

BIRMINGHAM CITY COUNCIL

CABINET MEMBER AND CHIEF OFFICER

THURSDAY, 23 APRIL 2020 AT 00:00 HOURS
IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

3 - 20

1 HIGHBURY HISTORIC GARDEN RESTORATION PROJECT GRANT
ACCEPTANCE AND PROJECT DELIVERY

Report of Acting Director - Neighbourhoods

Birmingham City Council

Report to Cabinet Member for Street Scene and Parks

22 April 2020



Subject: **HIGHBURY HISTORIC GARDEN RESTORATION
PROJECT GRANT ACCEPTANCE AND
PROJECT DELIVERY**

Report of: **Acting Director - Neighbourhoods**

Relevant Cabinet Member: **Councillor John O'Shea, Street Scene and
Parks**

Relevant O &S Chair(s): **Councillor Penny Holbrook, Housing and
Neighbourhoods**

Report author: **Bob Churn, Head of Landscape and
Development**

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Moseley		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

1.1 The Chamberlain Highbury Trust (CHT) in partnership with the Council is seeking to improve the gardens and reopen the original access drive to the house within the Highbury estate.

1.2 The CHT has been successfully seeking external funding, with approval from the Birmingham Trusts and Charities Committee, and now executive approval is sought for the Council to accept grant offers of £100,000 from

Highbury Historic Garden Restoration Project

Historic England and £99,900 from the Heritage Lottery Fund, to act as the accountable body for the defrayal of the grant, to deliver the project works and engage a local volunteer co-ordinator and an activities manager.

2 Recommendations

2.1

- That the Cabinet Member for Street Scene and Parks:
 - Authorises the acceptance of £99,900 of National Lottery Heritage Fund (NLHF) grant and £100,000 of Historic England (HE) grant towards total eligible project costs of £302,400 for the restoration and improvement of Highbury historic garden, including an activities programme and recruitment of volunteers and agrees to act as accountable body for the defrayal of the grants.
 - Authorises the Head of Landscape and Development to develop the capital works element of the project and place an order for up to £256,610 with an approved contractor to deliver the work through the Landscape Construction Framework Contract 2019-23 or an approved procurement route via finditinbirmingham.com
 - Approve professional fees of £30,000 to allow the Head of Landscape and Development to carry out the detailed design and implementation of the works on site to completion and undertake procurement activities to select and appoint a Volunteer Co-ordinator for the project.
 - Approve the revenue expenditure of £15,790 on the procurement of a Volunteer Co-ordinator and delivery of volunteering activities and events and the purchase of gardening tools.

3 Background

- 3.1 The Highbury Estate comprises approximately 13.03 hectares (32.2 acres) of park land including Highbury Hall and Chamberlain House and three lodges.
- 3.2 The Estate was gifted by the heirs of the Right Honourable Joseph Chamberlain on 31st March 1932 and is held in trust as Registered Charity no 1039194 since 1994. Chamberlain Highbury Trust registered charity no. 1169845 has been set in place since December 2015 to best resolve the governance issues and to manage the Estate and seek external grants to enable the refurbishment of Highbury.
- 3.3 The Chamberlain Highbury Trust has been successfully seeking external funding, with approval from the Birmingham Trusts and Charities Committee, and now seeks approval to accept grant offers of £100,000 from Historic England and £99,900 from the Heritage Lottery Fund, and to deliver the project works.

- 3.4 A Memorandum of Understanding has been drawn up between the Chamberlain Highbury Trust and the City Council. This agreement sets out project aims, timescales, work package and roles and responsibilities, with The Landscape Practice Group being responsible for detailing and delivering the capital works in line with the project programme and budget, and appointment of a volunteer co-ordinator. The capital works comprise reinstatement of paths; entrance and railing improvements; restored planting areas; and installation of a composting toilet. This delegated approval will authorise the Landscape Practice Group to prepare detail designs and specifications and place an order with an approved contractor from the Landscape Construction Framework 2019-23 or through an alternative approved procurement route to undertake the capital works; as well as procure and appoint the Volunteer Co-ordinator.
- 3.5 Contributions from the Highbury Trust and the Chamberlain Highbury Trust have been made available for the project in the sum of £80,000 and £22,500 respectively.
- 3.6 It was anticipated that the works would commence on site in June 2020 and would be completed by the end of February 2021. However due to the current COVID 19 pandemic the project timetable is subject to slippage and new dates will be agreed with the relevant funding partners.

