

# Birmingham City Council

## Report to Cabinet Member for Street Scene and Parks

22 April 2020



**Subject:** HIGHBURY HISTORIC GARDEN RESTORATION  
PROJECT GRANT ACCEPTANCE AND  
PROJECT DELIVERY

**Report of:** Acting Director - Neighbourhoods

**Relevant Cabinet Member:** Councillor John O'Shea, Street Scene and Parks

**Relevant O &S Chair(s):** Councillor Penny Holbrook, Housing and Neighbourhoods

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

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Moseley		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

### 1 Executive Summary

1.1 The Chamberlain Highbury Trust (CHT) in partnership with the Council is seeking to improve the gardens and reopen the original access drive to the house within the Highbury estate.

1.2 The CHT has been successfully seeking external funding, with approval from the Birmingham Trusts and Charities Committee, and now executive approval is sought for the Council to accept grant offers of £100,000 from

Highbury Historic Garden Restoration Project

Historic England and £99,900 from the Heritage Lottery Fund, to act as the accountable body for the defrayal of the grant, to deliver the project works and engage a local volunteer co-ordinator and an activities manager.

## **2 Recommendations**

### **2.1**

- That the Cabinet Member for Street Scene and Parks:
  - Authorises the acceptance of £99,900 of National Lottery Heritage Fund (NLHF) grant and £100,000 of Historic England (HE) grant towards total eligible project costs of £302,400 for the restoration and improvement of Highbury historic garden, including an activities programme and recruitment of volunteers and agrees to act as accountable body for the defrayal of the grants.
  - Authorises the Head of Landscape and Development to develop the capital works element of the project and place an order for up to £256,610 with an approved contractor to deliver the work through the Landscape Construction Framework Contract 2019-23 or an approved procurement route via [finditinbirmingham.com](http://finditinbirmingham.com)
  - Approve professional fees of £30,000 to allow the Head of Landscape and Development to carry out the detailed design and implementation of the works on site to completion and undertake procurement activities to select and appoint a Volunteer Co-ordinator for the project.
  - Approve the revenue expenditure of £15,790 on the procurement of a Volunteer Co-ordinator and delivery of volunteering activities and events and the purchase of gardening tools.

## **3 Background**

- 3.1 The Highbury Estate comprises approximately 13.03 hectares (32.2 acres) of park land including Highbury Hall and Chamberlain House and three lodges.
- 3.2 The Estate was gifted by the heirs of the Right Honourable Joseph Chamberlain on 31st March 1932 and is held in trust as Registered Charity no 1039194 since 1994. Chamberlain Highbury Trust registered charity no. 1169845 has been set in place since December 2015 to best resolve the governance issues and to manage the Estate and seek external grants to enable the refurbishment of Highbury.
- 3.3 The Chamberlain Highbury Trust has been successfully seeking external funding, with approval from the Birmingham Trusts and Charities Committee, and now seeks approval to accept grant offers of £100,000 from Historic England and £99,900 from the Heritage Lottery Fund, and to deliver the project works.

- 3.4 A Memorandum of Understanding has been drawn up between the Chamberlain Highbury Trust and the City Council. This agreement sets out project aims, timescales, work package and roles and responsibilities, with The Landscape Practice Group being responsible for detailing and delivering the capital works in line with the project programme and budget, and appointment of a volunteer co-ordinator. The capital works comprise reinstatement of paths; entrance and railing improvements; restored planting areas; and installation of a composting toilet. This delegated approval will authorise the Landscape Practice Group to prepare detail designs and specifications and place an order with an approved contractor from the Landscape Construction Framework 2019-23 or through an alternative approved procurement route to undertake the capital works; as well as procure and appoint the Volunteer Co-ordinator.
- 3.5 Contributions from the Highbury Trust and the Chamberlain Highbury Trust have been made available for the project in the sum of £80,000 and £22,500 respectively.
- 3.6 It was anticipated that the works would commence on site in June 2020 and would be completed by the end of February 2021. However due to the current COVID 19 pandemic the project timetable is subject to slippage and new dates will be agreed with the relevant funding partners.

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

- 4.1 The establishment of the CHT has enabled long-standing governance issues relating to the Highbury estate to be determined on behalf of the Highbury Trust. The CHT's bids therefore represent the best opportunity to secure new resources to improve the Trust assets. There is currently no alternative to progressing matters other than through the CHT and therefore to properly support their bids financially and accept the role of accountable body for the defrayal of the grants is an appropriate use of Council resources which will secure improvements to the Highbury Estate.

#### **5 Consultation**

- 5.1 Consultation has been embedded in the development of this project from the start in the setting up of the Chamberlain Highbury Trust to manage the restoration of the house and gardens at Highbury. The Trust then set up a Protocol Group of all the main community partners operating in or around the site and wider Highbury estate. Progress has been regularly reported to the Ward Forum and the Trusts and Charities Committee. In addition, The project's activities have been devised through a number of consultation mechanisms beyond the main Protocol Group which include: the results of visitor surveying at the Heritage Open Day on 15 September 2019, the establishment of a Youth Board to act as advocates for Highbury and shape what happens, as well as conversations and connections made for example

with local schools, Let's Grow Together, Kings Heath Litter Pickers, Moseley Community Development Trust and Birmingham Eco Bricks.

## **6 Risk Management**

- 6.1 There are grant clawback implications relating to the funding awards which would be carried by the Parks Service on behalf of the Chamberlain Highbury Trust. This risk will be minimised by the project team, who will work closely with Corporate Procurement to ensure compliance with procurement requirements and the project will be managed day to day by The Landscape Practice Group to ensure a timely implementation subject to paragraph 3.6 above and delivery of the agreed project outcomes.
- 6.2 A Memorandum of Understanding has been agreed between the CHT and the Council to establish a governance structure, the principles of partnership working and to set out areas of accountability and the key objectives of the project.

