

# **BIRMINGHAM CITY COUNCIL**

## **TRUSTS AND CHARITIES COMMITTEE**

**MONDAY, 10 JUNE 2024 AT 11:00 HOURS**  
**IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

### **A G E N D A**

#### **1 NOTICE OF RECORDING/WEBCAST**

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.

#### **2 DECLARATIONS OF INTERESTS**

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.

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.

3 **APOLOGIES**

To receive any apologies.

4 **APPOINTMENT OF COMMITTEE AND CHAIR**

To note the resolution of the City Council appointing the Committee, Chair and Members to serve on the Committee for the period ending with the Annual Meeting of the City Council 2025.

**8 Members**

**Labour (5):-**

Councillors Phil Davis, David Barker, Marcus Bernasconi, Chaman Lal and a Vacancy.

**Conservative (2):-**

Councillors David Pears and Adrian Delaney.

**Liberal Democrats (1):-**

Councillor Mumtaz Hussain.

5 **ELECTION OF DEPUTY CHAIR**

To elect a Deputy Chair, for the purposes of substitution for the Chair, if absent, for the period ending with the Annual Meeting of the City Council in 2025.

**5 - 10**

6 **MINUTES**

To confirm and sign the minutes from the last meeting held on 11 March 2024.

**11 - 12**

7 **TERMS AND REFERENCE OF THE TRUST AND CHARITIES COMMITTEE**

To note the Terms and Reference of the Committee.

**13 - 18**

8 **CROPWOOD ESTATE - GRANTING A LICENCE TO A FOREST SCHOOL**

Report of David Harris, Assistant Director of Corporate Landlord Place, Prosperity & Sustainability Directorate

9 **CHAIR'S UPDATE ON COMMITTEE MATTERS AND ARRANGEMENTS FOR 2024/2025**

To receive a verbal update from the new Chair.

10 **SCHEDULE OF FUTURE MEETINGS**

To note the scheduled dates for 2024/2025:

**2024:-**

16 September 2024

11 November 2024

**2025:-**

20 January 2025

10 March 2025  
12 May 2025  
To note that all meetings will start at 11am.

11 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.



# BIRMINGHAM CITY COUNCIL

<p><b>TRUST AND CHARITIES COMMITTEE 11 MARCH 2024</b></p>
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**MINUTES OF A MEETING OF THE TRUSTS AND CHARITIES COMMITTEE  
HELD ON MONDAY 11 MARCH 2024 AT 1130 HOURS IN COMMITTEE  
ROOM 2, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM**

**PRESENT:** - Councillor Marcus Bernasconi in the Chair.

Councillors David Pears and Phil Davis

**ALSO, PRESENT:** -

Zahid Mahmood – Education Capital Projects Manager  
Emma Bourne – Property Manager  
Rajesh Parmar – Legal Services  
Alison Jarrett – Director of Group and Capital Finance  
Philip Andrews – Head of Service  
Sofia Mirza – Committee Services

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**NOTICE OF RECORDING**

1123 It was noted that the meeting would 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 were confidential or exempt items.

**DECLARATIONS OF INTEREST**

1124 Councillor Phil Davis declared a non-pecuniary interest in matters relating to the Chamberlain Highbury Trust, as he represents the Council on the Trust.

**APOLOGIES**

1125 Councillors Maureen Cornish and Kath Scott.

**MINUTES**

1126 The Minutes of the meeting of the Committee held on 15 January 2024, having been circulated, were confirmed by the Committee, and signed by the Chair.

1127

**COMMISSIONERS REVIEW AND COMMENTS ON THE AGENDA**

The review and comments provided by the Commissioners was noted by members.

