

# **BIRMINGHAM CITY COUNCIL**

## **ANNUAL MEETING OF THE CITY COUNCIL**

**FRIDAY, 05 MAY 2023 AT 10:30 HOURS**  
**IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

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

#### **1 NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) 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 they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES**

To receive any apologies.

**5 - 8**

4 **MINUTES**

To confirm and sign the minutes from the last meeting held on 13 March 2023.

**9 - 10**

5 **CADBURY BARN TRUST AND BIRMINGHAM SCHOOL OF BELL RINGING – DELAYS TO THE PROJECT TO DEVELOP FACILITIES AT THE ENTRANCE TO MANOR FARM PARK**

Report of the Cadbury Barn Trust (CBT) and the Birmingham School of Bell Ringing (BSOBR).

**11 - 14**

6 **SMALL HEATH PARK – PROPOSED LANDSCAPE IMPROVEMENTS**

Report of Assistant Director – Street Scene and Parks.

**15 - 16**

7 **APPLICATIONS FOR GRANT FUNDING TO BIRMINGHAM MUNICIPAL CHARITY**

To provide the Committee with details of applications for grant funding from the Birmingham Municipal Charity.

8 **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.

9 **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'.

10 **EXCLUSION OF THE PUBLIC**

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:-

Exempt Paragraph 3

**PRIVATE AGENDA**

11 **APPLICATIONS FOR GRANT FUNDING TO BIRMINGHAM MUNICIPAL  
CHARITY - EXEMPT**

Item Description

12 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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.



# BIRMINGHAM CITY COUNCIL

<b>TRUSTS AND CHARITIES COMMITTEE 13 MARCH 2023</b>
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**MINUTES OF A MEETING OF THE  
TRUSTS AND CHARITIES COMMITTEE  
HELD ON MONDAY 13 MARCH 2023  
AT 1030 HOURS IN COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA  
SQUARE, BIRMINGHAM**

**PRESENT:** - Jilly Bermingham in the Chair;

Councillors Mumtaz Hussain, Kath Scott, Adrian Delaney, David Pears, Basharat Mahmood, Rashad Mahmood.

**ALSO, PRESENT:** -

Nigel Oliver – Birmingham Property Services  
Rajesh Parmar – Legal Services  
Zahid Mahmood – Capital Projects Manager  
Elaine Peach – Finance Manager  
Sofia Mirza – Committee Services

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**NOTICE OF RECORDING**

1090

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.

**DECLARATIONS OF INTEREST**

1091

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.

**APOLOGIES**

1092

None submitted.

**MINUTES**

1093

The Minutes of the meeting of the Committee held on 16 January 2023, having been circulated, were confirmed by the Committee and signed by the Chair.

**RESOLVED: -**

1094

That, subject to the above, the Minutes of the last meeting of the Trusts and Charities Committee held on 16 January 2023 having been circulated, be taken as read and confirmed and signed.

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**REPORT NO. 6 - HUNTERS HILL COLLEGE CLOSURE – EDUCATION  
WITHDRAWAL FROM THE CROPWOOD ESTATE**

1095

Zahid stated Site has not been used in 18 months as a school. Want to relinquish the sight for Cropwood. Report recommends that we hand the site back to Cropwood by April 1<sup>st</sup> to be managed by BPS.

Nigel stated that we are progressing with the procurement of advisors to provide a report back to Trust and Charities, the appointment should be made within the next two weeks which should give the members of the committee position on the future uses of the site and its disposal. Trust and Charities doesn't have any finances to operate the site. Property Services have declined to take it but this is a discussion that Education and Property Services can have. At present have we to rely on education to provide the costs and security for the site. Looking at surplus sites should be resolved as soon as possible subject to committee report agreeing to the findings of the advisors we appoint.

Zahid stated that the site was declared surplus nearly 2 years ago and it was clearly identified that advisors needed to be provided. From an Education perspective now that we have vacant possession there was enough time for the advisor to be provided as they have been using their own funds. It would be difficult for education to fund the security if it was in the portfolio. As it sits with the Trust we would not have the capital receipt.

Councillor David asked the survey costs and asked if we are liable and if there are there any interested parties that have shown any interest in the site. Nigel stated there has been interest in the site, the party was interested in using it as a school. Others were looking for its development potential and we have had a recent application to bring forward one of the buildings known as the Stables. Those can all be addressed as part of the future decisions by committee. There has been a delay in external agents which is down to procurement. Also, recognise there is a budget pressure by education but there isn't an alternative funding mechanism to secure this site.

