

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 19 JULY 2017
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**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON WEDNESDAY 19 JULY 2017
AT 1630 HOURS IN COMMITTEE ROOM 6,
THE COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Habib Rehman in the Chair;

Councillors Diane Donaldson, Mick Finnegan, Jayne Francis and Paul Tilsley.

ALSO PRESENT:-

Sanjeev Bhopal – Committee Lawyer
Nigel Oliver – Birmingham Property Services
Alison Jarrett – Assistant Director of Finance
Ken Lyons – Head of Commercialism
John Carrigan – Birmingham Wellbeing Service
Sarah Stride – Committee Manager
John Stewart – Friends of Manor Farm Park representative
Lesley Pattenson – Friends of Manor Farm Park representative.

904

APPOINTMENT OF COMMITTEE

The following resolution of the City Council was submitted appointing the Committee for the Municipal Year 2017/2018 with the following Members:-

Labour (5)

Councillor Diane Donaldson
Councillor Mick Finnegan (Vice-Chairman)
Councillor Jayne Francis
Councillor James McKay
Councillor Habib Rehman (Chairman)

Conservative (2)

Councillor John Alden
Councillor David Pears

Liberal Democrat (1)

Councillor Paul Tilsley

NOTICE OF RECORDING

- 905 The Chairman advised that the meeting will be webcast for live or subsequent broadcast via the Council's internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs.

The whole of the meeting will be filmed except where there are confidential or exempt items.

APOLOGIES

- 906 Apologies were submitted on behalf of Councillors John Alden and David Pears for their inability to attend the meeting.
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MINUTES

- 907 **RESOLVED:-**

That part I of the Minutes of the last meeting of the Trusts and Charities Committee held on 19 April 2017 was noted.

MATTERS ARISING FROM THE MINUTES

- 908 In response to a question raised by Councillor Tilsley in relation to Minute No. 901, Alison Jarrett confirmed that funding had been released to the Highbury Trust and that the payment was made on time in April 2017.

Councillor Tilsley stated that he was satisfied with the response provided and he thanked officers who were involved in the funding transfer.

TERMS OF REFERENCE OF THE TRUSTS AND CHARITIES COMMITTEE

The following terms of reference were submitted:-

(See Document No. 1)

- 909 **RESOLVED:-**

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

DATES OF FUTURE MEETINGS

- 910 **RESOLVED:-**

The Trusts and Charities Committee agreed the following schedule of meetings for 2017/2018:-

2017

20 September, Committee Rooms 3 & 4
15 November, Committee Room 2
13 December, Committee Room 2

2018

17 January, Committee Room 2
21 March, Committee Room 2
18 April, Committee Room 2

All meetings will be held at 1030 hours at the Council House, Victoria Square, Birmingham (venue may change if a site visit is requested).

DECLARATIONS OF INTERESTS

911

RESOLVED:-

Members were reminded that they must declare all relevant 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 raised in the meeting.

GEORGE CADBURY FOR PUBLIC PARK (KNOWN LOCALLY AS ‘MANOR FARM PARK’) – SAFEGUARDING THE CADBURY BARN UPDATE

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

(See Document No. 2)

Nigel Oliver, Birmingham Property Services introduced the report and welcomed John Stewart and Lesley Pattenson, Friends of Manor Farm Park to the meeting to give a verbal update.

John Stewart gave a verbal update and made the following comments:

- Friends of Manor Farm Park wished to carry out a feasibility study with other stakeholders and it was hoped that a charitable organisation would be formed in order to provide a vehicle to obtain external funding. It was hoped that one of the stakeholders would be a Member representative from Birmingham City Council.
- A bid for funding has been submitted to the Heritage Lottery Fund (HLF). Friends of Manor Farm Park were meeting with representatives from HLF in

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August to discuss the bid to ensure that the application submitted was successful.

- The report in point 4.2 refers to vandalism in the Park, and he stated that a further incident had occurred after the report had been submitted. However, progress was being made, albeit slow progress.
- He gave a brief background to the works ongoing and stated that The Friends of Manor Park Farm wish to restore the barn, which was originally built by George Cadbury in 1895, for use as a community asset with a café thereby opening up the Park for the local community and visitors.
- The barn was currently boarded up in an attempt to prevent any future vandalism. The most recent act of vandalism involved thieves trying to steal the lead from the roof.

The Chairman thanked the Friends of Manor Park Farm for their attendance and the provision of the verbal update.