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**REPORT NO. 6 – CROPWOOD ESTATE – FORMER HUNTERS HILL COLLEGE SITE**

The Chair invited officers from Education to present their report. The Education Capital Projects Manager introduced himself to members and presented the report to the Committee. The report was joint with Education and Corporate Landlord. Through statutory requirements and guidance Birmingham Cabinet approved the proposed closure of Hunters Hill College. Following consideration from the Overview and Scrutiny Committee on the 8<sup>th</sup> Birmingham City Council determined to implement the proposal and Hunters Hill College was closed effectively from 31<sup>st</sup> August 2021. Education services were withdrawn from the site which was then secured and cleared of Education furniture. Education continued to maintain the site and a report was brought to the attention of the committee whereby there was an agreement that it could not be passed onto Corporate Landlord to manage on behalf of the Trust and Charities Committee until full vacant possession had been maintained.

Vacant possession of the site has been obtained and the report is being brought forward to confirm that the land will now be managed from the 31<sup>st</sup> March via corporate landlord who will then bring forward additional information via the independent external property and guidance support to advise on the future of the site for Trust and Charities.

Councillor Pears asked if officers had been in consultation with Worcestershire Council or any relevant Council in the area where Cropwood was as it is outside Birmingham. The Education Capital Projects Manager replied and said that through part of the independent advice it would be taken into consideration and that though consultation and how it fits in with their potential development proposals across the neighbouring authority and how that would be brought forward for disposal or leasing it further. Councillor Davis raised concerns of vacating the site and issues of vandalism and destruction of property as disposal may take a long time, therefore what action can be taken to protect the site in the interim. Councillor Davis stated that a local resident contacted him stating that the parish council has had a close relationship with the site, using parts of it. Councillor Davis therefore asked if the local parish council could be spoken to regarding support with a community watch idea. The Chair commented that it was a concern that was raised previously, in item 6.1 of the report the estimated ongoing annual cost to maintain the present level of security and site maintenance would be in the region of £150,000 a year. Questions were raised about what money was still available in the Trust for that spend and how quickly we would need to pursue disposal to make sure that money did not run out by the time the property was released.

The Chair invited officers to speak regarding the issues raised. The Education Capital Projects Manager replied that services were withdrawn in 2021 and therefore, for the last several years from an education perspective they have been ensuring the site was managed and maintained and capital boarded up

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and secure and safe. Moving forward the responsibility moved to Corporate Landlord colleagues who continued to maintain the site at the same level or reduced level to ensure that the security of the site. Colleagues are aware of the limited resources, but they will be bringing the site forward within a reasonable period to ensure the budget further pressed upon. There was also the opportunity to ensure that any future capital receipt could be aligned to any of the security savings moving forward to ensure the site remains maintained and secure.

Councillor Davis raised that he was told by local residents that the site was insecure and had been vandalised. The Education Capital Projects Manager stated that it would surplus size across the city. Efforts were made to maintain the site as best as possible and provided a level of security where that it was deemed necessary. Unfortunately, as a regular presence could not be continued on the site there was the chance that it would be vandalised. As soon as a notification is received security goes back to secure the site and make it safe again. The Head of Service of Property stated they would consult with Education colleagues to see what had worked and what has not worked previously with the budget available.

Councillor Pears stated that the security arrangement was not proactive as £3000 a week was being paid, making it £150,000 a year. The Project Officer replied that there were security cameras on both sides of the building which were monitored by the 24/7 hub. Therefore, if anyone was noticed on the site the hub would be notified and would come straight out. There are security patrols that take place several times a week and come out twice a day which are both internal and external patrols. Councillor Davis asked officers for another report for the next meeting regarding security measures from a financial standpoint. The Chair agreed for this report to be presented at the next meeting. The Chair invited the Head of Service to provide an overview of the timeline for disposal of the site. The Head of Service stated that in terms of disposals the Constitution of the Trust and the obligations in how the trust is managed would be looked out. Engagement with external agents would be taking place to produce an approach that connects with the background so best value for Trust is obtained including a methodology and approvals route to secure any disposal.

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**RESOLVED:** -

Members agreed the report and recommendations.

