

# Birmingham City Council

## Report to Trust and Charities Committee

10<sup>th</sup> June 2024



**Title:** CROPWOOD ESTATE – GRANTING A LICENCE TO A FOREST SCHOOL

**Lead Cabinet Portfolio:** Councillor Phil Davis, Chair of Trusts & Charities Committee

**Relevant Overview and Scrutiny Committee:** N/A

**Report Author:** Philip Andrews, Head of Operational Property Management

Place, Prosperity & Sustainability Directorate

Phone Number: (0121) 303 3696

Email: [philip.andrews@birmingham.gov.uk](mailto:philip.andrews@birmingham.gov.uk)

**Authorised by:** David Harris, Assistant Director of Corporate Landlord  
Place, Prosperity & Sustainability Directorate

**Is this a Key Decision?** No

**If this is a Key Decision, is this decision listed on the Forward Plan?** No

**Reason(s) why not included on the Forward Plan:** Not Applicable

**Is this a Late Report?** No

**Reason(s) why Late:** Not Applicable

**Is this decision eligible for 'call in?'** Not Applicable

**If not eligible, please provide reason(s):** Not Applicable

**Wards:** Outside of Birmingham City Council boundary

**Does this report contain exempt or confidential information?** No

**Has this decision been included on the Notification of Intention to consider Matters in Private?** Not Applicable

**Reasons why not included on the Notification:** Not Applicable

## **1 EXECUTIVE SUMMARY**

- 1.1 To gain authority for the granting of a Licence for the operation of a Forest School from part of the Cropwood Estate holding following the Academy conversion of the current user.

## **2 COMMISSIONERS' REVIEW**

- 2.1 This has been cleared by Commissioners with no comments for publication.

## **3 RECOMMENDATIONS**

### **That the Committee:**

- 3.1 Notes the historic, undocumented use of part of the estate as a Forest School.
- 3.2 Approves to granting of a Licence to the incoming Prince Henry Academy Trust on terms set out in section 4.4.
- 3.3 Authorises the negotiation of the terms for the License be delegated to the Assistant Director of Corporate Landlord and as appropriate authorises the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to give effect to the above decisions on behalf of the Trust.

## **4 KEY INFORMATION**

### **Context**

- 4.1 Cropwood Estate is located adjacent to the village of Blackwell in Worcestershire, outside of the City Council's boundary. It was gifted to the City by Mr Barrow Cadbury and Mrs Geraldine S Cadbury in three main transfers dated 1st June 1921, 28th February 1933 and 20th May 1938 that together comprise approximately 36.5 hectares. The land was gifted for educational, recreation and care uses and operates as Registered Charity no. 1085296. The majority of the land was utilised by Hunters Hill College, formerly a Special Education Needs School, before its return to the Charity as of 1st April 2024.
- 4.2 Parts of the land in trust adjoins the existing playing field owned by Bromsgrove District Council and set aside for the use of Blackwell First School; for many years the Head of the former Hunters Hill School gave local permission for the Trust land to be used by the Blackwell First School as a "forest school area". It is principally woodland adjoining the car park to the playing field and has no likely alternate use at present; this area is set out in Appendix 1 and totals some 1,675 square metres (0.41 acres). This use has been undocumented to date.
- 4.3 The School is converting to an academy as of 1st June 2024 under the management of Prince Henry Academy Trust who are in the process of changing their name to Worcestershire Hills Trust. While the Academy would prefer a longer-term agreement permitting the use of this land, until the proposed review of the wider estate is concluded and the trustees have been able to consider the recommendations it is inappropriate to enter into any long-term agreements.

However, the grant of a license will formalise the previously undocumented use and better safeguard the Trust.

- 4.4 The proposed licence would be subject to an annual fee of £500 per annum which is considered market value for the size of the subject site and its intended use. The document would place all liabilities and maintenance responsibilities for the site onto the Academy and incorporate a short notice period (28 days' notice) for its termination.

### **Proposal and Reasons for Recommendations**

- 4.5 The recommendation is to proceed with the short-term letting of the area highlighted in Appendix 1 to bring beneficial use to the site, generate an income and contribute to the overall site security.

### **Other Options Considered**

- 4.6 The Trust could grant a long-term lease to the Academy. It is considered this could prejudice the current review of the Estate by an external agent and limit future options.
- 4.7 The Trust could refuse the request for the continuation of the previous undocumented use. As a result, the Trust would not gain an income which could be utilised for ongoing estate running costs and would generate no meanwhile use on the site.