4 Options considered and Recommended Proposal

- 4.1 The establishment of the CHT has enabled long-standing governance issues relating to the Highbury estate to be determined on behalf of the Highbury Trust. The CHT's bids therefore represent the best opportunity to secure new resources to improve the Trust assets. There is currently no alternative to progressing matters other than through the CHT and therefore to properly support their bids financially and accept the role of accountable body for the defrayal of the grants is an appropriate use of Council resources which will secure improvements to the Highbury Estate.

5 Consultation

- 5.1 Consultation has been embedded in the development of this project from the start in the setting up of the Chamberlain Highbury Trust to manage the restoration of the house and gardens at Highbury. The Trust then set up a Protocol Group of all the main community partners operating in or around the site and wider Highbury estate. Progress has been regularly reported to the Ward Forum and the Trusts and Charities Committee. In addition, The project's activities have been devised through a number of consultation mechanisms beyond the main Protocol Group which include: the results of visitor surveying at the Heritage Open Day on 15 September 2019, the establishment of a Youth Board to act as advocates for Highbury and shape what happens, as well as conversations and connections made for example

with local schools, Let's Grow Together, Kings Heath Litter Pickers, Moseley Community Development Trust and Birmingham Eco Bricks.

6 Risk Management

- 6.1 There are grant clawback implications relating to the funding awards which would be carried by the Parks Service on behalf of the Chamberlain Highbury Trust. This risk will be minimised by the project team, who will work closely with Corporate Procurement to ensure compliance with procurement requirements and the project will be managed day to day by The Landscape Practice Group to ensure a timely implementation subject to paragraph 3.6 above and delivery of the agreed project outcomes.
- 6.2 A Memorandum of Understanding has been agreed between the CHT and the Council to establish a governance structure, the principles of partnership working and to set out areas of accountability and the key objectives of the project.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The proposed scheme will contribute to the Council's Key Outcomes:

An aspirational city to grow up in: through the visible investment and physical improvement of this important cultural site special to the heritage of Birmingham; increased numbers and diversity of adults and young people will be able to enjoy being involved in the restoration and management of the site and learn new skills.

A great city to live in: through the provision of improved circulation; and a restored historic landscape, children, adults and young people of all backgrounds and abilities will have improved access and enjoyment of this beautiful place, and so improved wellbeing, and recreational opportunities.

7.1.2 The project supports the commitment to the Future Council Programme, establishing an environment in which officers, residents, external partners and stakeholders can effectively and visibly work together. This will aim to make best use of the resources available and attract external funding to achieve a shared vision.

7.2 Legal Implications

7.2.1 Under Section 19 of the Local Government Act (Miscellaneous Provisions) 1976, the Council has the power to provide such recreational facilities.

7.2.2 Birmingham City Council as sole corporate trustee holds the freehold interest of the land comprised in The Highbury Trust and is empowered to undertake actions to properly manage the assets of the Trust including affecting repairs and improvements. The CHT have been appointed to act as managing trustees for the Highbury Estate and have been supported in their previous applications for funding of works at Highbury.

7.3 Financial Implications

7.3.1 The capital expenditure and proposed funding is outlined in the table below amounting to £0.287m

Budget required:	2020-21	2021-22	TOTAL
Professional fees	£27,000	£3000	£30,000
Landscape Construction Works	£243,780	£12,830	£256,610
TOTAL BUDGET REQUIRED	£270,780	£15,830	£286,610
Budget available:			
National Lottery Heritage Fund Grant £99,900	£89,910	£9,990	£99,900
Historic England Grant £100,000	£98,115	£1,885	£100,000
The Highbury Trust (BCC)	£80,000	£0	£80,000
Chamberlain Highbury Trust	£2,755	£3,955	£6,710
TOTAL BUDGET AVAILABLE	£270,780	£15,830	£286,610