The position is that properties that Birmingham City Council wish to declare as surplus will stay with the outgoing service until such time as disposal can be arranged. The Trust status does not affect this. Thank education for continuing with the security as there have been occasions on the site which would have been much worse if there was no security.

Zahid stated that from an education perspective will have to take it back to their cabinet member and director as the budget is coming out from the funds that are used to maintain schools. In terms of interest, Phil Andrews from property services is aware of interest from located who are the DFE property who look for sites for free schools. They have been put into contact with Phil so discussions can take place from a disposal perspective.

**RESOLVED**

- Noted the report submitted by Education.
  - Properties which are part of Birmingham City Council which are declared surplus will stay with the outgoing service until disposal can be arranged.
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**REPORT NO. 7 - Highbury Estate – Update Report from Chamberlain Highbury Trust**

David Kidney introduced himself and declared that he chairs the trustees at Chamberlain Highbury Trust. The trust is a charity and manages the gardens. Mike Williams is the treasurer and introduced the report to the members. The objective of acquiring funds is to provide a full restoration of both the Highbury mansion and the gardens which will cost approximately £10m.

Since the Chamberlain Highbury Trust was created, the committee was to provide the financial support so we can operate legally. The fund covers modest administration, audit fees etc. Most significantly the funding allows the house to be open to the public to satisfy the Highbury Trust's Charities objectives. Have seen the objectives develop over years in a significant way.

City Council was subject to criticism as the house wasn't open to the public. The report is about the budget for next year 2023/2024 and it is set out in the report. The budget is set out in paragraph 8 and totals £33,300 and that is the request they are making to the committee to approve so they may carry on for another year. The report also updates members on where they are on with regards to the development of a major project.

The national lottery fund has provided further funding to continue with plans, this is in the development phase which is on track. A bid to the national lottery heritage fund is going to take place in August. The delivery phase is where the significant spend will take place. The development phase is not a cheap process and are grateful for the funds provided by the Committee.

**RESOLVED:**

The Trust and Charities Committee:

- Noted the report submitted by Chamberlain Highbury Trust to update the Committee on recent activity.
- 

**REPORT NO. 8 – Highbury Accounts**

The applicant asked for a funds of £33,300 to be approved by the committee.

Councillor Pears stated on page 12 why has the volunteer coordinator cost increased; Kidney stated that there will be a period in this financial year where we will still want to have some volunteers working on the grounds. The coordinators other funds will come from the lottery fund. We plan more activities and therefore increased the costs.

Councillor David asked if they receive information from Birmingham City Council where you can apply for funding. Kidney stated that the information is not available, however the focus is on the necessary funding for the delivery phase of the project where we are talking about millions of pounds. The £3,500 is the cost for running our meetings and for contingency purposes as well.

**RESOLVED:**

- Award a grant of £33,000 to Chamberlain Highbury Trust.
- 

**REPORT NO. 9 – APPLICATIONS FOR GRANT FUNDING TO BIRMINGHAM MUNICIPAL CHARITY**

Rajesh raised the question of how will checks be taken with regards to the payments as it is very high. Chair stated that the reports cannot be agreed until the questions have been answered. Trustees need to ask the applicant questions before anything is agreed as £10k is the maximum and they should be able to answer questions from trustees. Chair asked for this to report to be postponed to the next meeting. The Chair asked if the applicants could be present for the next meeting as we need to have the ability to ask questions wishing to have the opportunity to ask questions.

**RESOLVED:**

The application is to be deferred until it is presented at the next meeting with the applicants present.

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**OTHER URGENT BUSINESS**

1096

No matters raised.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

1097

**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 1038 hours.

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CHAIRMAN



## Cadbury Barn Trust and Birmingham School of Bell Ringing – Delays to the project to develop facilities at the entrance to Manor Farm Park

A Paper for the Trusts and Charities Committee, 12 April 2023

### Overview

Two voluntary organisations, the Cadbury Barn Trust (CBT) and the Birmingham School of Bell Ringing (BSOBR) have plans to create a Community Hub, a Bell Ringing Centre and Toilets at Manor Farm Park in Northfield. This would require the two parties to have a lease from the City (BCC) but BCC would have to apply to the Charity Commission to change to the original deeds governing the park. This was recognised in 2017 but BCC only made the application in late Summer 2022 and there is now likely to be further delay in obtaining a variation. Such delays may compromise the project and we look to the Committee to take the necessary actions to progress the project.

