

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.

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