7.3.2 The revenue expenditure and income is outlined in the table below amounting to £0.015m

Budget required:	2020-21	2021-22	TOTAL
Professional fees for CHT volunteer co-ordinator and activity planner	£8,000	£3,750	£11,750
Recruitment costs	£510	£0	£510
Garden tools purchase	£1,490	£0	£1,490
Volunteer expenses	£510	£0	£510

Sustainability festival event costs	£765	£0	£765
Marketing materials	£300	£465	£765
TOTAL BUDGET REQUIRED	£11,575	£4,215	£15,790
Budget available:			
Chamberlain Highbury Trust	£11,575	£4,215	£15,790
TOTAL BUDGET AVAILABLE	£11,575	£4,215	£15,790

7.3.3 The proposed restoration works include many essential landscape maintenance items to bring the historic gardens into a state where they are more manageable to maintain. In addition, this project funds a Volunteer Co-ordinator and Activity Planner whose work will bring forward teams of volunteers, who will be provided with garden tools to support the Chamberlain Highbury Trust and Birmingham Parks maintenance teams in managing the site. Therefore this project will have no net increase in the revenue costs for future grounds maintenance.

7.3.4 The financial risk of clawback on grant funding due to the current COVID19 pandemic will be mitigated through revised timelines on delivery agreed with funding partners as set out in paragraph 3.6

7.4 Procurement Implications

7.4.1 The project design and management work will be carried out by the Landscape Practice Group, within the Parks and Nature Conservation service and the works will be implemented by an approved contractor under the Landscape Construction Framework 2019-23, either by the requisite taxi-rank or mini-tender procedures if the 50% non-standard item threshold is exceeded or through another approved procurement route via finditinbirmingham.com.

7.5 Human Resources Implications

7.5.1 The Activities Manager will be procured directly by CHT and the Volunteer co-ordinator will be recruited through finditinbirmingham.com on a self-employed basis, with no short-term or long-term implications for the Council.

7.6 Public Sector Equality Duty

7.6.1 Equality forms an important part of this project. Restoration works improve access to this special site for wheelchair users and parents with

pushchairs, and activity events will be designed to bring new users into the gardens and build ownership of the site among underrepresented groups. A new Youth Board will be established, and volunteer teams will include adults with learning disabilities, people suffering from depression, young people, school children and students. An equality assessment has been carried out to reflect the work described above (See Appendices 1 and 2).

8 Background Documents

- 8.1 Report to Trusts and Charities Committee – Highbury – Proposed match funding in support of Chamberlain Highbury Trust Bid 13th November 2019
- 8.2 Highbury Gardens BCC Letter of support 13th December 2019
- 8.3 Memorandum of understanding between BCC and CHT 17th March 2020

List of appendices

Equality Act statement – Appendix 1

Equality Assessment EQUA505 – Appendix 2




APPENDIX 1

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) Marriage & civil partnership (b) Age (c) Disability (d) Gender reassignment (e) Pregnancy and maternity (f) Race (g) Religion or belief (h) Sex (i) Sexual orientation