## **5 RISK MANAGEMENT**

- 5.1 Entering into an appropriate legal document (as opposed to the historic undocumented position) will enable the Trust to protect its position regarding the future ability to obtain possession and ensure that appropriate responsibilities rest with the Academy and minimise liabilities for the Trust.

## **6 MEMBER ENGAGEMENT**

### **Ward Councillor(s)**

- 6.1 The Cropwood Estate is located outside of the boundary of Birmingham City Council.

## **7 IMPACT AND IMPLICATIONS**

### **Finance**

- 7.1 The Licence fee generated of £500 a year will be credited to the Trust's funds and utilised for the estate's running costs.
- 7.2 The Academy will cover the legal fees incurred in drawing up the Licence.

### **Legal**

- 7.3 The objectives of Cropwood Estate trust are wide ranging, comprising 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.
- 7.4 The Trust is governed by a scheme dated 12th November 1997 which permits disposals and dictates how the property and any funds generated are to be used for the benefit of the citizens of Birmingham but pursuing that action for development or disposal will always be subject to future reports to Committee. Trusts and Charities Committee has the delegated day to day decision making and responsibility for ensuring the proper governance of the Trust in accordance with the objects of the Trust and charity law and can make recommendations for other actions. However, decisions on matters such as disposal of trust assets will require the consent of Full Council as Trustee.
- 7.5 Whilst recognising the party benefitting from the new (and indeed existing undocumented) Licence is not within the boundary of Birmingham City Council, it is considered that such a use is beneficial to the wider community for educational and recreational purposes.

### **Equalities**

- 7.6 The ongoing provision of this educational / recreation facility will be of benefit to young people.

### **Procurement**

- 7.7 There are no Procurement implications for this report.

### **People Services**

- 7.8 There are no HR implications for this report.

### **Corporate Parenting**

- 7.9 The ongoing provision of this educational / recreation facility will be of benefit to young people.