It was –

912

RESOLVED:-

The Trusts and Charities Committee noted the actions undertaken by the Friends of Manor Park in line with matters approved at the Trusts and Charities Committee held on 14 December 2016 to:

- (i) progress the Options Appraisal;
- (ii) noted that currently there is no longer a prospective office tenant for the farm buildings once converted which has required the proposals to be reviewed and broadened;
- (iii) approved to submit an expression of interest for new monies to the Heritage Lottery Fund 'Parks for People' fund and that as part of that submission the remit is extended to a whole park approach;
- (iv) noted that The Friends will seek to set up a Charitable Interest Organisation to assist progression of the bid and future management of the assets.

At this point in the meeting the Chairman proposed, and it was agreed to change the order of the agenda and consider agenda item no.15.

CHARGING FOR CAR PARKING IN PARKS PROJECT UPDATE

The following report of the Project Manager for the Introduction of Charges for Car Parking in Major City Parks was submitted:-

(See Document No. 3)

Ken Lyons, Head of Commercialism introduced the report and gave the following verbal information:

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- An initial report was submitted to the Trusts and Charities Committee in March 2017 which covered both Cannon Hill Park and Sutton Park. Since that report was submitted officers have been informed that Sutton Park is not held in trust and is therefore not under consideration. The report submitted is specifically in relation to car parking charges in Cannon Hill Park only.
- A Cabinet Member report jointly with the Chief Officer was produced which was subject to call in by elected Members and the issue was therefore submitted to Cabinet Committee who agreed to endorse the original recommendations and endorse car parking in Cannon Hill Park set at £2 for four hours and £3 for a whole day.
- Implementation of the scheme will commence in August and the charges collected will be ring-fenced to enhance security and maintenance of Cannon Hill Park.
- Improvement works are being undertaken in the current car parking at the Nature Centre end as overtime they had been neglected and were in need of resurfacing works.
- Consultation exercises have taken place on what impact car parking charges will have on the local area and local roads. An experimental traffic regulation order is currently under investigation to ensure the flow of traffic.
- Over 100 participants took part in the public consultation exercise that was undertaken in the park itself.
- The consultation period for surrounding roads will continue for many months in order to monitor the impact of park users parking their vehicles on residential roads in order to avoid the car parking charges in the Park.
- The consultation period on surrounding roads will end when the experimental traffic regulation order has been deemed efficient and working well in the locality.

In response to questions from Members as to whether the land in Sutton Park was held in trust or not, Sanjeev Bhopal advised the Chairman that he would address the issues raised and answer questions from Members when the meeting was held in private.

The Chairman agreed to the advice given and requested Ken Lyons to submit a further report to the Trusts and Charities Committee once the experimental traffic regulation order had been endorsed and all comments gathered during the public consultation exercises were collated.

It was -

913

RESOLVED:-

That the Charging for Car Parking in Parks Project update report be noted.

CALTHORPE PARK – LEASE TO HEALTH AND WELLBEING SERVICE MUTUAL ORGANISATION

The following report of the Service Director – Sport, Events, Open Space and Wellbeing was submitted:-

(See Document No. 4)

Nigel Oliver, Birmingham Property Services introduced the report and welcomed John Carrigan to the meeting to give a verbal update.

John Carrigan gave a verbal update regarding the service operation and made the following comments:

- A full consultation exercise has been completed and a report will be submitted to Cabinet Committee to approve the recommendations in August.
- Consultants from Support England have been involved and have offered help and support throughout the process.

The Chairman noted an amendment contained in the report and stated that the Ward affected should read Sparkbrook Ward.

It was -

914

RESOLVED:-

The Trusts and Charities Committee –

- (i) noted that the Health and Wellbeing Service now manages the former Calthorpe Park Play Centre on Edwards Road and that they wish to continue the provision of services from this hub location and that the Service transformation being proposed as set out in the proposed Cabinet report seeking approval to facilitate the establishment of a community benefit society (also known as a mutual) to deliver the Council outcomes currently being delivered through the Wellbeing Service and that this change will require the occupation of the premises on the trust's land to be regulated by the grant of a formal lease;
- (ii) agreed that applications be made to the Charity Commission to obtain either an Order or Scheme for the better management of the trust assets including a power of disposal and if appropriate an Order to permit a disposal to a 'connected person';
- (iii) authorised the making of applications a Deed of Release of the giftor's family seeking to remove or amend the restrictive covenant limiting the use of the premises'
- (iv) authorised the disposal by way of a lease up to twenty five (25) years from an early date to be agreed, of the land currently allocated to the Service being granted to the Health and Wellbeing or its mutual organisation once established, and that the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustees for approval;
- (v) delegated authority to the Assistant Director of Property (Interim) to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 for the disposal of the property and negotiate the terms of any disposal;

- (vi) authorised the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to grant the lease including the applications to the Charity Commission to give effect to the above and to remove or amend the restrictive covenant and to appraise the Trusts and Charities Committee of the results of the applications and consultation.

