



COUNCIL AS TRUSTEE 13 MARCH 2018

**MINUTES OF A MEETING OF THE
COUNCIL AS TRUSTEE COMMITTEE
HELD ON TUESDAY 13 MARCH 2018
AT 1345 HOURS IN THE COUNCIL CHAMBER,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT:- Lord Mayor (Councillor Anne Underwood) in the Chair

Councillors

Muhammed Afzal	Mick Finnegan	Keith Linnecor
Uzma Ahmed	Des Flood	Mary Locke
Mohammed Aikhlaq	Jayne Francis	Ewan Mackey
Deirdre Alden	Carole Griffiths	Majid Mahmood
Robert Alden	Peter Griffiths	Karen McCarthy
Tahir Ali	Paulette Hamilton	James McKay
Sue Anderson	Andrew Hardie	Gareth Moore
Gurdial Singh Atwal	Roger Harmer	Yvonne Mosquito
Mohammed Azim	Kath Hartley	Brett O'Reilly
Susan Barnett	Penny Holbrook	John O'Shea
David Barrie	Barry Henley	David Pears
Bob Beauchamp	Des Hughes	Robert Pocock
Matt Bennett	Jon Hunt	Victoria Quinn
Kate Booth	Mahmood Hussain	Hendrina Quinnen
Steve Booton	Shabrana Hussain	Chauhdry Rashid
Sir Albert Bore	Timothy Huxtable	Carl Rice
Barry Bowles	Zafar Iqbal	Fergus Robinson
Randal Brew	Ziaul Islam	Gary Sambrook
Marje Bridle	Morriam Jan	Rob Sealey
Alex Buchanan	Kerry Jenkins	Shafique Shah
Andy Cartwright	Meirion Jenkins	Mike Sharpe
Tristan Chatfield	Simon Jevon	Sybil Spence
Zaker Choudhry	Julie Johnson	Stewart Stacey
Debbie Clancy	Brigid Jones	Ron Storer
John Clancy	Carol Jones	Martin Straker Welds
Liz Clements	Josh Jones	Sharon Thompson
Lynda Clinton	Nagina Kauser	Paul Tilsley
Lyn Collin	Tony Kennedy	Karen Trench
Maureen Cornish	Ansar Ali Khan	Lisa Trickett

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John Cotton	Changese Khan	Margaret Waddington
Ian Cruise	Mariam Khan	Mike Ward
Diane Donaldson	Chaman Lal	Fiona Williams
Peter Douglas Osborn	Mike Leddy	Ken Wood
Barbara Dring	Bruce Lines	Alex Yip
Neil Eustace	John Lines	Waseem Zaffar
Mohammed Fazal		

NOTICE OF RECORDING

- 32 The Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's internet site and that members of the Press/Public may record and take photographs except where they were confidential or exempt items.

DECLARATIONS OF INTEREST

- 33 The Lord Mayor reminded Members that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting.

MINUTES

- 34 **RESOLVED:-**

That the Minutes of the meeting of Council as Trustee held on 7 November 2017, having been printed and a copy sent to each Member of the Council as Trustee, be taken as read and confirmed and signed.

A MULTIPLE REPORT ON PROPERTY MATTERS FOR DECISION BY COUNCIL AS TRUSTEE

The following report of the Trusts and Charities Committee was submitted:-

(See document No. 1)

Councillor Habib Rehman moved the motion which was seconded.

In accordance with Council Standing Orders, Councillors Meirion Jenkins and Randal Brew gave notice of the following amendment to the Motion:-

(See document No 2)

Councillor Meirion Jenkins formally moved the amendment and in doing so reserved his right to speak. The amendment was formally seconded by Councillor Randal Brew who reserved his right to speak.

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Councillor Phil Davis declared an interest as a Council nominated trustee on the Chamberlain Highbury Trust. He indicated his intention to speak in the debate but abstain from voting.

A debate ensued.

Councillor Habib Rehman replied to the debate.

The amendment having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The Lord Mayor indicated that that she would take each part of the Motion separately.

The Motion having been moved and seconded was put to the vote separately as follows

Part A - Highbury – Grant of Long Lease to Chamberlain Highbury Trust by a show of hands was declared to be carried.

Part B - Cropwood Estate - Hunters Hill College use of additional land by a show of hands was declared to be carried.

Part C - Cannon Hill Park – installation of the Sousse and Bardo Memorial by a show of hands was declared to be carried.

Part D - Birmingham Charities Limited as amended by a show of hands was declared to be carried.

It was therefore –

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RESOLVED:-

That Full Council sitting as 'Council as Trustee':

A. Highbury – Grant of Long Lease to Chamberlain Highbury Trust

- i) approves the grant of a lease of the Highbury Estate (excluding the land which is the subject of a separate lease to Birmingham City Council for its use by Uffculme Special School) to an independent charity, namely the Chamberlain Highbury Trust as identified in the report to Trust and Charities Committee of 17th January 2018 on terms to be agreed and for a term up to 125 years.

B. Cropwood Estate - Hunters Hill College use of additional land

- i) approves that the land identified as parcels A and B as identified in the report to Trust and Charities Committee of 17th January 2018 together with the woodland either side of Spirehouse Lane be added to the land already occupied by the College and let to the College on terms to be agreed or if required let to the Hunters Hill Charitable Trust.

C. Cannon Hill Park – installation of the Sousse and Bardo Memorial

- i) approves the erection and dedication of the memorial on land identified in the report to Trust and Charities Committee of 17th January 2018 on terms to be agreed.

D. Birmingham Charities Limited

- i) approves the disposal of any land held in trust approved by Council as Trustee to the charitable company, where this is required in order to effect any disposal back to the City Council in its statutory capacity as a “connected person” pursuant to Sections 117-s118 Charities Act 2011.
- ii) To note that the formation of this charitable company supersedes any requirement to have established individual charitable companies for the relevant charitable trust seeking to dispose of assets back to the City Council as previously approved by the Council as Trustee at its meeting on 6th December 2016, specifically, the disposal of land at Grove Park held in trust as the ‘Public Park in Harborne’ registered charity no.501802 in respect of the Kenrick Centre;
- iii) To note that the formation of this charitable company supersedes any requirement to have established individual charitable companies for the relevant charitable trust seeking to dispose of assets back to the City Council as previously approved by the Council as Trustee at its meeting on 4th March 2014, specifically, the disposal of land at Highbury registered charity no. 1039194 in respect of Chamberlain House for its use by Uffculme Special School.
- iv) The Council calls on the Executive to amend the structure of Birmingham Charities Limited to include representation from all political parties on the City Council.

and

that the Assistant Director of Property (Interim) be authorised to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 for the disposal of property and to negotiate and agree the terms of all agreements on behalf of the Trusts provided that appropriate restrictions are included in the disposal terms to properly safeguard the individual Trust

and

that the City Solicitor and Monitoring Officer be authorised to prepare, negotiate, execute, seal and complete all necessary documentation, including the making of applications to the Charity Commission for any purposes required to give effect to the above decisions and also to place any formal advertisements required under either s123 of the Local Government Act 1972 or the various statutes as may relate to the charitable status of the land, manage any appropriate consultation stages and to appraise the Trusts and Charities Committee of the results of that consultation.

The meeting ended at 1400 hours.

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CHAIRMAN