

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 20 JULY 2016
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**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON WEDNESDAY 20 JULY 2016
AT 1030 HOURS IN COMMITTEE ROOM 6,
THE COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Habib Rehman in the Chair;

Councillors John Alden; Mick Finnegan; James McKay; David Pears and Paul Tilsley.

821

APPOINTMENT OF COMMITTEE

The following resolution of the City Council was submitted appointing the Committee for the Municipal Year 2016/2017 with the following Members:-

Labour (4)

Councillor Mariam Khan
Councillor James McKay
Councillor Habib Rehman (Chairman)
Councillor Mick Finnegan (Vice-Chairman)

Conservative (2)

Councillor John Alden
Councillor David Pears

Liberal Democrat (1)

Councillor Paul Tilsley

Independent (1)

Councillor Ian Cruise

APOLOGIES

822

No apologies were submitted.

MINUTES

823

RESOLVED:-

That part I of the Minutes of the last meeting of the Trusts and Charities Committee held on 20 April 2016 was noted.

MATTERS ARISING

824

There were no matters arising from the Minutes.

TEERMS OF REFERENCE OF THE TRUSTS AND CHARITIES COMMITTEE

The following terms of reference were submitted:-

(See Document No. 1)

Councillor John Alden proposed and it was agreed that a briefing note be submitted to all Members of the Committee and to all senior officers advising that the Chairman's authority should be sought at the first instance prior to using any assets held in trust (not City owned assets).

The Chairman made reference to the Terms of Reference and stated that at point (a) the comma should be deleted and replaced with the word 'and'.

It was -

825

RESOLVED:-

That the Terms of Reference of the Trusts and Charities Committee be noted.

DATES OF FUTURE MEETINGS

It was –

826

RESOLVED:-

That the Trusts and Charities Committee note the schedule of meetings for 2016/17:-

2016

21 September
9 November
14 December

2017

18 January
1 March
19 April

All meetings will be held at 1030 hours at the Council House, Victoria Square, Birmingham.

DECLARATIONS OF INTERESTS

827

RESOLVED:-

Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting. If a 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.

No declarations of interests were declared.

At this point in the meeting the Chairman proposed, and it was agreed, to consider Agenda Item No. 20.

OTHER URGENT BUSINESS (REPORTS BY OFFICERS)

A. Highbury Trust – Grant Agreement between Chamberlain Highbury Trust (“CHT”) and Highbury Trust

The following report of the Strategic Director of Finance and Legal Services was submitted:-

(See Document No. 2)

Simon Buteux, Birmingham Conservation Trust and Les Sparks, Chair of Trustees, CHT introduced the report and highlighted the salient points.

It was -

828

RESOLVED:-

That the approval of the Chairman of the Trusts and Charities Committee on behalf of the Council as Trustee, to enter into a Grant Agreement with “CHT” in the sum of £84,000 from the charity’s unrestricted income, to be paid in two equal instalment of £42,000 on the 20 July 2016 and 3 October 2016 be noted.

B. Highbury Community Orchard – Installation of a temporary toilet

Les Sparks, Chair of Trustees, CHT stated that the Highbury Orchard Community (HOC) wished to install a temporary organic composting toilet at Highbury. The HOC will take full responsibility for the costs of installation and maintenance, and the construction can be removed without permanent impact on the area. The toilet is similar to those that have been previously erected on

a number of Council allotment sites. The HOC require the landowners consent in order to erect the toilet and were therefore, seeking the approval of the Trusts and Charities Committee for the work to go ahead.

Members had no objection to the installation of a temporary organic composting toilet and it was –

829

RESOLVED:-

That approval be given to the installation of a temporary organic composting toilet in Highbury Community Orchard and that City Council officers be delegated to assist if required.

C. Response to Outstanding Minute Number 571 (187 Harborne Lane) – Director of Property to attend a future meeting

Peter Jones, Director of Property advised that it was the developer's fault that work was completed without prior permission as part of the land in Selly Oak Park was held in trust. He assured Members that the correct procedures will be followed in the future.

It was –

830

RESOLVED:-

That the verbal report be noted and Outstanding Minute No. 571(i) be discharged.

The Chairman proposed, and it was agreed, to return to Agenda Item No. 9.

ANNUAL REPORT AND ACCOUNTS – BIRMINGHAM MUNICIPAL CHARITY FOR THE PERIOD 2015/16

The following report of the Strategic Director – Finance and Legal Services was submitted:-

(See Document No. 3)

Mark Szurminski, Senior Business Analyst, Finance and Legal Services, introduced the report and responded appropriately to comments made by Members.