## **7 Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 The proposed scheme will contribute to the Council's Key Outcomes:

**An aspirational city to grow up in:** through the visible investment and physical improvement of this important cultural site special to the heritage of Birmingham; increased numbers and diversity of adults and young people will be able to enjoy being involved in the restoration and management of the site and learn new skills.

**A great city to live in:** through the provision of improved circulation; and a restored historic landscape, children, adults and young people of all backgrounds and abilities will have improved access and enjoyment of this beautiful place, and so improved wellbeing, and recreational opportunities.

7.1.2 The project supports the commitment to the Future Council Programme, establishing an environment in which officers, residents, external partners and stakeholders can effectively and visibly work together. This will aim to make best use of the resources available and attract external funding to achieve a shared vision.

### **7.2 Legal Implications**

7.2.1 Under Section 19 of the Local Government Act (Miscellaneous Provisions) 1976, the Council has the power to provide such recreational facilities.

7.2.2 Birmingham City Council as sole corporate trustee holds the freehold interest of the land comprised in The Highbury Trust and is empowered to undertake actions to properly manage the assets of the Trust including affecting repairs and improvements. The CHT have been appointed to act as managing trustees for the Highbury Estate and have been supported in their previous applications for funding of works at Highbury.

### 7.3 Financial Implications

7.3.1 The capital expenditure and proposed funding is outlined in the table below amounting to £0.287m

<b>Budget required:</b>	<b>2020-21</b>	<b>2021-22</b>	<b>TOTAL</b>
Professional fees	£27,000	£3000	£30,000
Landscape Construction Works	£243,780	£12,830	£256,610
<b>TOTAL BUDGET REQUIRED</b>	<b>£270,780</b>	<b>£15,830</b>	<b>£286,610</b>
<b>Budget available:</b>			
National Lottery Heritage Fund Grant £99,900	£89,910	£9,990	£99,900
Historic England Grant £100,000	£98,115	£1,885	£100,000
The Highbury Trust (BCC)	£80,000	£0	£80,000
Chamberlain Highbury Trust	£2,755	£3,955	£6,710
<b>TOTAL BUDGET AVAILABLE</b>	<b>£270,780</b>	<b>£15,830</b>	<b>£286,610</b>

7.3.2 The revenue expenditure and income is outlined in the table below amounting to £0.015m

<b>Budget required:</b>	<b>2020-21</b>	<b>2021-22</b>	<b>TOTAL</b>
Professional fees for CHT volunteer co-ordinator and activity planner	£8,000	£3,750	£11,750
Recruitment costs	£510	£0	£510
Garden tools purchase	£1,490	£0	£1,490
Volunteer expenses	£510	£0	£510

Sustainability festival event costs	£765	£0	£765
Marketing materials	£300	£465	£765
<b>TOTAL BUDGET REQUIRED</b>	<b>£11,575</b>	<b>£4,215</b>	<b>£15,790</b>
<b>Budget available:</b>			
Chamberlain Highbury Trust	£11,575	£4,215	£15,790
<b>TOTAL BUDGET AVAILABLE</b>	<b>£11,575</b>	<b>£4,215</b>	<b>£15,790</b>

7.3.3 The proposed restoration works include many essential landscape maintenance items to bring the historic gardens into a state where they are more manageable to maintain. In addition, this project funds a Volunteer Co-ordinator and Activity Planner whose work will bring forward teams of volunteers, who will be provided with garden tools to support the Chamberlain Highbury Trust and Birmingham Parks maintenance teams in managing the site. Therefore this project will have no net increase in the revenue costs for future grounds maintenance.

7.3.4 The financial risk of clawback on grant funding due to the current COVID19 pandemic will be mitigated through revised timelines on delivery agreed with funding partners as set out in paragraph 3.6

## 7.4 Procurement Implications

7.4.1 The project design and management work will be carried out by the Landscape Practice Group, within the Parks and Nature Conservation service and the works will be implemented by an approved contractor under the Landscape Construction Framework 2019-23, either by the requisite taxi-rank or mini-tender procedures if the 50% non-standard item threshold is exceeded or through another approved procurement route via [finditinbirmingham.com](http://finditinbirmingham.com).

## 7.5 Human Resources Implications

7.5.1 The Activities Manager will be procured directly by CHT and the Volunteer co-ordinator will be recruited through [finditinbirmingham.com](http://finditinbirmingham.com) on a self-employed basis, with no short-term or long-term implications for the Council.

## 7.6 Public Sector Equality Duty

7.6.1 Equality forms an important part of this project. Restoration works improve access to this special site for wheelchair users and parents with

pushchairs, and activity events will be designed to bring new users into the gardens and build ownership of the site among underrepresented groups. A new Youth Board will be established, and volunteer teams will include adults with learning disabilities, people suffering from depression, young people, school children and students. An equality assessment has been carried out to reflect the work described above (See Appendices 1 and 2).

## **8 Background Documents**

- 8.1 Report to Trusts and Charities Committee – Highbury – Proposed match funding in support of Chamberlain Highbury Trust Bid 13<sup>th</sup> November 2019
- 8.2 Highbury Gardens BCC Letter of support 13<sup>th</sup> December 2019
- 8.3 Memorandum of understanding between BCC and CHT 17<sup>th</sup> March 2020

### List of appendices

Equality Act statement – Appendix 1

Equality Assessment EQUA505 – Appendix 2