Title of proposed EIA *	<div>Highbury Gardens Restoration</div> <div>Please provide the title of your policy or service area.</div>
Reference No	<div>EQUA505</div> <div>Please do not amend. A reference number will automatically be applied once the form is saved.</div>
EA is in support of *	<div>Amended Function</div>
Review Frequency *	<div>No preference</div> <div>Please select how regularly you plan to review the assessment.</div>
Date of first review *	<div>07/04/2021</div> <div>Based on the review frequency, please enter the date when your first review will take place.</div>
Directorate *	<div>Neighbourhoods</div>
Division	<div>Streetscene</div>
Service Area	<div>Parks and Nature Conservation</div> <div>Please add if applicable</div>
Responsible Officer(s) *	<div> Carol Unwin x</div> <div>This is the person responsible for completing, submitting and reviewing the assessment. If you get the message 'The user does not exist or is not unique'. Please enter the full email address.</div>
Quality Control Officer(s) *	<div> Leroy Pearce x</div> <div>This is the person responsible for checking the quality of the assessment. If you get the message 'The user does not exist or is not unique'. Please enter their full email address.</div>
Accountable Officer(s) *	<div> Robert Churn x</div> <div>This is the person responsible for making the final decision on the EIA and the policy, plan, procedure etc. If you get the message 'The user does not exist or is not unique'. Please enter their full email address.</div>
Purpose of proposal *	<div>Construction of landscape improvements, including reinstatement o</div>
Data sources	<div> <input type="checkbox"/> Survey(s) <input checked="" type="checkbox"/> Consultation Results <input type="checkbox"/> Interviews <input type="checkbox"/> relevant reports/strategies <input type="checkbox"/> Statistical Database (please specify) <input type="checkbox"/> relevant research <input checked="" type="checkbox"/> Other (please specify) </div> <div>What sources of data have been used to produce the screening of this policy/proposal? (Please tick all that apply)</div>
Please include any other sources of data	<div>Establishment of the Chamberlain Highbury Trust, and Protocol Group; surveying of visitors at a Heritage Open Day, and setting up of a Youth Board</div>
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS	<div></div> <div>Include how any potential negative impact be removed or mitigated.</div>
Protected characteristic: Age *	<div> <input checked="" type="checkbox"/> Service Users / Stakeholders <input type="checkbox"/> Employees <input type="checkbox"/> Wider Community <input type="checkbox"/> Not Applicable </div> <div>Please select those directly impacted or affected.</div>
Age details:	<div>Children and young people will benefit from the improved access to the gardens, with toilet facilities, and an improved environment. Older people will benefit from improved path surfaces, toilet facilities and additional seating.</div>

For the selected characteristics, please add further details. Describe the potential positive and negative impact of the policy or service and how any negative impacts will be mitigated. Describe who is affected, how they are affected and any additional comments.

Protected characteristic: Disability *

☒ Service Users / Stakeholders

☐ Employees

☐ Wider Community

☐ Not Applicable

Please select those directly impacted or affected.

Disability details:

The proposals have specifically been designed to improve access to the gardens for all. Less able people will benefit from improved path surfacing, toilets, and improved signage.

For the selected characteristics, please add further details. Describe the potential positive and negative impact of the policy or service and how any negative impacts will be mitigated. Describe who is affected, how they are affected and any additional comments.

Protected characteristic: Gender *

☐ Service Users / Stakeholders

☐ Employees

☐ Wider Community

☒ Not Applicable

Please select those directly impacted or affected.

Gender details:

For the selected characteristics, please add further details. Describe the potential positive and negative impact of the policy or service and how any negative impacts will be mitigated. Describe who is affected, how they are affected and any additional comments.

Protected characteristics: Gender Reassignment *

- ☐ Service Users / Stakeholders
☐ Employees
☐ Wider Community
☒ Not Applicable

Please select those directly impacted or affected.

Gender reassignment details:

For the selected characteristics, please add further details. Describe the potential positive and negative impact of the policy or service and how any negative impacts will be mitigated. Describe who is affected, how they are affected and any additional comments.

Protected characteristics: Marriage and Civil Partnership *

- ☐ Service Users/ Stakeholders
☐ Employees
☐ Wider Community
☒ Not Applicable

Please select those directly impacted or affected.

Marriage and civil partnership details:

For the selected characteristics, please add further details. Describe the potential positive and negative impact of the policy or service and how any negative impacts will be mitigated.

Protected characteristics: Pregnancy and Maternity *

☒ Service Users / Stakeholders

☐ Employees

☐ Wider Community

☐ Not Applicable

Please select those directly impacted or affected.

Pregnancy and maternity details:

The improved path surfacing, seating, and toilets will benefit those who are pregnant and with young children

For the selected characteristics, please add further details. Describe the potential positive and negative impact of the policy or service and how any negative impacts will be mitigated. Describe who is affected, how they are affected and any additional comments.

Protected characteristics: Race *

☒ Service Users / Stakeholders

☐ Employees

☐ Wider Community

☐ Not Applicable

Please select those directly impacted or affected.