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**REPORT NO. 7 – Highbury Trust – Award of Funds to Chamberlain Highbury Trust**

The Chair of the Chamberlain Highbury Trust David Kidney introduced himself and the trustee and treasurer Deidre Matinson to members of the committee.

Councillor Davis stated that he would not be speaking or voting on this item but would remain in the meeting as it would end up being inquorate.

A report was presented by the Director of Group and Capital Finance. Every year funds are awarded from the Highbury Estate to Chamberlain Highbury

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Trust in support of the work they continue to do with the National Lottery Heritage Fund to achieve a significant grant for the refurbishment of the Highbury Hall. The request for this year 24/25 is £38,000 from the unrestricted funds to be passed to Chamberlain Highbury Trust which will be done by finance colleagues. The funds are available to achieve this, and the report was presented for committee members to approve.

The Chair invited the Chair of the Highbury Trust to speak. The Chair of the Highbury Trust stated that they read the officers report and was the author along with Deidre's help. The first part of the report was about the completion of the development phase for a restoration project at Highbury. There was a spend of over £600,000 which was contributed by the National Lottery Heritage Fund, Birmingham City Council, Highbury Trust and a small contribution from their own funds to pay for a series of plans prepared by a professional team, who have been consulted widely upon in the community and have resulted in a definitive restoration plan at stage 3 which had costed last August at £12m. There is continuation of funds from National Lottery Heritage in addition to the development grants which they paid £368,000. They have now confirmed a delivery grant of £5m. The grant is conditional on securing the money from Birmingham City Council and the Highbury Trust that were subject to decisions of this Council prior to Section 114 notices effect. A grant has been secured from Garfield Western Foundation of £150,000. The Chair of the Highbury Trust stated they helped Birmingham City Council with an application to Salix, a government fund providing grants and loans to councils for green energy of over £300,000 as they would like all the energy sources to come from ground source heat pumps as a sustainable solution at Highbury. The Chair of the Highbury Trust stated that they would be applying this month or the next to the Community ownership fund for approximately £1m towards the grant. Smaller money has been secured from other trusts and charities, and other applications are also going ahead with other trusts and charities. There is a target to raise £2m. The Chair of the Highbury Trust stated they are dependent on £5m coming from Birmingham City Council in round figures and three and half million pounds from Highbury Trust funds. The Chair of Highbury Trust stated that the Commissioners would be assured that an asset which is currently an ongoing liability would be taken off the Council's books.

The budget for the current financial year 23/24, the committee had approved an allocation from Highbury Trust for £33,300 to go towards non-development phase activities. The money has been spent and been slightly overspend over £1000. The Chair of the Highbury Trust sought approval for another allocation from Highbury Trust to pay them £38,274.00 for non-delivery phase activities during the financial year. It was noted that Civic Catering would be vacating the premises in September 2024, leaving the property empty. As there will be a delay in start whilst finding out whether the Council can find the funds to pay for the restoration the property will stand empty and there are concerns regarding security and maintenance of valuable works of art and artefacts inside that need an environmentally controlled environment. There is a plan that will be needed by September 2024 for the maintenance until the restoration project can proceed.



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Councillor Pears asked for a reminder of what was currently available in the unrestricted funds and whether civic catering would be able to stay on the site.

The Director of Group and Capital finance answered Councillor Pears, she stated that spend control has taken place and many decisions particularly capital decisions were on hold. However, there is a draft report on the April Cabinet pre-agenda to approve an amount of money and will be looking at ways in which a full capital fund can be supported moving forward. The April report looks at various contracts and innovations and will continue to help where needed with The Chair of Highbury Trust and the trustees. When the April report has been published it will give more details as it was currently a draft report questions regarding the amount that was in unrestricted funds could not be answered. The Chair asked the Director if a report could be presented at the next meeting to discuss the funds. The Director stated that she would speak to colleagues in finance regarding Civic Catering.

