

# **BIRMINGHAM CITY COUNCIL**

## **TRUSTS AND CHARITIES COMMITTEE**

**WEDNESDAY, 19 JANUARY 2022 AT 10:30 HOURS**  
**IN COMMITTEE ROOM C, COUNCIL HOUSE EXTENSION,**  
**MARGARET STREET BIRMINGHAM, [VENUE ADDRESS]**

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

1 **NOTICE OF RECORDING**

Lord Mayor to advise that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site ([www.youtube.com/channel/UCT2kT7ZRPFCXq6\\_5dnVnYlw](http://www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw)) 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 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 is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 **APOLOGIES**

To receive any apologies.

**3 - 6**

4 **MINUTES**

To confirm and sign the minutes of the last meeting.

**7 - 8**

5 **HIGHBURY ESTATE TRUST REPORT**

Item Description

**9 - 10**

6 **CADBURY BARN TRUST REPORT**

Item Description

7 **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.

8 **AUTHORITY TO CHAIR AND OFFICERS**

Chair to move:-

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

# BIRMINGHAM CITY COUNCIL

<b>TRUSTS AND CHARITIES COMMITTEE 22 SEPTEMBER 2021</b>
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**MINUTES OF A MEETING OF THE  
TRUSTS AND CHARITIES COMMITTEE  
HELD ON WEDNESDAY 22 SEPTEMBER 2021  
AT 1030 HOURS IN MAIN HALL,  
BMI, BIRMINGHAM**

**PRESENT:** - Councillor Akhlaq Ahmed in the Chair;

Gurdial Singh Atwal, Councillors Zhor Malik and Julien Pritchard

**ALSO, PRESENT:** -

Nigel Oliver – Birmingham Property Services  
Rajesh Parmar – Legal Services  
Paul Ruffle – Senior Travel Demand Officer

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**NOTICE OF RECORDING**

- 1073 The Chairman advised that the meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.youtube.com/channel/UCT2kT7ZRPFCXq6\\_5dnVnYlw](http://www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**DECLARATIONS OF INTEREST**

- 1074 The Chairman 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.

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**APOLOGIES**

- 1075 Apologies were submitted on behalf of Councillors Yvonne Mosquito and David Pears for their inability to attend the meeting.
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**MINUTES**

Councillor Zhor Malik indicated that the minutes did not reflect that he had asked if an update could be provided by officers on the outcomes agreed at Council as Trustee. Officers responded to the Councillor indicating that following the decision at Council as Trustee due process was being followed. They undertook to email Councillor Malik with the details.

1076 **RESOLVED: -**

That, subject to the above, the Minutes of the last meeting of the Trusts and Charities Committee held on 16 June 2021 having been circulated, be taken as read and confirmed and signed.

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**YOUNG ACTIVE TRAVEL TRUST GRANTS**

The following report of the Report of Assistant Director – Transport and Connectivity was submitted: -

(See Document 1)

Paul Ruffle, Senior Travel Demand Officer, presented the report and advised Members that Schools must have registered for Modeshift stars. As part of the Travel Plan a school must complete a school travel survey before they received funding. The survey asked the staff and children how they currently travel to school and how they would like to travel to school. The school can make a travel plan based on the survey responses. North and West was in Paul's remit anything else is managed by Mandy Slater. The applications are examined by The Young Active travel panel, Mandy and Paul were on the panel including 2 members of the school crossing team. If the criteria was met, the applications were taken forward to plan funding. There have been instances when schools have asked to come back again at the start of the next school term. Schools have been able to apply from the 8 September and the closing date is 3 December. The applications were presented to the internal group and was represented by managers of different teams. From 13 August the applications went to the transport highways board. Paul brought forward 10 schools in 10 wards, most of those schools had already started their travel plans and others had already completed them.