Race details:

The new Trust, Protocol Board, and Youth Board, along with new engagement work are designed to ensure that the groups running using the garden are representative of the communities living nearby, and so these proposals will benefit under represented groups including racial groups.

For the selected characteristics, please add further details. Describe the potential positive and negative impact of the policy or service and how any negative impacts will be mitigated. Describe who is affected, how they are affected and any additional comments.

Protected characteristics: Religion or Beliefs *

- ☐ Service Users / Stakeholders
☐ Employees
☐ Wider Community
☒ Not Applicable

Please select those directly impacted or affected.

Religion or beliefs details:

For the selected characteristics, please add further details. Describe the potential positive and negative impact of the policy or service and how any negative impacts will be mitigated. Describe who is affected, how they are affected and any additional comments.

Protected characteristics: Sexual Orientation *

- ☐ Service Users / Stakeholders
☐ Employees
☐ Wider Community
☒ Not Applicable

Please select those directly impacted or affected.

Sexual orientation details:

For the selected characteristics, please add further details. Describe the potential positive and negative impact of the policy or service and how any negative impacts will be mitigated. Describe who is affected, how they are affected and any additional comments.

Please indicate any actions arising from completing this screening exercise.

None

Please indicate whether a full impact assessment is recommended

NO ☐

If yes, please continue to complete the remaining questions. If no, please go to the quality control section below.

What data has been collected to facilitate the assessment of this policy/proposal?

What are the main findings from the analysis of the data?

Consultation analysis

Who was consulted, what are the results of the consultation exercise?

Adverse impact on any people with protected characteristics.

Based on the analysis of the data does the policy/proposal have any adverse impact?

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

Can the policy/proposal be modified to reduce or eliminate any adverse impact? on any particular group(s)?

How will the effect(s) of this policy/proposal on equality be monitored?

What data is required in the future?

Please describe the data needed to ensure effective monitoring of this policy/proposal?

Are there any adverse impacts on any particular group(s)

☐

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

Consulted People or Groups

Please give details on any initial assessment carried out. For a full assessment please complete the rest of the form. AS OF 29/11/2018 YOU ARE NO LONGER REQUIRED TO COMPLETE THIS BOX.

Informed People or Groups

AS OF 29/11/2018 YOU ARE NO LONGER REQUIRED TO COMPLETE THIS BOX

Summary and evidence of findings from your EIA *

AS OF 29/11/2018 YOU ARE NO LONGER REQUIRED TO COMPLETE THIS BOX

The proposals provide an improved environment for service users of different backgrounds, age, abilities, and race, and have been specifically designed to meet all needs.

Please add any documents including any consultation or engagement findings. Attach any source data using the attachment button above. Please include how you will mitigate against any negative impacts.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

☐

Please tick this box and 'Save' the document once you have finished. Your nominated Quality Control Officer will by notified to review the assessment and decide whether it can proceed for approval or reject it.

Quality Control Officer comments

Decision by Quality Control Officer

Submit draft to Accountable Officer?

Decision by Accountable Officer

Date approved / rejected by the Accountable Officer

Reasons for approval or rejection

Please print and save a PDF copy for your records

Julie Bach

Person or Group

Version: 16.0

Created at 07/04/2020 05:22 PM by  Carol Unwin

Last modified at 08/04/2020 03:12 PM by Workflow on behalf of  Leroy Pearce

Equalities have been considered and this proposal should benefit several protected characteristics.

Please untick 'Submit to quality control officer box' before saving.

Proceed for final approval ☒

IMPORTANT: Quality Control Officer - Please untick the above box 'Submit to the Quality Control Officer for reviewing?' before provide your decision.

☐

Quality Control Officers only - Please tick the box when you are happy for the assessment to be submitted for approval.

Approve ☒

IMPORTANT: Accountable Officer - Please untick the above box 'Submit draft to Accountable Officer' before providing your final decision.

08/04/2020



The proposals for this function will enhance accessibility for all visitors and site users regardless of their characteristics. In addition it will enhance the visitor experience for a number of protected groups.



[Robert Churn](#) x

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Robert Churn
Head of Landscape & Development

Save

Cancel

Showing 1 result