The Chair invited the City Solicitor to speak. The City Solicitor raised concerns regarding the capital position from the point of view of the Council. Furthermore, it was stated that a report to full council could not make a decision until there was some assurance about the funding levels going forward as the trust would need to be assured that the capital committee from City Council had been agreed and then the documents could be approved subject to completing the transfer of assets across the Chamber and Highbury Trust.

The Director replied to the City Solicitor and stated that for clarity, this was regarding Civic Catering who do weddings and events and stated that their exit was timed according to the refurbishments. The Chair asked officers if members of the Committee would have sight of the draft report and if the Chamberlain Highbury Trust would also have sight of it. The City Solicitor stated that a draft report was shared with representatives from Chamberlain Highbury Trust for their comments and was awaiting a response from them.

The Chair invited the Chair of Highbury Trust to speak, The Chair of Highbury Trust stated that there is a figure of £2m that has been quoted to him regarding how much was in Highbury Trust. Furthermore, there was no criticism of Civic Catering for going for the reasons stated, however it is a business decision for them if they choose to stay when they have no bookings for any activities. As volunteers some activities could be planned to allow the property to remain active during some of the winter months, but this would not allow a permanent presence on the site. The Chair of the Highbury Trust stated that in a pitch meeting that took place in front of member of the National Lottery Heritage Fund regarding the £5m funds they understood the difficulties the Council had and there was talks about the flexibility of the lottery money being spent in the first project and the Council money being spent second allowing the Council time to build up its amount.

Councillor Pears asked the question of what was in the unrestricted funds. The Director of Capital and Group Finance stated that the accountant had been contacted, a report back was dependent on how long the meeting was. She stated there was over £170,000 in unrestricted cash provision which was

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enough to fulfil the request. The Chair asked the Director if she could circulate the figures to the wider membership of the committee.

The Chair drew members attention to the recommendations attached to the report under point two regarding the awarding of a grant to Chamberlain and Highbury Trust as set out in the draft budget for 24/25.

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**RESOLVED: -**

Members of the Committee agreed the report and the grant.

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**DATE AND TIME OF NEXT MEETING**

The committee noted the date of the next meeting was 30 April 2024  
1000 hours in Committee Room 2.

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**OTHER URGENT BUSINESS**

None submitted.

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The meeting ended 1215 hours.

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CHAIR

## TRUSTS AND CHARITIES COMMITTEE – TERMS OF REFERENCE

### Role

- i. The Trusts and Charities Committee will exercise the administrative powers and duties of Full Council as trustee (“Council as Trustee”) in relation to all trusts for which the Council is sole corporate trustee (the “City Trusts”).

### Functions

- i. The Trusts and Charities Committee is authorised to discharge the following functions:
  - To advise Council as Trustee in all matters relating to the Trusts and Charities under the control of the Council;
  - To receive and discuss all audit reports on Trusts and Charities and recommend actions to the Council as Trustee where required;
  - To review and approve the City Trusts annual accounts and final accounts; and recommend actions to the Council as Trustee where required;
  - To approve Charity Commission returns and all other regulatory documents;
  - To inquire of and respond to the Charity Commission and any other regulatory bodies;
  - To respond to enquiries from Auditors or Independent Examiners;
  - To be responsible for ensuring that legal responsibilities are met;
  - To ensure the objects and purposes of each individual City Trust are properly promoted in accordance with charity law;
  - To ensure (through the Finance Department and Accounting systems) that there is an appropriate system of control over income and expenditure, and that there are robust governance arrangements in place;
  - To have oversight of allocation of funds, donations and investment income, to ensure these are accounted for accordingly.
  - To be responsible for advising Council as trustee on all matters relating to the investments of the funds. This will include the appointment, and subsequent performance monitoring of the official Investment Advisers;
  - To take any other action deemed appropriate or necessary to ensure the proper management and administration of the City Trusts.
- i. Full Council sitting as “Council as Trustee” will be responsible for decisions concerning the use and/or disposal of charity property and assets, and will delegate the management of any City Trust to the Trusts and Charities Committee, with assistance from the Legal, Finance and Property Services team as and when required.