SMALL HEATH PARK – LEASE OF SMALL HEATH PARK LODGE

The following report of the Strategic Director of Place was submitted:-

(See Document No. 5)

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

It was -

915

RESOLVED:-

The Trusts and Charities Committee –

- (i) noted that the Small Heath Park Lodge has been unoccupied for many years and is in need of substantial repair before it could be brought into use but that there is demand for it to be made available for community purposes by parties who might secure such funds;
- (a) noted that any release of land or property on trust land would be subject to formal marketing and a tenant selection process and any occupation would need to be regularised by a formal lease, but before the grant could be made new powers would need to be available to the Trust;
- (b) noted further that, subject to appropriate valuation advice, the expectation is that the capital requirement to bring the premises back into use will likely result in the grant of a lease of a peppercorn rent only;
- (ii) approved that applications be made to the Charity Commission to obtain either an Order or Scheme for new powers for the better management of the trust assets including powers of disposal;
- (iii) approved, if necessary the making of any applications including a Deed of Release from the giftor's representatives as landlord seeking to remove or amend the restrictive covenant limiting the use of the premises;
- (iv) authorised, subject to appropriate marketing and valuation advice, the disposal by way of an underlease of up to thirty five (35) years from an early date to be agreed, of the premises formerly allocated to the Lodge and gardens and that the recommendation of the Trusts and Charities

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Committee be advanced to the next available meeting of the Council as Trustees for approval;

- (v) delegated authority to the Assistant Director of Property (Interim) to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 and negotiate the terms of any disposal;
- (vi) authorised the City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation to grant the lease including the above applications to give effect to the recommendations and to appraise the Trusts and Charities Committee of the results of the applications and consultation.

CROPWOOD ESTATE – HUNTERS HILL TECHNICAL COLLEGE USE OF LAND

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

(See Document No. 6)

Nigel Oliver, Birmingham Property Services introduced the report and responded appropriately to comments made.

Following advice from the Committee Lawyer the Chairman requested that further information be forwarded to Members of this Committee on the proposals for the remaining land that is to be advertised as available to let and marketed generally for agricultural use.

It was -

916

RESOLVED:-

The Trusts and Charities Committee –

- (a) noted that parcels A, B C and D as shown in Appendix 1 attached to the report are vacant and available to let;
- (b) noted that the College seeks additional land to enhance the curriculum in terms of farm studies preferring use of parcels C and D;
- (c) noted that the College has requested that the land be let to them at a peppercorn rent (at less than best value).

The Trusts and Charities Committee recommends that –

- (i) the land identified as parcels C and D as shown in Appendix 1 attached to the report be let to the College on terms to be agreed;

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- (ii) that the recommendations of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustees for approval;
 - (iii) that approval be given to negotiation and settlement of the terms of any disposal being delegated to the Director of Property to work with external agents to secure appropriate valuation advice to comply with requirements of the Charities Act 2011;
 - (iv) authorised the City Solicitor to negotiate, seal, execute and complete all legal documentation to give effect to the above.
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CROPWOOD ESTATE – ROSEMARY COTTAGE PARTIAL RELEASE OF RESTRICTIVE COVENANT

- 917 Following legal advice the Chairman agreed to consider this item under the private session of the meeting.
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REVENUE OUTTURN 2016/17

The following report of the Chief Finance Officer was submitted:-

(See Document No. 8)

Alison Jarrett, Assistant Director of Finance, introduced the report and responded appropriately to comments made by Members.

It was -

- 918 **RESOLVED:-**

The Trusts and Charities Committee –

- (i) noted the Trusts and Charities end of year balances for the financial year ending 31 March 2017;
 - (ii) noted the draft accounts appended to the report and that each Trust or Charity's final accounts, audited where applicable, will be presented to a future Trust and Charities Committee meeting;
 - (iii) approved the independently examined accounts of the Harriet Louisa London Trust 2015-16.
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OTHER URGENT BUSINESS

- 919 No items of Other Urgent Business were raised.
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AUTHORITY TO CHAIRMAN AND OFFICERS

920

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

921

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
and Matters arising.

Other Urgent Business – Exempt paragraph 3