Councillor Zhor Malik asked if the grant is open to all schools, Paul confirmed it was if they meet the criteria. The Chair explained they must sign up to Modeshift stars and apply for the pot of money. Councillor Pritchard raised the question of how many schools were rejected – Paul explained of the 12 applications only 2 had being rejected. Councillor Pritchard asked how the travel grant was promoted and Paul further explained that was in the school's hands. Paul stated at the start of the school term a newsletter is sent out to the schools, they all got a copy of this and it is up to them to read it and apply. As part of the newsletter webinars were offered, which schools preferred. The information also goes on the school's noticeboards. When the schools were making the applications, they were advised to make a 5-year plan and the equipment must be able to last 5 years. Maintenance costs were not provided.

Councillor Malik asked if some of the schools in his Ward had applied to the scheme and Paul confirmed that they had not although the schools fell under Mandy's remit. Councillor Malik asked if it is just local authority schools and Paul stated it is for schools purely in the Birmingham Authority Area which also includes academies.

The Chair asked what benefits were expected from the applications. Paul stated the scheme was looking at promoting safety and reducing car traffic, congestion and improving the air quality.

Rajesh Parmar, Legal Services, asked if the schools suffered from traffic and congestion and Paul stated that within the school travel plan schools might say parking is an issue., If they had completed a school travel plan they can be taken forward to a school safety plan with the engineers. During the Covid school lockdown, there was less traffic, now that they are open there is still an issue with the air quality and congestion outside schools.

Councillor Malik asked if the equipment is stored in the school or taken home, Paul stated that it is stored in school and used in P.E lessons. They are not to be taken home.

Councillor Pritchard raised the question of seeing the applications that were rejected at the next meeting. Paul stated that once they meet the criteria they would go through another round of approval.

The Chair indicated that the Committee had 10 applications for approval and went through each individually, during which Members asked further questions, as follows:

- Heathfield Primary School – Agreed
- Lea Primary School – Agreed
- Marlborough Primary School – Agreed
- Moorhall Primary School – Agreed
- Moseley CE Primary School – Agreed
- Nansen Primary School – Agreed
- Queensbury School – Agreed
- Robin Hood Academy – (The Chair indicated that the school was in his ward) Agreed
- Wyndcliffe Primary School – Agreed
- Yewtree Primary School - Agreed

The Chair requested Paul to forward information regarding green, bronze, gold, platinum and silver award scheme for schools to members.

Referring to visit to schools the Chair asked the Committee Manager to send email out again to all member with dates and names of the schools. Paul stated that he would accompany members on the visits as it is an open invitation to see what the funding is being used for. He recommended members take photos so other schools can replicate how the funding is being used.

Councillor Atwal confirmed for his attendance to Ark Victoria Academy for 30 September 2021.

1077 **RESOLVED:** -

That the Committee:

- 1 Approves the applications for funding from the schools listed at point 4.6 in the report, totalling £9,906.20.
2. Notes the remaining balances available to the Young Active Travel in Birmingham Charitable Trust for future disbursement.

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**OTHER URGENT BUSINESS**

No matters raised

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

1078 **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.

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The meeting ended at 1137 hours.

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CHAIRMAN

# Birmingham City Council

## Trust and Charities Committee

17<sup>th</sup> November 2021



**Subject: Highbury Estate Trust – Chamberlain  
Highbury Trust Report and Annual Accounts**

**Report of: Assistant Property Director**

**Report author: Nigel Oliver**

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential :

### 1. Executive Summary

- 1.1 To update the Committee on the continuing operations at Highbury by Chamberlain Highbury Trust and their bid to the National Lottery Heritage Fund (NLHF) for funding for the refurbishment of Highbury.

### 2. Recommendations

- 2.1 To note the report and accounts in Appendices 1 and 2 submitted by Chamberlain Highbury Trust.

### 3. Background

- 3.1 Several reports have been brought to previous Committees detailing the activities and progress of Chamberlain Highbury Trust. The last report on 22<sup>nd</sup> April 2021 granted to Chamberlain Highbury Trust funds of £52,510 from the unrestricted funds of the Highbury Estate for their operations to be continued as set out in their draft budget for 2021/22 and a grant to Chamberlain Highbury Trust of £40,000 from the unrestricted funds of the Highbury Estate to assist the processes required in the making of a further bid to the National Lottery Heritage Fund in 2021. Works have continued on site and to further the bid to the NLHF and the report detailing progress is now available for consideration.
- 3.2 The success of the Chamberlain Highbury Trust is their bid to the NLHF will require that the various disposals from the Highbury Estate agreed by Committee will now need to be effected to support the bid going forward.