It was -

831

RESOLVED:-

- (i) That the Trusts and Charities Committee, acting on behalf of the Council as Trustee, approve the Annual Report and Accounts as set out in Appendix1 attached to the report;

- (ii) That the Trusts and Charities Committee acting on behalf of the Sole Corporate Trustee authorise officers in Corporate Finance to submit all appropriate and necessary documentation to the Charity Commission in respect of recommendation 2.1 in the report;
 - (iii) That Outstanding Minute No. 812 be discharged.
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BIRMINGHAM MUNICIPAL CHARITY – REVISED MECHANICS OF FUNDING

The following report of the Strategic Director – Finance and Legal Services was submitted:-

(See Document No. 4)

Mark Szurminski introduced the report and highlighted the salient points.

Members discussed the annual transfer of £50,000 from the trust's endowment fund to the unrestricted funds to meet charitable objectives and suggested that an amendment be made to the transfer figure.

In response to a question raised concerning future funding requests, Mark Szurminski advised that there was one further application from Moseley Rugby Club Foundation for £500.

Councillor Paul Tilsley declared a non-pecuniary interest as he was a Member of the Moseley Rugby Club.

A brief discussion ensue and it was –

832

RESOLVED:-

- (i) That the amount of annual transfer from the Trust's endowment fund to the unrestricted funds to meet charitable objectives be amended to read £25,000 and not £50,000 as stated in the report;
 - (ii) That Outstanding Minute No. 812 be discharged.
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BIRMINGHAM MUNICIPAL CHARITY – AWARD OF GRANT : BILLESLEY COMMON ACTION PLAN (VALLEY RIVERSIDE PROJECT)

The following report of the Strategic Director – Finance and Legal Services was submitted:-

(See Document No. 5)

Mark Szurminski introduced the report and highlighted the salient points.

It was –

833

RESOLVED:-

- (i) That approval be given to award a grant from the “BMC” to the charitable organisation as set out in Appendix 3 attached to the report;
- (ii) that officers in Finance and Legal Services be instructed to take all necessary steps to facilitate the award of any grants to any successful applicant, and report back to a future meeting of the Trusts and Charities Committee once the grant application has been completed.

REVENUE OUTTURN 2015/16

The following report of the Strategic Director – Finance and Legal Services was submitted:-

(See Document No. 6)

Mark Szurminski introduced the report and responded appropriately to comments made by Members.

834

RESOLVED:-

That the Trusts and Charities end of year balances for the financial year ending 31 March 2016 be noted.

ANNUAL REPORT AND ACCOUNTS – CROPWOOD TRUST FOR THE PERIOD 2015/16

The following report of the Strategic Director – Finance and Legal Services was submitted:-

(See Document No. 7)

Mark Szurminski introduced the report and highlighted the main points.

It was -

835

RESOLVED:-

- (i) That the Trusts and Charities Committee, acting on behalf of the Council as Trustee, approve the Annual Report and Accounts as set out in Appendix 1 attached to the report;

- (ii) That the Trusts and Charities Committee acting on behalf of the Sole Corporate Trustee authorise officers in Corporate Finance to submit all appropriate and necessary documentation to the Charity Commission in respect of recommendation 2.1 in the report;
- (iii) That Outstanding Minute No. 813 be discharged.

**ANNUAL REPORT AND ACCOUNTS – CENTRE FOR THE CHILD TRUST
FOR THE PERIOD 2015/16**

The following report of the Strategic Director – Finance and Legal Services was submitted:-

(See Document No. 7)

Mark Szurminski introduced the report and stated that he would investigate whether there were any future trust fund raising activities scheduled within the next twelve months.

It was -

836

RESOLVED:-

- (i) That the Trusts and Charities Committee, acting on behalf of the Council as Trustee, approve the Annual Report and Accounts as set out in Appendix 1 attached to the report;
- (ii) That the Trusts and Charities Committee acting on behalf of the Sole Corporate Trustee authorise officers in Corporate Finance to submit all appropriate and necessary documentation to the Charity Commission in respect of recommendation 2.1 in the report.

**SURRENDER AND RENEWAL OF LEASE AT 187 HARBORNE LANE -
SELLY OAK PARK (REGISTERED CHARITY No. 522877)**

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

(See Document No. 8)

Nigel Oliver, Property Manager, Birmingham Property Services introduced the report and highlighted the salient points.

