

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 2 MARCH 2016
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PRESENT: Councillor Phil Davis in the Chair

Committee Members:
Councillor John Alden (JA)
Councillor Paul Tilsley (PT)
Councillor Hendrinna Quinnen
Councillor Ian Pears

Officers:
Sanjeev Bhopal, (SKB) Senior Solicitor, Legal & Democratic Services, Rahema Begum (RB), Legal & Democratic Services, Nigel G Oliver (NGO), Property Manager, BPS.

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NOTICE OF RECORDING & PRELIMINARY MATTERS

Cllr Alden raised his concerns about not following the statutory time limit for being advised of the meeting and receiving the agenda 5 clear days of the meeting. Therefore the members could not proceed with the meeting. However they could agree to waive the statutory notice limit if they were all in agreement. Cllr Pears also seconded this.

The Chairman asked for the legal position on this and that if everyone was in agreement then could resolve to continue with the meeting. SKB advised that Cllr Alden was correct with regards to the statutory guidance as contained in the Local government Act 1972 and members could waive this provision if they felt appropriate to do so. SKB apologised for the delay in the send out of committee papers and stated that he takes full responsibility for the delay. The reasons were due to work pressures which resulted in not being able to carry out this function in addition to the other work on hand. The Chairman interceded on this point and stated that there is a real wider issue about support to T&C committee and that it has not had committee support from committee secretariat for several years and will be speaking to the leader.

The committee resolved to agree to waive the statutory notice period on this occasion.

Cllr Pears commented that due to the light agenda he would not have minded to have had the meeting cancelled. The Chairman stated that he wanted to have the meeting to discuss the issue on Highbury surrounding the new appointed shadow trust and that it may be a short meeting but was important to go ahead with it

Cllr Tilsley commented that this is a statutory committee and BCC has a responsibility to ensure that this committee is resourced.

The Chairman thanked members for agreeing to the waiver and he invited members to email senior officers in support, urging them to sort out proper resourcing for the administration of the Committee.

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APOLOGIES

Apologies for non-attendance were submitted on behalf of:

Councillor Matthew Gregson
Councillor Ansar Ali Khan
Councillor Cruise
Mark Szurminski

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MINUTES

The public minutes of the meeting of the last meeting of Committee on the 20 January 2016, were confirmed as an accurate record.

There was an error on the recording of apology for Cllr Tilsley as he is down on the minutes as in attendance as well as apologies received. RB to check the signing in register of the meeting and clarify this.

The chairman provided an update on the proposed Highbury cycle route and that he had received an email from Mr Les Sparks (Chair of the Chamberlain Highbury Trust).

Cllr Alden commented that he had raised a query at minute 782, as to how much was being paid and asked whether this was checked. SKB stated that Mohammed Majid would be asked to clarify this point.

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MATTERS ARISING

Councillor Pears raised question with regards to Elford and whether an update was available. The Chairman advised that the Chairman from the Parish Council has been in touch and is arranging a meeting to discuss the issue in relation to the storage lagoon at home farm.

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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.

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APPOINTMENTS TO OUTSIDE ORGANISATIONS RELEVANT TO THE

WORK OF THE TRUSTS AND CHARITIES COMMITTEE

The Chair had agreed with the Leadership that TCC investigate a possible role as an appointing committee for certain relevant charities, in order to improve City responses to these. Currently all appointments went to Cabinet. TCC could approve a protocol for a limited number of appointments and identify which charities it might appoint to. This would be timely as it had recently been approached by the Birmingham Conservation Trust to see if it could nominate. Equally, a result of the creation of the new Highbury Trust Board, appointments had to be made by TCC. Reviewing the appointments process could involve discussion with other regulatory committees (e.g. Planning Committee).

RESOLVED:

Committee agreed that the Chair and Cllrs Tilsley and Alden would meet to consider the issues and report back.

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SAREHOLE MILL IN TRUST – DISPOSAL TO BIRMINGHAM MUSEUMS TRUST

Nigel Oliver (NGO), Property Manager, Birmingham Property Services, presented the report for the approval of the renewal of the lease of Sarehole Mill to Birmingham Museum Trust as part of the renewal of the contract to operate the Museums and Heritage Services. It would be a long term lease, for a period of 25 years.

RESOLVED:

Committee resolved to approve the report

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HIGHBURY TRUST

The report was tabled at the meeting. The Chairman and SKB presented the report and advised that officers had met with the shadow board and are making good progress. There are no fundamental issues, but would like a timetable of actions by July 2016. SKB advised that the board were seeking their own independent legal advice with a view to setting up a company by the end of April 2016. The Chairman advised that the board are to provide a report to the council as trustee in June/July 2016, but this timetable may slip.

Councillor Alden commented that it would be good for them to get this going and queried about the lease at peppercorn rate. NGO advised that the capital sum had a number of conditions attached to it. Members then discussed issues around financial and legal set up of the board.

The Chairman advised that there were 2 Board places for BCC nominees, which included a nomination from the ward members. The appointment is for a three year initial term and could change. The report is proposing the Chairman and Councillor Trickett as nominees.

Councillor Alden commented that the Council may want to appoint for a number of years so as to safeguard that someone is always in place.

RESOLVED:

Committee resolved the appointments.

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SCHEDULE OF OUTSTANDING MINUTES

No update available

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OTHER URGENT BUSINESS

Councillor Alden advised that cabinet had passed a decision on Cofton Park and wanted to know if the committee had been informed of the Council's proposal. The Chairman advised that he was not aware of any and that he would need to make enquiries.

Councillor Alden also advised that the budget paper had proposed parking charges at Cannon Hill Park and Lickey Hills and asked if any discussions were had around this change. The Chairman stated that he was aware of the proposal but again no discussions had been had with the committee and stated that we should be consulted on when decisions are being made on trust land.

Councillor Tilsley commented that the charges from any trust land should be paid to the relevant Charity and not BCC.

Councillor Quinnen commented that matters about trust land should be brought to this committee and asked whether it was possible for these matters to be brought back. The Chairman agreed and stated that he would discuss this with the leader and get the information.

SKB suggested that Parks and Gardens officers could be asked to review the delegation authority. Councillor Alden commented that this was an excellent idea and would be good to review Smallheath Park as a starter. As well as Cannon hill, Lickey Hills and Rectory Park. Also Edgbaston reservoir as there is a proposal to introduce charges and research around what land is held in trust would be useful.

The Chairman thanked Members for their attendance.

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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".

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

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Cllr Philip Davis
Chairman of Trusts and Charities Committee