

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 17 DECEMBER 2015
--

PRESENT: Councillor Phil Davis in the Chair

Committee Members:
Councillor John Alden (JA)
Councillor Paul Tilsley (PT)
Councillor Ansar Ali Khan

Officers:
Rajesh Parmar, (RP) Senior Solicitor, Legal & Democratic Services, Rahema Begum (RB),
Legal & Democratic Services, Mark Szurminski (MS), Senior Business Analyst, Corporate
Finance, Nigel G Oliver (NGO), Property Manager, BPS.

756

NOTICE OF RECORDING & PRELIMINARY MATTERS

The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

757

APOLOGIES

Apologies for non-attendance were submitted on behalf of:

Councillor Hendrina Quinnen
Councillor Ian Cruise
Councillor Matthew Gregson (Newly appointed, replacing Councillor Finnegan)

758

MINUTES

The public minutes of the meeting on 12 November 2015, were confirmed as an accurate record.

759

MATTERS ARISING

None

760

DECLARATIONS OF INTERESTS

The Chairman reminded Members that they must declare all relevant pecuniary interests and/or non-pecuniary interests relating to any items of business to be discussed at this meeting. If a pecuniary interest is declared a Member must leave the room or Chamber where the meeting is being held, unless a dispensation has been obtained from the Authority's Standards Committee. Any declarations or leaving of the room/chamber will be recorded in the minutes of the meeting.

None were declared.

761

NEW CHAMBERLAIN Highbury TRUST

The chairman introduced Mr Les Sparks, the newly appointed Chair of Chamberlain Highbury Trust.

Mr Sparks provided information on the new trustee shadow board, the appointments of the other trustees and their backgrounds. There was some discussion around the recruitment and set up of the trust and it was confirmed that the shadow Trust would need access to independent legal advice to support its set up arrangements. This is of particular importance in relation to the negotiations on the transfer of the trust assets i.e disposal of lease etc. The committee thanked Mr Sparks for his efforts and welcomed the progress made to date.

762

CADBURY BARN AND MANOR FARM PARK

The Chairman introduced Mr Simon Butuex, Director of Birmingham Conservation Trust, who provided a presentation on the Cadbury Barn and Manor Farm Park project. Simon and colleagues from the project provided background information in relation to the options appraisal and the current work and proposals, which aimed to support an application to the Heritage Lottery Fund.

Councillor Davis said he was keen to keep members informed on potential applications which could improve sites held by the Committee.

The committee noted with approval the progress made.

763

CENTRE FOR THE CHILD TRUST

Linda Monk provided a verbal update to members around the charity's activities to date. Linda informed members that the focus of the trust was to provide activities for children in the library, such as storytelling. The events are held during school holidays and have planned 10 events for next year. Members queried how much was spent a year. This had been provided to members at the previous committee meeting. The Chairman requested that a list of expenditure is provided regularly to the Committee, noting the positive work done with the funds available.

RESOLVED:

Committee noted the verbal update.

764

**ANNUAL REPORT & ACCOUNTS – HARRIET LOUISA LOXTON TRUST
FOR PERIOD 2014/15**

MS presented the report and informed committee that the independent examination was undertaken by the Trusts appointed auditors, Clement Keys as the current balance triggered this and was a requirement of the Charity Commission.

Councillor Pears queried what the level of interest was. MS advised that it was 0.455 with CCLA, however last years is not available but could be provided.

Members queried the date of the trust was established as the report at para 5.1 states 2 February 1949 and then at para 5.2 refers to 31 March 1932. Officers are to check this. Members also queried the date that CCLA took over. MS to find out and report to committee.

Councillor Alden pointed out that cheques should be made to the trust and not BCC as could go to wrong account. The Chairman advised that this is audited and coded correctly. The administrator of the trust would manage this and ensure the process is in place.

RESOLVED:

Committee approved the Report.

765

**ANNUAL REPORT & ACCOUNTS – ELFORD TRUST FOR THE PERIOD
2014/15**

MS presented the report and informed members that the trust accounts triggered the charity commission's threshold for requiring trust fund accounts to be independently examined. The gross annual income for the year was £61,724 and therefore an independent examination was undertaken.