Members congratulated officers that had successfully negotiated an increase in rent review charges and that the lease renewal contract had reduced from twenty five years to seven years.

It was -

837

RESOLVED:-

- (i) That the Trusts and Charities Committee approve the proposal to accept the surrender of the existing lease and grant, two new leases on the same land, each for 125 years;
- (ii) that approval be given to the terms of any disposal being negotiated and agreed by the Director of Property acting as agent on behalf of the Trust, including change of use to permit uses as described in C2 and C2 of the Town and Country Planning (Use Classes) including student accommodation;
- (iii) authorised the recommendations of the Trusts and Charities Committee to be advanced to the next available meeting of the Council as Trustee for approval;
- (iv) authorised any further approval necessary sought from the Charity Commission or descendants of the original transferors of the land, or other bodies as appropriate and to agree to make any applications necessary for appropriate powers of disposal;
- (v) authorised the City Solicitor to place any formal advertisements required under s123 2(a) of the Local Government Act 1972 for the loss of public open space (if any) or required under any of the various statutes as may relate to the charitable status of the land including any appropriate consultation stages and to appraise the Committee of the results of that consultation;
- (vi) authorised the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to give effect to the above decisions;
- (vii) that Outstanding Minute No. 571 (iii) be discharged.

CROPWOOD ESTATE – DISPOSAL OF FORMER CARETAKERS COTTAGE, SPIREHOUSE LANE

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

(See Document No. 9)

Nigel Oliver, Property Manager, Birmingham Property Services introduced the report and highlighted the salient points. He stated that Members had received a briefing note as further explanation to the proposed disposal.

Members requested whether the money from the sale of the property could be used to refurbish the swimming pool on site as an investment to the area.

Nigel Oliver stated that he would investigate the request.

It was –

838

RESOLVED:-

- (i) That approval be given to the freehold interest of the land as identified in Appendix 1 attached to the report to be disposed;
- (ii) that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustee for approval once it is declared surplus to their requirements by Education Infrastructure officers;
- (iii) that approval be given to the terms of any disposal being delegated to the Director of Property who will work with external agents to secure appropriate valuation advice to comply with statutory requirements of the Charities Act 2011;
- (viii) that authority be given to the City Solicitor to negotiate, execute and complete all legal documentation to give effect to the above recommendations.

ANNUAL REPORTS AND ACCOUNTS – 2014/15 BODENHAM TRUST

The following report of the Strategic Director of Finance and Legal Services was submitted:-

(See Document No. 10)

Mark Szurminski introduced the report and highlighted the salient points.

Members requested a list of responsible Trustees for the Bodenham Trust.

839

RESOLVED:-

That the Annual Reports and Accounts for the Bodenham Trust be noted.

**ANNUAL REPORTS AND ACCOUNTS – SIR WHITWORTH WALLIS TRUST
- PERIOD ENDING 31 MARCH 2016**

The following report of the Strategic Director of Finance and Legal Services was submitted:-

(See Document No. 11)

Mark Szurminski introduced the report and highlighted the salient points.

Sanjeev Bhopal, Senior Solicitor, Legal Services, advised that the Jane Gilbert and Sir Whitworth Wallis Trusts had expressed an interest to merge with

Birmingham Municipal Charities but had since declined the interest and both had stated that they wished to consolidate and continue as being individual Trusts in their own right.

It was -

840

RESOLVED:-

That the Annual Reports and Accounts for the Sir Whitworth Wallis Trust be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted;-

(See document No. 12)

It was -

841

RESOLVED:-

That Outstanding Minute Nos. 571(i), 571 (iii), 812(i), 812(ii) and 813(i) being the subject of reports to this meeting be discharged and that all other Outstanding Minutes be continued.

OTHER URGENT BUSINESS

Selly Oak Park held in Trust - Travellers

842

Members expressed concern that strong defence mechanisms should be erected to deter travellers from entering Trust land and they also requested details of the cost of the clean-up operation where travellers have managed to break through defences.

Councillor Tilsley advised that a meeting was to be held in the very near future with the Police to discuss the issue of travellers and appropriate defence/barrier methods to deter them from entering public open space land. He suggested that 106 monies could be utilised to help build defence barriers and solve the problem.

AUTHORITY TO CHAIRMAN AND OFFICERS

843

RESOLVED:-

The Chairman moved 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

844

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:-

Minutes of the last meeting – Exempt paragraph 3

Surrender and Renewal of Lease at 187 Harborne Lane – Selly Oak Park (Registered Charity No. 522877) - Exempt paragraph 3