#### **4. Options considered and Recommended Proposal**

- 4.1 There is currently no alternative to progressing matters via Chamberlain Highbury Trust as they continue to resolve the former governance issues and represent the best opportunity to win new monies for the Estate. To properly support them financially in the meantime has been an appropriate use of Trust funds and has proven to be the best route to safeguard the asset long term. It will be appropriate to continue to support Chamberlain Highbury Trust in the forthcoming years until such time as they take over the operation of the Highbury Estate on a long lease as previously agreed.

#### **4.2 History**

The Highbury Estate comprises approximately 13.03 hectares (32.2 acres) of park land including Highbury hall and Chamberlain House and three lodges. It now accommodates part of Uffculme Special School in Chamberlain House and at 92 Queensbridge Road the Four Seasons Gardeners, an Adult Services enterprise.

The Estate was gifted by the heirs of the Right Honourable Joseph Chamberlain on 31<sup>st</sup> March 1932 and is held in trust as Registered Charity no 1039194. Chamberlain Highbury Trust Registered Charity no 1169845 has been set in place to best resolve the governance issues and to manage the Estate and seek external grants to enable the refurbishment of Highbury.

The terms of the gift at Highbury simply provided that the Trustees should hold them “in the first instance for use as a hospital for the treatment of limbless and other soldiers, sailors or pensioners” and “if and when the Trustees should consider that they were no longer needed for those purposes the Trustees should hold the property for such public purposes as they with the consent of the Corporation of Birmingham might determine or might at the request of the Corporation transfer it to them for the general benefit of the Citizens of Birmingham”. The Objects of the Charity remain as originally set “for the general benefit of the Citizens of Birmingham”.

#### **4.3 Powers**

Each charitable asset is held as a separate trust and decisions need to be in the best interests of that trust and are intended to safeguard the trust estate for the future. The Highbury Trust holds the freehold interest of the land in trust as Sole Trustee and is empowered to undertake actions to properly manage the assets of the Trust and funds.

The charity’s constitution is set out within the executed Trust Deed, principally the acquisition deeds or as amended by any Scheme agreed with the Charity Commission and subject to compliance with Charity law sufficient powers exist for the Trustees to make decisions on the future of the Highbury assets.

#### **5. Appendices**

- CHAMBERLAIN Highbury Trust (CHT) Report to Trusts and Charities Committee-November 2021
- CHAMBERLAIN Highbury Trust (CHT) Annual Report and Accounts for the Year Ended 31 March 2021



## Cadbury Barn Trust – Progress and delays on the project to develop facilities at the entrance to Manor Farm Park

A Paper for the Trusts and Charities Committee, January 2021

### Overview

In 1952, Manor Farm Park was gifted by George Cadbury to be held in Trust (the George Cadbury for Public Park Trust) by Birmingham City Council (BCC), for use as a public park with the Full Council as Trustee. Since 2012 stakeholders, (and more recently, the Cadbury Barn Trust (CBT)), working with BCC, have drawn up plans to adapt and provide facilities for community use (indoor and outdoor meeting spaces, toilets and refreshments etc). In 2016 Officers recognised the Charities Commission would need to grant the Trustees a scheme of variation to enable them to dispose of some assets with a lease to enable those plans to proceed; a decision authorised by the Trusts and Charities Committee in December 2016. Despite later assurances by officers that this application would be made in 2017, 2019 and 2020, it has yet to happen. BCC's failure to apply for the necessary variation from the Charity Commission is delaying the project and risks its failure.

### Recommended Actions

Cadbury Barn Trust (CBT) requests that the Trusts and Charities Committee asks officers for a progress report and to apply to the Charity Commission for scheme of variation as a matter of urgency. In addition, Members should ask the officers to initiate a competitive tender to award a lease for use and development of the surplus buildings on the Manor Park Farm site.