### The Plan for the site at Manor Farm Park

By developing repurposing buildings that are surplus to requirements in Manor Farm Park CBT and BSOBR plan to create indoor and outdoor meeting spaces, along with a community café and toilets. A new Birmingham School of Bell Ringing would be housed in the present Lodge with teaching and meeting spaces, and in time an iconic new ‘Bell Tower’ at the park entrance, building on Birmingham’s position as the premier centre of excellence in change ringing. The garden behind it would remain as a cultivated public space.

Overall, the proposed amenities at the entrance will facilitate a wide range of recreational, educational and cultural activities to promote good health and wellbeing, while creating a modern leisure venue with much needed toilets and refreshment facilities for users.

As an interim measure, CBT now has planning consent and funding for a welfare unit on the site but progress on this too has stalled for a year whilst we wait for Officers to decide how to manage the project.

### Application to the Charity Commission for a Deed of Variation

Due to the park being held in Trust by BCC, it argues that it cannot grant a lease to third parties (for example CBT and BSOBR) without obtaining a deed of variation from the Charity Commission. Since 2012, various stakeholders, working with BCC, have drawn up plans to provide facilities for community use; in 2016 Officers recognised the need for a scheme of variation to enable them to dispose of some assets with a lease; a decision authorised by the Trusts and Charities Committee. Despite later assurances by Officers that this application would be made in 2017, 2019 and 2020, the City finally consulted on the matter on 8 February 2022. At its close, on 2 May 2022, there was overwhelming support for the project.

BCC applied to the Charity Commission in Summer 2022; apparently the Commission’s informal response was to take another route to seek a variation.

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BCC's failure to obtain the necessary variation from the Charity Commission is delaying the project and increases the risks of its failure.

### Background

In 1952, Manor Farm Park was gifted by George Cadbury to be held in Trust (the George Cadbury for Public Park Trust) by BCC, for use as a public park with the Full Council as Trustee. The original Cadbury Barn was destroyed by arsonists in 2017 but stakeholders continued with plans to develop the site. We have funding and plans to develop the site; no BCC funding would be required. There is overwhelming support from elected representatives, park users and community organisations for the project.

### Recommended Actions

There are several things the Committee can do to overcome these delays:

- Develop a plan and timetable to obtain a variation from the Charity Commission
- Start discussions with CBT and BSOBR about the terms of leases for use of the site.
- Set out a realistic timetable for completion of the project.
- Facilitate the installation of a welfare unit as an interim measure.

### Discussion

The project would require no additional BCC funding, it would bring many benefits to the area. The unsightly and neglected buildings at the park's entrance would be remodelled, making a visit to the park more inviting, enjoyable and safer. The project will also create some new job opportunities. There has been some progress with the project, CBT and BSOBR have plans, funding and overwhelming support for the plans from many parties but delays by BCC now risk jeopardising the project.

John Stewart  
Chair, Cadbury Barn Trust

Simon Linford  
Birmingham School of Bell Ringing

31 March 2023

# Birmingham City Council

## Trust and Charities Committee

12<sup>th</sup> April 2023



**Subject: SMALL HEATH PARK – PROPOSED LANDSCAPE IMPROVEMENTS**

**Report of: Director - Street Scene**

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

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

To seek Committee approval to implement landscape improvement works on Trust land at Small Heath Park as identified at Appendix 1, to include; an outdoor fitness facility, improved cricket facilities and replacement play facilities as a priority along with biodiversity enhancements and works to the lake to improve water quality within the available Town and Country Planning Act 1990 Section 106 Agreement resources.

### 2 Recommendations

- 2.1 To approve the implementation of the landscape improvement works identified at Appendix 1 at Small Heath Park through the Council's Landscape Practice Group.
- 2.2 To receive a report from the Landscape Practice Group once the works are completed, anticipated to be in summer 2023.

### 3 Background

- 3.1 Small Heath Park was formed from the original gift of 16.63 hectares of land from Miss Louisa Anne Ryland who also provided the costs for laying out the park which opened in 1879. The gift was by way of a long lease of 900-year lease from 29<sup>th</sup> September 1876. The terms of the gift require the Park to be used for 'providing for the inhabitants of the City, parks and other places of healthful and pleasurable resort'.
- 3.2 The proposed landscape and recreational improvement works are consistent with the trust objectives.

