSTALLATION OF THE INTERNATIONAL MOTHER LANGUAGE MONUMENT

The following report of the report of the Assistant Director - Street Scene was submitted:-

(See document No. 2)

Robert Churn, Head of Landscape and Development, indicated that the Landscape, made introductory comments relating to the report and he noted that planning permission had been granted following local consultation as part of the planning process. It was the intention now to bring the proposals forward with community engagement and he advised on the consultation undertaken so far. He noted that the International Mother Language Monument Project (IMLMP) were undertaking local consultation and noted that Councillor Saddak Miah was in attendance to explain further.

Councillor Saddak Miah indicated that because of the pandemic the project had not been able to distribute leaflets and therefore had undertaken a neighbourhood wide Facebook consultation which had been left open for as long as possible. He reported to date the page had been seen by 9420 people from which there had been 80 to 90 comments. Approximately 70% of these comments were in favour of the Monument with 15% concerned with the loss of public open space. A further 15% were concerned that public funds should not be used to maintain the monument. Councillor Miah confirmed that public funding was not going to be used and the comments about the funding was that the money should be used on the play areas or other improvements to the park. One or two people were against the monument. He continued that wide engagement had been achieved and he felt that about 95% of the responses were in favour of the monument.

Robert Churn, Head of Landscape and Development, confirmed that the parks Manager had been consulted and was supportive of the project. He had also published the project in the park by displaying the plans. He drew Member's attention to paragraph 3.2 of the report which set out the relevant implications of the erection of the monument. He confirmed that the IMLMP were going to pay for the installation of the monument and had got it insured. They would also sign

Trusts and Charities Committee – 22 April 2021

up to a management plan for future maintenance. Councillor Miah confirmed that insurance was in place.

In response to comments and questions from Members, officers made the following comments:-

- The friends' group of the park had spent a lot of time seeking funding for the lodge building which had been disused for a number of years and they were concerned that money was being prioritised elsewhere. Officers were trying to impress on the group that the City Council was not spending any money on the monument.
- An assessment of the condition of the lodge 4 or 5 years ago suggested that £150,000 was required. The lodge was closed following a fire and through grants the parks department had secured the building so that it was structurally sound and wind and water tight. Any community group would have to spend more to bring the shell in to use. The Council was working to bring the building in to use.
- The monument was to be situated by the northern entrance to the Coventry Road.
- The Monument was 4 metres tall on a 1 metre plinth.
- The friends of the park group and Ward Forum had been consulted along with the Facebook consultation undertaken by IMLMP. In addition, there was consultation during the planning process.

The Chair requested that a visit be arranged to the monument when erected.

Sanjeev Bhopal, Legal Services, suggested that the Committee may wish to 'take stock' after the first part of the recommendation at 2.1. He was suggesting this because the Charity Commission would want to be sure that the Committee had considered the consultation responses and at the moment the Facebook consultation undertaken by IMLMP had not been seen by the Committee.

The Chair felt the recommendations could be agreed as officers and Councillor Miah had given a full account of the consultation and Councillor Miah could report back the consultation results to a future meeting.

Sanjeev Bhopal, Legal Services, commented further on the need to be able to satisfy the Charity Commission on what consultation had been undertaken, what response had been received and how the Committee had responded to those responses.

Councillor David Pears indicated that he had reservations about agreeing the recommendations. Councillor Mohammed Idrees felt that the Committee should wait until consultation had completed.

Nigel Oliver, Birmingham Property Services, suggested that recommendation 2.2 could be amended by the insertion of the words 'in principle' after the word 'approved'. After further discussion that suggestion was acceptable, and it was:

1167

RESOLVED:-

- (i) That it be noted that an application for planning permission for the monument has been submitted by the International Mother Language Monument Project (IMLMP) on land in Small Heath Park and approved on 30 January 2021 as shown in Appendix 1;
- (ii) that the erection and dedication of the monument on land in Small Heath Park be approved in principle, subject to the satisfactory resolution of the planning conditions, the on-going consultation, the outcome of which should be reported back to Committee, and the development of a future management and maintenance plan to enable the erection and dedication of the monument on land in Small Heath Park as shown in Appendix 2;
- (iii) that as soon as the above matters are properly resolved the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustee for approval, if required;
- (iv) that approval be given to the negotiation and settlement of the terms for the installation and occupation of land or of any disposal necessitated by the installation being delegated to the Assistant Director of Property;
- (v) that the City Solicitor be authorised to make any further applications necessary for appropriate powers or approvals from the Charity Commission or other party or body as appropriate to agree to the disposal or use of the land and then to prepare, negotiate, seal, execute and complete all legal documentation to give effect to the above recommendations.

CROPWOOD ESTATE – BLACKWELL FESTIVAL

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

(See document No. 3)

Nigel Oliver, Birmingham Property Services, made introductory comments relating to the report before Rupert Dugdale and Lisa Winterbourn, Blackwell Festival Charity spoke in support of the request. They responded to Councillor David Pears' comments relating to consultation.

During the ensuing debate comments were made that details of consultation should be included in reports and Checks of the site would be made before and after the event to ensure the Trust's interests were protected. It was noted that the festival organisers undertook a full site clean-up. The music event was licenced and the festival was fully risk assessed. It was a small event for 500 people.

It was:

1168

RESOLVED:-

- (i) That 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) be noted;
 - (ii) that the use of the land for the Blackwell Festival on terms to be agreed by the Assistant Director of Property be approved; and
 - (iii) that if appropriate the City Solicitor be authorised to negotiate, seal, execute and complete all legal documentation to give effect to the above recommendations.
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YOUNG ACTIVE TRAVEL TRUST GRANTS

The following report of the Assistant Director – Transport and Connectivity was submitted:-

(See document No. 4)

Paul Ruffle, Senior Travel Demand Officer, made introductory comments relating to the report and responded to Members' questions.

Councillor Mohammed Idrees indicated that Rookery Primary and The Rosary Catholic Schools were in his Ward.

It was:

1169

RESOLVED:-

- (i) That the applications for funding from the schools listed at paragraph 4.6 of the report, totalling £11,000, be approved; and
- (ii) that the remaining balances available to the Young Active Travel in Birmingham Charitable Trust for future disbursement be noted.

During the above item Councillor David Pears withdrew from the meeting.

SCHEDULE OF MEETINGS 2021/2022

1170

RESOLVED;-

That it be agreed that Committee meetings to be held on Wednesdays at 1030 hours on the following dates:

16 June 2021
22 September 2021
17 November 2021
19 January 2022
16 March 2022

13 April 2022

OTHER URGENT BUSINESS

The Chair was of the opinion that the following matter could be considered as a matter of urgency in view of need to expedite consideration thereof and instruct officer if necessary:-

A. Grant Panel

- 1159 Councillor Adrian Delaney, in noting that Graham Arrand had retired, queried when the Grant Panel would resume meeting as there must be a back log of applications. Hardeep Rai, Senior Business Analyst, Finance, undertook to look into that issue.

B. Bilberry Hill Centre

- 1160 Councillor Adrian Delaney noted that the Bilberry Hill Centre was vacant and occupied an isolated position. He was concerned that it would become a target for vandals and queried what the plan for the building were. Nigel Oliver, Birmingham Property Services, reported that the building had already been targeted by vandals and security had been increased with boarding up of the property. The plan was to dispose of the property subject to a scheme of powers being obtained from the Charity Commission. Entry to the building was at the rear and pipes were stolen causing water damage.
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AUTHORITY TO CHAIRMAN AND OFFICERS

- 1161 **RESOLVED:-**

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

The meeting ended at 1231 hours.

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CHAIRMAN