### Progress

The Stakeholder Group, and subsequently the Cadbury Barn Trust, has provided regular reports on progress to the Trust and Charities Committee, the last one being October 2020. Members acknowledged the delay and recognised that progress needed to be made in both securing a variation from the Charity Commission and putting in place a tendering process to appoint a tenant to take on a lease on part of the site.

However, in March 2021 the City Solicitor questioned whether such an application would be successful and suggested that the CBT could undertake some limited activities at the site without the proposed scheme of variation from the Charity Commission. In October 2021, after taking advice, CBT challenged this opinion and wrote to the Charity Commission to question whether the proposed developments in the park would be consistent with charity law without the variation. CBT provided substantial evidence in support of its rebuttal of the City Solicitor's advice. (A copy of this enquiry was sent to the Chair of the Trusts and Charities Committee at the time.)

The Commission is yet to reply; the City's legal department advised that CBT should keep the Trust and Charities Committee informed of the progress, or lack of progress.

Meanwhile, with the support of the Parks Department's officers, CBT has successfully obtained planning permission to install temporary buildings on the site to provide some limited amenities and activities; unfortunately delays in obtaining quotes from Acivico for necessary groundworks has prevented progress.

### Funding

Although destroyed in 2017 by arsonists, the original Cadbury Barn was insured and the George Cadbury for Public Park Trust was awarded £250,000 by the insurers for its loss, which can only be used in the park. Some of that was used for feasibility studies on the development of the site and repair works that were long overdue on some buildings leaving in the region of £180,000. In addition, since 2011, the City has held approximately £120,000 section 106 money from the developers of the Bournville Gardens retirement village; Councillors agreed it should be used in Manor Farm Park.

CBT is confident that it could match this by fund raising if it had the opportunity of bidding for, and obtaining, a long-term lease that would allow for the development of the site. Without any legal arrangement with the City

Council we are restricted in the funds we can apply for. We have had positive discussions with funders, although some have withdrawn support due to the delays with the project.

### Discussion

A suitable lease would enable CBT to realise its vision of adapting the buildings on site to create spaces for leisure, education and recreational use by park users and the local community. This would include indoor and outdoor meeting spaces, refreshments and toilets. Together, these will be a celebration of the historic, cultural and natural heritages of Manor Farm Park in Northfield, Birmingham, whilst retaining the natural features of the park which users love. The project would promote environmental sustainability objectives, such as the promotion of renewable energy and electric vehicle charging points and would be financially viable.

CBT and the stakeholders have made some progress developing the site; there are plans to erect temporary buildings and to offer some activities for park visitors. Recently CBT has agreed a partnership with the Birmingham School of Bell Ringing to introduce a bellringing training centre into one of the disused buildings, which will add further interest to the site, facilities for park visitors, and potentially a landmark new entrance feature. This is a project supported by the Leader of the Council and senior planning officers.

However, without the offer of a long-term lease, those activities will be limited in a scope and will not meet the objects of the Trust which have been discussed with and supported by the Trust and Charities Committee previously. CBT's objectives have been set out in its business plans, which were shared with officers in late 2019 and updated during 2021.

City Officers have accepted for more than five years that the Trustees of the George Cadbury for Public Park Trust would need to apply for a scheme of variation to enable them to lease part of the site and to allow any development of the site by a tenant, whilst at the same time adhering to George Cadbury's wishes and charity law. Moreover, in later 2019, City officers confirmed an award of a lease to any third party could only be done through a competitive tendering process. CBT accepts both these points but is still waiting for the City to initiate either process.

The lack of progress in obtaining a scheme of variation and setting up a tendering process blocks development of the site. Buildings on the site, which Property officers have deemed to be surplus to requirements, will continue to deteriorate and require further costly repairs by the City. This will deplete funds which have been earmarked for developments to benefit park users and the local community. Without the investment that CBT can bring they will not be suitable for public use but continue to be a drain on city resources. The continuing delays adds to the risks with completion of the project. We would like the Committee to take the recommended actions to enable the project to progress.

John Stewart  
Vice-Chair and Trustee, Cadbury Barn Trust  
23 December 2021  
[www.cadburybaritrust.org.uk](http://www.cadburybaritrust.org.uk)