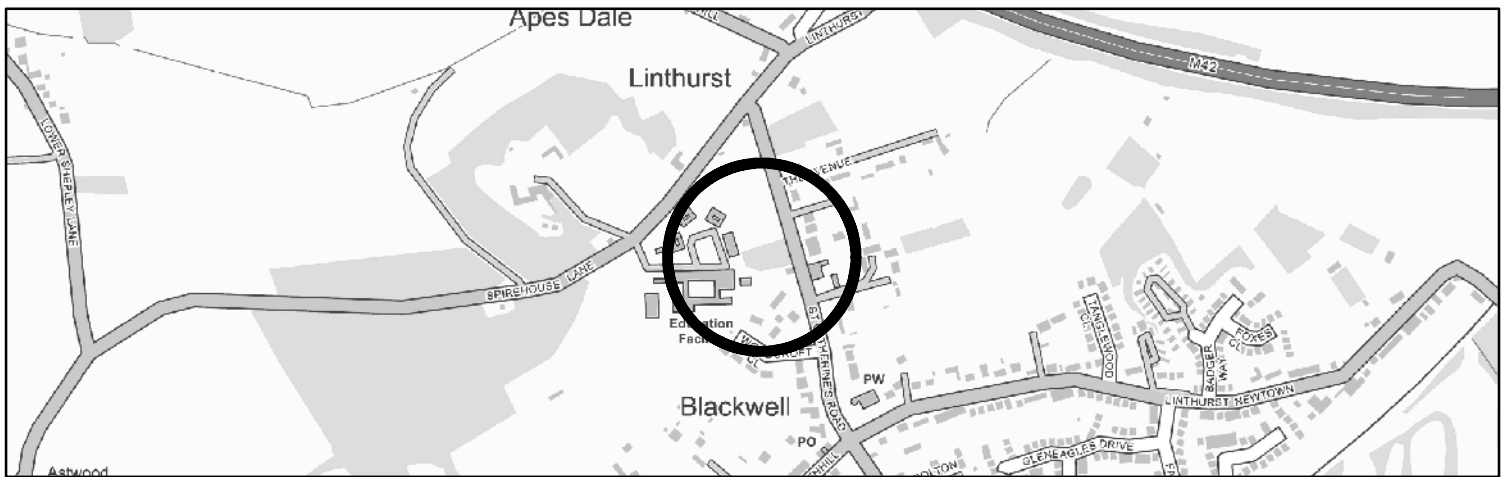
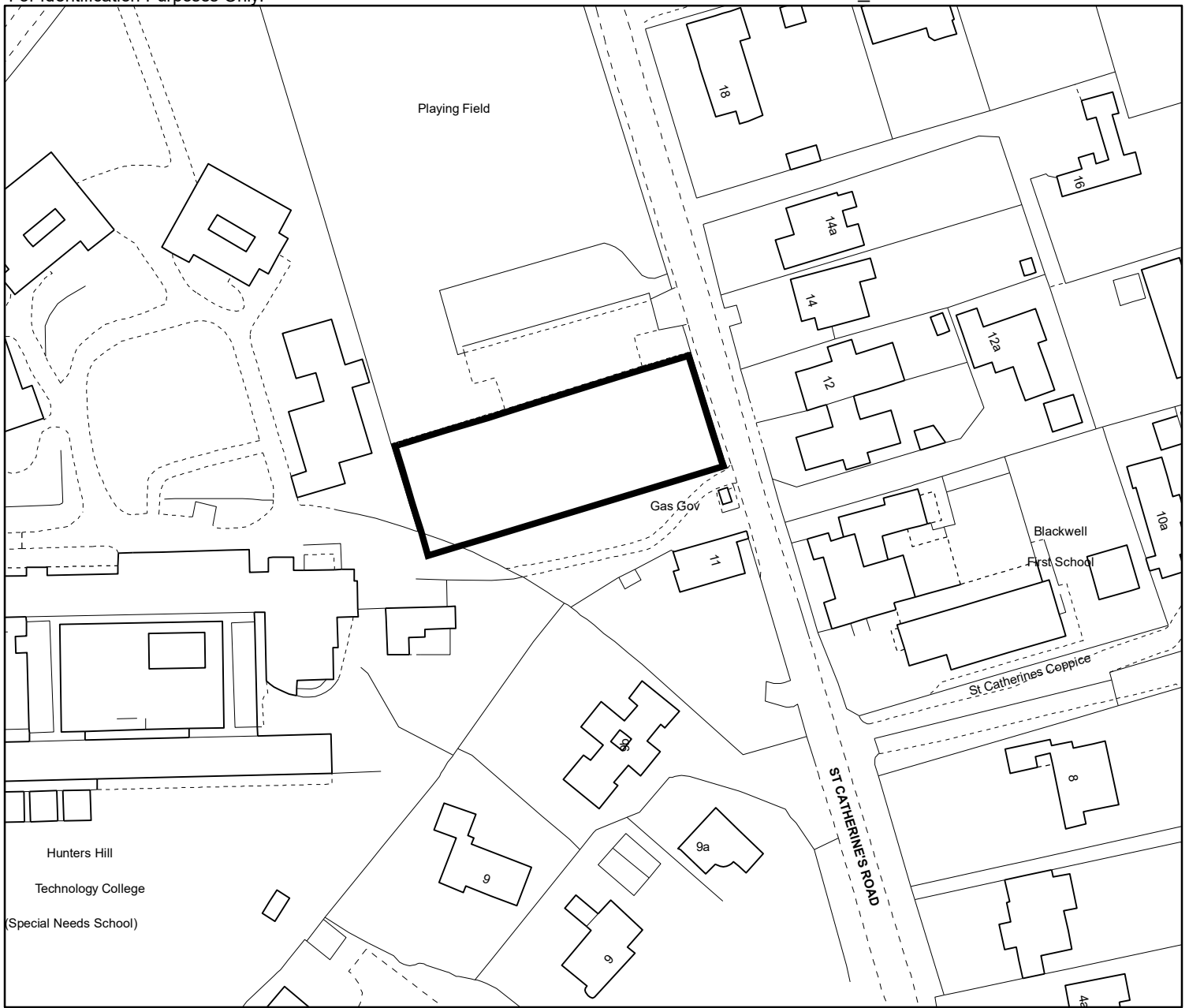
### **Other**

## **8 APPENDICES**



- 8.1 Appendix 1 - Cropwood Estate Plan – Forest School

## **9 BACKGROUND PAPERS**

None



© Crown Copyright and database right 2024. Ordnance Survey AC0000819638.  
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

 <b>Birmingham</b> City Council		Kathryn James MRICS Assistant Director of Investment and Valuation Place, Prosperity & Sustainability Directorate 10 Woodcock Street Birmingham, B7 4BG		
		Blackwell First School St Catherines Road Blackwell		Scale (Main Map) 1:1,250