

BIRMINGHAM CITY COUNCIL

**TRUST AND CHARITIES
COMMITTEE
5 MAY 2023**

**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON FRIDAY 5 MAY 2023
AT 1030 HOURS IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM**

PRESENT: - Councillor Jilly Bermingham in the Chair.

Councillors Basharat Mahmood and Mumtaz Hussain.

ALSO, PRESENT: -

Nigel Oliver – Birmingham Property Services

Rajesh Parmar – Legal Services

Johnathon Stephen – Senior Landscape Architect

Alison Jarrett – Director of Group and Capital Finance

Sofia Mirza – Committee Services

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NOTICE OF RECORDING

1109 The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTEREST

1110 The Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

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Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES

1111 Councillor Kath Scott, Adrian Delaney, Rashad Mahmood and David Pears.

MINUTES

1112 The Minutes of the meeting of the Committee held on 13 March 2023, having been circulated, were confirmed by the Committee and signed by the Chair.

REPORT NO. 5 - CADBURY BARN TRUST AND BIRMINGHAM SCHOOL OF BELL RINGING – DELAYS TO THE PROJECT TO DEVELOP FACILITIES AT THE ENTRANCE TO MANOR FARM PARK

John Stewart introduced himself and presented Simon Linford to members. Manor Farm Park was formally George Cadbury's estate. It became a public park in 1955. It is a 20-hectare site. It is a key part of Birmingham's history. The trust has worked with BCC to develop the site, there is no funding from the city required for this. In 2016 it was apparent that trustees would need to see a variation in the deeds in order to carry out the work. There has been a response from the Charity Commission but unsure what it is. Need the lease as time is running out. In 2020 they were introduced by city officers.

Simon Linford introduced himself to members. Previously tried to find a secular home for Birmingham School of Bell Ringing. The leader has been keen on finding a home for Bell ringing as it is something that Birmingham does really well. There is a symbiotic relationship between Cadbury Barn and the school. The two projects are complementary. The issue is the delay as they have been waiting for 6 years, discussions with city officers need to be made for the development of the site and lease. The Chair asked if the funding includes the maintenance of the property. John Stewart stated that no funders will speak to them until they have a prospect of the lease which they have not got due to the delays.

The City Solicitor stated there are three options, the first: a short lease is used for cafes, facilities and toilets which should be straightforward. The second option is that they can have a commercial lease for both Cadbury Barn and School of Bell Ringing. The third option is to obtain a scheme from the Charity Commission which changes the use from recreation to educational and having a different trust. If you wanted to rent out the space, there will be complications therefore there needs to be a more formal lease. It would operate independently to the park. The City Solicitor stated that if this was taken to full council for a resolution it would need a full business case to be presented to members.

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John Stewart replied they are not in the position to state which one they prefer as they need to have discussions before they make their decision. They have a business case, which needs to rest upon what consideration is going to be from City Council as they don't know they can't put forward a business case. Would like to have semi-formal conversations with City officers.

Simon Linford enquired about the length of the commercial lease, the City Solicitor replied that it would be commercial rent and the repair obligations, which would need an independent evaluation. It depends on funding and the condition of the property. This would be the quickest way to have the building back into use and would not have to go to the Charity commission as this would not be changing the objects for use.

John Stewart stated that they want to explore the 3 options with City Officers and then come back to the June meeting with a solution. The City Solicitor stated that if we started with a short lease to begin with and it was working well it could be taken to the Charity commission to ask for further options. It will cost a substantial amount to bring the buildings back into use which the full council will need to be satisfied with the use before they approve. John Stewart stated that they have been working on this since 2011 and have been aware that they need to have a project that is financially sustainable and viable. He stated that it is impossible for a charity to get revenue without a lease. Have funding for an interim solution at present.

The City Solicitor asked who would take this forward as we will need to have commitment from both sides financially. As both parties want a discussion, we need to find someone from the trustee to speak to them with the responsibility of funding. John Stewart stated that the granting of the lease is the main objective, speaking to city officers and entering negotiations for lease is the primary objective. Until informal discussions have taken place progress regarding costs it cannot happen. Have a plan with designs but still need a lease. Birmingham Property Services would be the first person to contact for a lease.

1113

RESOLVED: -

Members agreed that until informal discussions have been held the application cannot be agreed.

REPORT NO. 6 – SMALL HEATH PARK – PROPOSED LANDSCAPE DEVELOPMENT

The Senior Landscape Architect proposed a number of landscape improvements to Small Heath Park, biodiversity improvements to the lake to help with the stagnation of the pond. Improved central seating areas with litter bins in the park, artificial cricket wicket. Improved equipment to the play area and the multi-use games area. Restoration of the mogul garden. Proposal for a new outdoor gym area for older children up to adults and elderly users. Picnic area for families. Running marker in the park.

Had over 100 people respond online to the application, from the results tabulated the outdoor gym area was the most popular choice. The least popular

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item was the restoration of the mogul garden and the outdoor running marker. Look to implement the top scoring items within budget. Councillor Mumtaz Hussain asked how long it should take to complete, they stated it would take roughly 6 months. The budget is £167,000 which is section 106 money. Rajesh stated that the costs are coming from section 106 and raised the question of who would be paying for the maintenance costs, Johnathon replied that it would be BCC costs.

1114

RESOLVED: -

The application was agreed by the Committee.

REPORT NO. 7 - APPLICATIONS FOR GRANT FUNDING TO BIRMINGHAM MUNICIPAL CHARITY

The Director of Group and Capital Finance confirmed that the balance on the fund and stated there were no concerns over available funding, the public report set out that when the applications come in there is an audit check with finance with the work that is being done and the work that has been proposed to be done. The proposals were done with our satisfaction and legal colleagues' satisfaction. The detail is then presented to members.

The applications contained private information for individuals and were therefore not suitable for public view. The Chair stated that at the informal meeting it was proposed informally that they would be paid on an informal basis.

Alison asked if members have integrity on the grant and if they could set a level on the types of spend that they are not content with. The Chair stated that one of the proposals was that salaries is something that is not a good way to go as it is on an ongoing basis.

Alison asked members for a timeline that would help with meeting members requirements. The Chair stated that the invoices should be produced within 12 months. There is a cap on the grant and the Chair stated the cap should be £10,000 which should be the cap. Members agreed on this.

1115

RESOLVED: -

The application was agreed by the Committee.

OTHER URGENT BUSINESS

None submitted.

AUTHORITY TO CHAIR AND OFFICERS

1116

RESOLVED: -

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

The meeting ended 1044 hours.

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CHAIR