

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 30 OCTOBER 2020

**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON FRIDAY 30 OCTOBER 2020
AT 1400 HOURS AS AN ON-LINE MEETING**

PRESENT:- Councillor Akhlaq Ahmed in the Chair;

Councillors Adrian Delaney, Shabrana Hussain, Mohammed Idrees and Mike Sharpe.

ALSO PRESENT:-

Councillor Zhor Malik – Councillor for Balsall Heath West Ward
Nigel Oliver – Birmingham Property Services
Graham Arrand – Senior Business Analyst, Finance
Rajesh Parmar – Legal Services
Phil Wright – Committee Services
Mike Williams – Chamberlain Highbury Trust
Les Sparks – Chamberlain Highbury Trust
John Stewart – Cadbury Barn Trust
Lesley Pattenson – Cadbury Barn Trust

NOTICE OF RECORDING

- 1109 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

- 1110 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

- 1111 An apology was submitted on behalf of Councillor Gurdial Singh Atwal for his inability to attend the meeting.

MINUTES

1112 **RESOLVED:-**

That the public section of the Minutes of the last meeting of the Trusts and Charities Committee held on 18 March 2020 be noted.

MATTERS ARISING

1113 There were no matters raised.

At this juncture, the Chair agreed to vary the running order of the agenda so that Other Urgent Business was considered at this time.

OTHER URGENT BUSINESS

The Chair was of the opinion that this item could be considered as a matter of urgency in order to instruct officers if necessary.

Calthorpe Park

The Chair indicated that he had invited Councillor Zhor Malik to the meeting as he (Councillor Malik) had concerns relating to issues in the report to Council as Trustee at the meeting to be held the following Tuesday in relation to Calthorpe Park which was situated in Councillor Malik's Ward, Balsall Heath West.

Councillor Zhor Malik indicated that in the agenda for the forthcoming meeting of the Council as Trustee was a report containing reference to Calthorpe Park. The Council as Trustee was being recommended to:

'authorises that applications be made to the Charity Commission to obtain either an Order or Scheme for the better management of the trust assets including a power of disposal and if appropriate an Order to permit a disposal to a 'connected person'.'

The issue of concern was what was meant by 'connected person' and many believed that this was Birmingham City Council (BCC) which could not be correct as they were already managing the site.

Councillor Malik went on to advise that Council as Trustee was also being recommended to;

'authorises the disposal by way of a lease for up to 30 years from an early date to be agreed, of the land currently allocated to the Service being granted to a suitable community organisation.'

He believed that these two recommendations were contradictory and were not in accordance with the report that went to Committee in January 2020 which he

Trusts and Charities Committee – 30 October 2020

referred to in detail. The connected person was BCC but there was already a community organisation on site which leases part of the site from BCC. Councillor Malik indicated that a solicitor who had come to him about this had given an example of a household tenancy where there is a sitting tenant for explaining what a connected person was. Therefore, it implies that the connected person is the person using the premises. He would want to see proper consultation and advertisement and he did not have an issue of which community organisation was in place as long as community use continued.

Councillor Malik further explained that the report in January also raised the issue of consultation and he noted that there had been no consultation with himself or others who knew what services were required in the area. It was not correct that Ward Councillors had been consulted. He acknowledged that in 2018 that a consultation on what activities had been wanted at various sites but this was not a consultation on the proposals going to Council as Trustee.

Rajesh Parmar, Legal Services, in relation to the 'connected person' issue explained that it was complicated by the fact that the City Council was involved as the Authority and as Council as Trustee. The park was held in trust by the City Council and leased it by the City Council to a third party. He confirmed that there would be some form of consultation but it maybe that the Council as Trustee would have to reach an agreement with the City Council eg the 'connected person'. Third Sector parties would then be invited to bid to run the premises but if the City Council wanted to lease from the Council as Trustee to provide community facilities/services the Council as Trustee would have to seek permission from the Charities Commission to do so.

Councillor Malik indicated that he was still concerned at the reference to BCC being the connected person as they were running the premises now. He did not mind if the decision went through Council as Trustee for disposal as long as there was a transparent consultation.

The Chair summarised that Councillor Malik wished to see consultation if the site was to be disposed and clarification within the report to Council as Trustee that BCC was the connected person. He sought Councillor Malik's agreement that he would be happy if those issues were addressed at Council as Trustee. Councillor Malik agreed.