- 3.3 The trust currently delegates day to day management of the park to the Birmingham City Council Street Scene and Parks Service who cover all costs, and collect income generated, if any, which is used to offset the maintenance costs incurred at the Park.
- 3.4 The cost of the design, construction and maintenance of the improvement works will be fully funded by external capital sums from Town and Country Planning Act 1990 Section 106 resources.

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

- 4.1 The Council considered various options for delivering improvements to Small Heath Park and undertook a public consultation during the period between 16<sup>th</sup> December 2022 and 22<sup>nd</sup> January 2023 via the Council's Be Heard website. One option was to focus the resources on the Moghul gardens within the park but the response from local residents was to direct the monies towards the more general landscape improvements described within this report.
- 4.2 It is therefore recommended that the Committee supports the proposals to undertake the landscape improvement works to the trust land as outlined above.

#### **5 Appendices**

- 5.1 Appendix 1 Sketch proposals drawing



# Small Heath Park Potential Landscape Improvements Public Consultation



Wildflower meadow planting



Biodiversity improvements to lake including planting and fountains for aeration



New improved central seating area with new 'outdoor living rooms' and litter bins – Additional seating and bins throughout the park

Birmingham City Council would like to seek your views on a number of potential landscape improvements to Small Heath Park. While the existing park has many great features, there are currently some exciting opportunities available for further improvement and enhancement of the park's facilities.



New 1km circular walking and running marker

Improvements to Multi Use Games Area

Restoration of the Moghul Garden and potential new entrance created onto Wordsworth Road



Restoration of artificial cricket wicket



Improvements to the junior play area including new climbing play equipment



New outdoor gym area



New family picnic area

Respond online by the 22/01/22 by visiting:

<https://www.birminghambeheard.org.uk/place/small-heath-park>

## Get involved!

We want to hear your views!

Scan this QR code to respond to this consultation on your phone!

Alternatively you can view the proposals and complete a paper copy of the consultation form and drop it into the consultation forms return box at:

**Small Heath Library, 60 Muntz St,  
Small Heath, Birmingham B10 9RX**





# Birmingham City Council

## Trust and Charities Committee

13<sup>th</sup> March 2023



**Subject: Applications for Grant Funding to Birmingham Municipal Charity**

**Report author: Alison Jarrett, Director Group & Capital Finance**

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:

The fund applications may contain personal information and are therefore noted on the private agenda and further anonymised where reference to individuals is made.

### 1 Executive Summary

To provide the Committee with details of applications for grant funding from the Birmingham Municipal Charity.

### 2 Recommendations

- 2.1 To consider the applications for grant funding at exempt appendix 1 and note for the minutes, whether the application is approved, the sum approved, any conditions or request for additional information,
- 2.2 To authorise the City Solicitor to negotiate, execute and complete all necessary documentation to give effect to the above recommendations.

### 3 Background

- 3.1 The Birmingham Municipal Charity was set up to provide grants of a general charitable nature to benefit the citizens of Birmingham. Applications are made ad hoc to the Grants Secretary and must meet the following criteria:

1. Grants to be awarded to recipients or beneficiaries who reside within the boundary of the City of Birmingham up to the value of £10,000.
2. Evidence of tangible “public benefit” to be demonstrated in the Application form
3. Grant Applications will be presented to Trusts and Charities Committee for Approval.
4. Funding letter to be forwarded to successful applicants.
5. Applicants to sign offer of funding agreement.
6. A narrative report to be submitted once the grant provided has been defrayed, confirming the use of funds and public benefit.
7. Grants awarded to be defrayed in the financial year or within 6 months of approval of funding, unless agreed otherwise.
8. Spend is for the benefit of the citizens of Birmingham.
9. Documentary evidence of spend must be provided.

3.2 Applications are assessed within the finance function and applicants contacted to provide additional details or evidence to show that the request meets the fund criteria. Should the grant be approved then together with legal colleagues agreements are drawn up as appropriate and/or necessary according to the nature of the award, funds are dispersed and invoices, records and reports collated again as appropriate.

3.3 Funds held in the Charity for award totalled £750,000 (part in hand, part invested) at 31 March 2022

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

The Trusts and Charities Committee is asked to consider the applications at appendix 1 and to either approve unconditionally, approve conditionally, reject or request further information to be brought to a future meeting or to be considered between meetings.

#### **5 Appendices**

5.1 Appendix 1 Exempt information – applications for BMC Funding and their supporting documents