## Membership

Members of the Trusts and Charities Committee, and its Chair, are appointed by Full Council. There are eight members of the Committee, and the quorum is three members.

# Birmingham City Council

## Report to Trust and Charities Committee

10<sup>th</sup> June 2024



<b>Title:</b>	<b>CROPWOOD ESTATE – GRANTING A LICENCE TO A FOREST SCHOOL</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Phil Davis, Chair of Trusts & Charities Committee
<b>Relevant Overview and Scrutiny Committee:</b>	N/A
<b>Report Author:</b>	Philip Andrews, Head of Operational Property Management Place, Prosperity & Sustainability Directorate Phone Number: (0121) 303 3696 Email: <a href="mailto:philip.andrews@birmingham.gov.uk">philip.andrews@birmingham.gov.uk</a>
<b>Authorised by:</b>	David Harris, Assistant Director of Corporate Landlord Place, Prosperity & Sustainability Directorate
<b>Is this a Key Decision?</b>	No
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	No
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for ‘call in?’</b>	Not Applicable
<b>If not eligible, please provide reason(s):</b>	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.

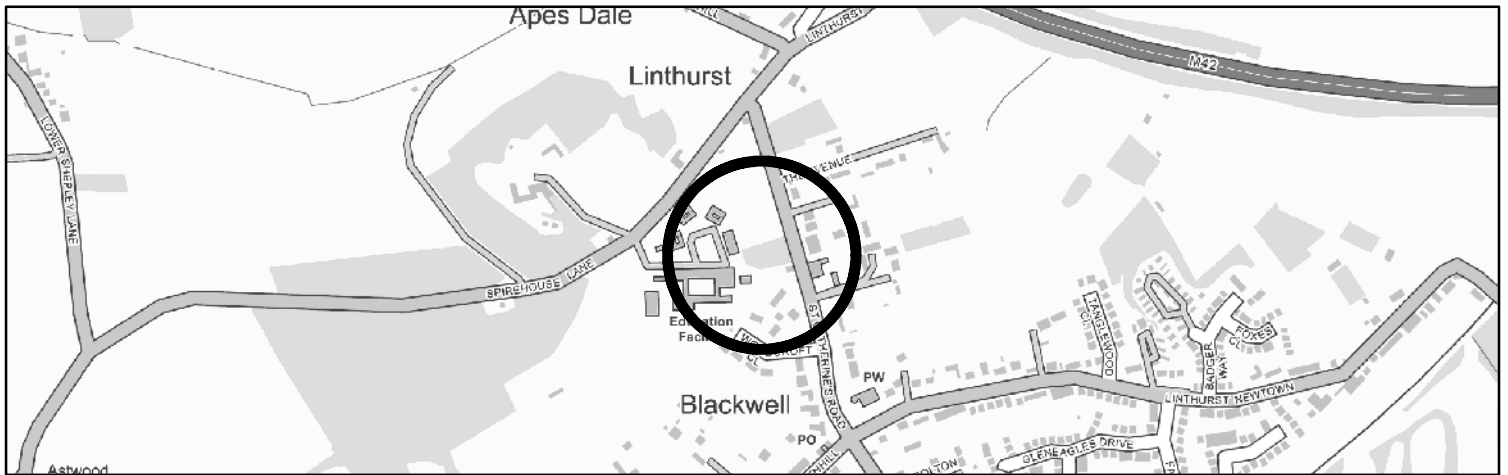
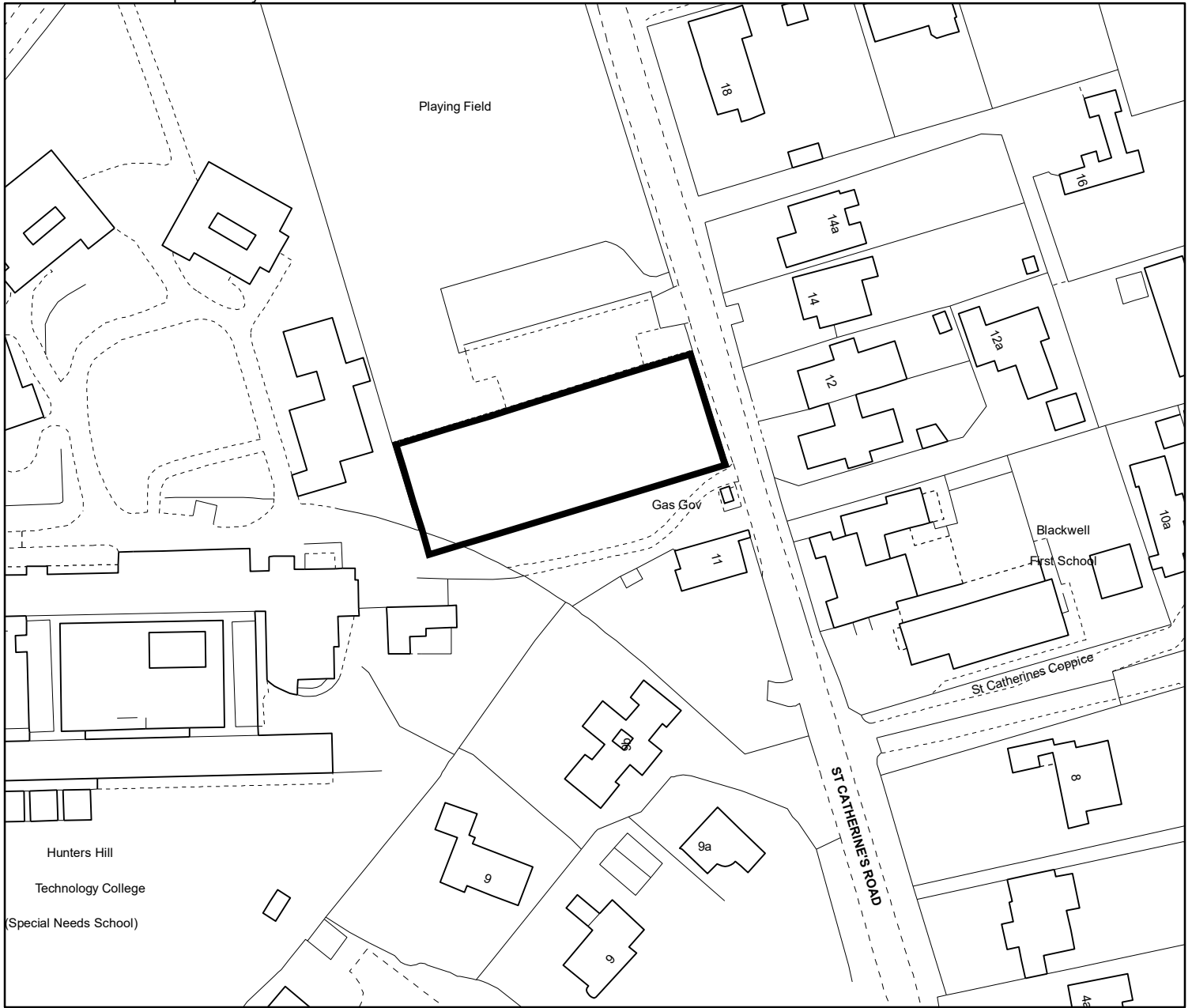
### **Other**

## **8 APPENDICES**



- 8.1 Appendix 1 - Cropwood Estate Plan – Forest School

## **9 BACKGROUND PAPERS**

None



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