Nigel Oliver, Birmingham Property Services, indicated that the changes put forward by the Chair were noted and were not in any way against the intentions set out in the report to Council as Trustee. He confirmed that, until Covid restrictions intervened the play centre was being hired out to a third party. He continued that the whole issue now and going forward was compliance with the fact the BCC and Council as Trustee were two different identities which had to be kept separate. BCC was the 'connected person' as it was most involved in the site.

Following further discussion it was agreed that officers add suitable wording to the Motion to be moved at Council at Trustee on 3 November 2020 in respect of Calthorpe Park to ensure that it was understood that BCC was the 'connected person' and should permission be forthcoming from the Charities Commission to

Trusts and Charities Committee – 30 October 2020

allow disposal consultation would be undertaken with the Ward Member and the public.

1114 **RESOLVED:-**

That officers add to the Motion relating to Calthorpe Park to be considered at the meeting of Council as Trustee on 3 November 2020 wording to indicate that Birmingham City Council is the connected person and that should disposal be allowed that Ward Member and public consultation would take place.

REVENUE BUDGET MONITORING 2019/20 - QUARTER 4 (TO 31 MARCH 2020)

The following report of the Chief Financial Officer was submitted:

(See document No. 1)

Graham Arrand, Senior Business Analyst, Finance, made introductory comments relating to the report

1115 **RESOLVED:-**

That the final income and expenditure position of Trusts and Charities as at 31st March 2020 the financial year 2019/20 be noted.

HIGHBURY TRUST - AWARD OF FUNDS TO CHAMBERLAIN HIGHBURY TRUST (UPDATE)

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

(See document No. 2)

Nigel Oliver, Birmingham Property Services, encountered technical difficulties so Les Sparks and Mike Williams, Chamberlain Highbury Trust, made introductory comments relating to the report. It was highlighted the 2019/20 Annual Report was also included in the papers before the Committee.

Nigel Oliver confirmed that he had no issues with the report confirming that officers were supportive of the work being undertaken on site despite Covid reducing the activities that could be undertaken.

It was:

1116 **RESOLVED:-**

That the Committee

- i) notes that a report allocating funds of £42,000 to the Chamberlain Highbury Trust was approved at the committee on 18 March 2020;

Trusts and Charities Committee – 30 October 2020

- ii) notes the report submitted by Chamberlain Highbury Trust to update the Committee on recent activity; to account for the allocations to the Chamberlain Highbury Trust from the Highbury Trust in 2019/20; and to report the up to date position on the allocations to the Chamberlain Highbury Trust from the Highbury Trust in 2020/21 as set out in Appendix 1;
- iii) notes the accounts of Chamberlain Highbury Trust for the financial year 2019/20 as set out in Appendix 2; and
- iv) instructs 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 actual spend is known.

GEORGE CADBURY FOR PUBLIC PARK - FREINDS OF MANOR FARM PARK PROGRESS REPORT

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

(See document No. 3)

Nigel Oliver, Birmingham Property Services, introduced the report by noting that Cadbury Barn Trust was the new name and the report provided a positional statement from the organisation.

Lesley Pattenson of the Cadbury Barn Trust made introductory comments on the report.

The Chair indicated that he wished to reduce the impact of Covid on the various trusts by returning to a normal pattern of meetings even if on Teams so that the work of the Committee could continue.

Nigel Oliver acknowledged that it had been correct for the Trust to remind the Committee of the length of time matters had been outstanding and he hoped an appropriate dialogue could take place to consider the business plan and a revised business plan once the long term effects of Covid were known. He added that it was positive that the school of bell ringers had come on board to help with funding. He noted that everyone was looking for a sustainable project that was open to the public and the starting point was an application to the Charity Commission.

It was:

1117 **RESOLVED;-**

That the Committee notes:

- i) previous reports to Committee for proposals for the development of community facilities within the park have been brought in the name of the

Trusts and Charities Committee – 30 October 2020

Friends of Manor Farm Park but future reports will be in the name of Cadbury Barn Trust a new Charitable interest Organisation reg.no. 1190666

ii) the report set out in appendix 1

DATE OF NEXT MEETING

1118 **RESOLVED:-**

That it be noted that the next meeting will be held on Wednesday 2 December 2020 at 1030 as an on-line meeting.

OTHER URGENT BUSINESS (continued)

1119 There was no other urgent business raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

1120 **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.

EXCLUSION OF THE PUBLIC

1121 **RESOLVED:-**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Private Minutes of the last meeting – Exempt paragraph 3