Councillor Pears queried whether the installation of a storage lagoon at Home Farm would be detrimental to the financial future for the trust. It was confirmed that it would not and further that officers would ensure that the matter would be properly monitored to ensure that did not change.

The chairman said he had been briefed on the local planning decisions regulating to the storage lagoon and there were no grounds on which the Committee needed to intervene.

RESOLVED:

Committee approved the report.

ANNUAL REPORT & ACCOUNTS – Highbury Trust for the period 2014/15

MS presented the report and informed members that the gross annual income for the year was £179,382 and therefore an independent examination was undertaken as required by the Charity Commission.

Councillor Alden queried why the valuation of Highbury had decreased as it was previously £4 million. MS advised that it was previously valued based on the demolition of Chamberlain House.

RESOLVED:

The Report was approved.

ANNUAL REPORT & ACCOUNTS – Moseley Road Community Centre for the period 2014/15

MS presented the report and informed members that the report is for information only as it is a custodian trust and members were to note the annual report and accounts.

RESOLVED:

Committee noted the report.

ANNUAL REPORT & ACCOUNTS – Sir Whitworth Wallis Trust for the period 2014/15

Again, MS presented the report and informed members that the report is for information only as it is a custodian trust and members were to note the annual report and accounts.

Members pointed out that the report states that there are 9 trustees but only 7 were named.

RESOLVED:

Committee noted the report.

ANNUAL REPORT & ACCOUNTS – John Billingsley the Elder for the period 2014/15

MS presented the report and again informed members that the report is for information only as it is a custodian trust and members were to note the annual report and accounts.

MS also informed members that the trustee's had resolved to merge the trust with BMC.

RESOLVED:

Committee noted the report.

770 **ANNUAL REPORT & ACCOUNTS – LORD MAYORS CHARITY FOR THE PERIOD 2014/15**

MS presented the report and again informed members that the report is for information only as it is a custodian trust and members were to note the annual report and accounts.

Councillor Davis commented that he was appointed a trustee of the charity late in 205 and re-appointed for next year recently.

RESOLVED:

Committee noted the report.

771 **WILLIAM WALTER HINDE (COFTON PARK) DISPOSAL OF PART OF THE WHITE HOUSE**

NGO presented the report and informed members that the purpose of the report was to inform members of the historical background of the disposal of trust assets in 1991. NGO explained that the disposal took place under the Right to Buy scheme in error. The money was taken as income by parks and spent. It is accepted that the city has disposed of assets that are held in trust although it should not have, however it cannot be recompensated.

RESOLVED:

Committee noted the report.

772 **SCHEDULE OF OUTSTANDING MINUTES**

Minute 395 - Sole and Custodian Trustee Trusts and Charities: Officers to report on a sixth monthly basis on the activities undertaken by Sole and Custodian Trusts and Charities.

Committee agreed that this was a rolling item and committee to be advised of progress as and when.

Minute 651 - Matters Arising, Cofton Park breach of trust: Sale of flat at White House. Investigations are required to determine if any breach has occurred and action that may be required to remedy it.

Committee agreed that this minute can be disposed of.

773

OTHER URGENT BUSINESS

None reported to Committee.

774

AUTHORITY TO CHAIRMAN AND OFFICERS

Chairman to move:-

“That the Chairman is hereby authorised to act until the next meeting of the Committee except that, in respect of the exercise of the Council’s non-Executive functions, the appropriate Chief Officers are hereby authorised to act in consultation with the Chairman and that the Director of Legal and Democratic Services is authorised to affix the Corporate Seal to any document necessary to give effect to a decision of the said officers acting in pursuance of the power hereby delegated to them; further that a report of all action taken under this authority be submitted to the next meeting and that such report shall explain why this authority is used”.

775

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.

Minutes of the last meeting

Exempt information paragraph 3

.....
Cllr Philip Davis
Chairman of Trusts and Charities Committee