

# BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES  
COMMITTEE  
20 APRIL 2016

**PRESENT:** Councillor Phil Davis in the Chair

Committee Members:

Councillor Ansar Ali Khan (AAK)

Councillor John Alden (JA)

Councillor Paul Tilsley (PT)

Councillor David Pears (DP)

Councillor Matthew Grogson (MG)

Officers:

Sanjeev Bhopal. (SKB) Senior Solicitor, Legal & Democratic Services; Lorraine Fowkes (LF) for Legal & Democratic Services; Nigel G Oliver (NGO), Property Manager, BPS; Mark Szurminski (MS), Senior Business Analyst, Corporate Finance; Bob Dalrymple (DB), Education Services.

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## **NOTICE OF RECORDING**

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.

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## **APOLOGIES**

Apologies for non-attendance were submitted on behalf of:

Councillor H Quinnen

Councillor I Cruise

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## **MINUTES**

The public Minutes of the meeting of the Trusts and Charities Committee held on 2 March 2016 were confirmed as an accurate record subject to the correction of Councillor David Pears name in the list of attendees.

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## **MATTERS ARISING**

Minute 798 - The Chairman provided an update in respect of Elford Parish Council; he had met with the Chairman of the Parish Council and it had been agreed to keep communication channels open and if any particular issues

arise [the Parish Council Chairman to raise with the Chairman.

Minute 802 - The Chairman clarified that the appointments to the new Chamberlain Highbury Trust from the Committee were not ex-officio.

Minute 804 - In respect of the car parking charges issue NGO informed Members that a list of relevant sites had been provided but the matter was currently held up in discussions with highways. NGO confirmed that it was still the intention to bring a report on this to a future meeting. The Chairman confirmed that he had spoken with the Deputy Leader of the Council on this matter and proposals were at any early stage; the Chairman stated that any charges on trust land would be subject to a view from this Committee.

Councillor Alden raised the issue of the sale of bricks from Crofton Park.

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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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#### **REVENUE BUDGET MONITORING 2015/16 – QUARTER 3 (TO 31 DECEMBER 2015)**

Mark Szurminski (MS) Senior Business Analyst, Corporate Finance, presented the report on Quarter 3 Budget Monitoring, which set out the position of trust balances as at 31 December 2015. The Report was for noting by Committee. Members were informed that final figures for 2015/16 would be presented to the next meeting.

The Chairman stated that he wished to pursue the transfer of funds to the Birmingham Municipal Charity (BMC) where possible to free up those funds and encourage bids from relevant applicants. The Chairman added that People Directorate (Margaret Aston-Grey) had agreed in principle to taking on the process for grant disbursements for BMC. A report would be brought forward on this in due course.

Councillor Tilsley queried the asset value shown in the accounts in respect of the Cropwood Trust and NGO clarified that this was the reinstatement value of the land and buildings rather than the market value.

#### **RESOLVED:**

Committee resolved to accept and note the report..

**CROPWOOD TRUST – THE STABLES, SPIREHOUSE LANE,  
BLACKWELL, BROMSGROVE**

Bob Dalrymple (BD) from Education Services presented the report seeking approval to incorporate The Stables building into the general Cropwood Trust portfolio of buildings. BD informed Members of the background to the Trust and the proposal as set out in the report.

The Chairman sought clarification on the financial relationship between the Trust and the Committee in respect of income. NGO clarified that no income comes to the Committee from the Trust and that a review of the relevant documentation was needed.

The Chairman queried if the move to Academy status would impact on the position and stated it was imperative that the baseline legal position was clarified. Sanjeev Bhopal (SKB) confirmed that these issues had been picked up and the legal position was being investigated to ensure that the Members were discharging their duty as trustees.

Councillor Alden stated the school were doing a tremendous job and queried if money could be made available for refurbishment of the swimming pool.

Councillor Gregson stated that he would require clarity on the Academy position before proceeding. The Chairman stated that the Committee had previously received advice in respect of the legal position, that the provisions could not be enforced against the Trust and therefore felt the position was safeguarded.

**RESOLVED:**

1. To approve the incorporation of The Stables building into the general Cropwood portfolio of buildings currently occupied by Hunters Hill School, thus enabling the school to start re-providing outdoor learning education which meets the objects of the Charity.
2. To instruct officers in Legal Services and Corporate Finance to take all necessary steps to facilitate the transfer of The Stables to the general Cropwood portfolio of school buildings.
3. For a report to be received on the legal position at the next meeting of the Committee.

**HIGHBURY TRUST**

The Chairman provided a verbal update. The Board of the new Trust (Chamberlain Highbury Trust) had been fully formed and their request to transfer funds would take place once the Chairman was satisfied the appropriate audit trail and transparency requirements were in place. The Chairman could sign this matter off after taking advice from the Strategic Director of Finance and Legal Services using the Chairman's delegated powers. The Chairman would keep the Committee updated and if a formal decision was required would come back to the Committee. If any lease issues arise then this would be a matter for Trusts and Charities to

recommend and Full Council to approve.

**RESOLVED:**

That the matter be noted.

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**SURRENDER AND RENEWAL OF LEASE AT 187 HARBORNE LANE  
(SELY OAK PARK REGISTERED CHARITY No 522877)**

Nigel Oliver (NGO) provided an brief background to this matter; the property used to be used as a care home but that had become unviable. Proposed use was as student accommodation primarily for student nurses at nearby hospital. Proposal was for 125 year lease at market rent with 7 yearly rent reviews.

Councillor Gregson queried the frequency of the rent reviews and NGO provided clarification on the position.

**RESOLVED:** That the report be noted and the decision deferred to the Private part of the meeting.

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**TRUSTS & CHARITIES COMMITTEE – APPOINTMENTS PROTOCOL  
PANEL**

The Chairman updated the Committee on the work undertaken to date; the Chairman had met with Councillors Alden and Tilsley and looked at the list of bodies; there was some cross over with Planning Committee and approval of the Cabinet would also be needed.

**RESOLVED:**

1. That the Committee notes the progress made by Members of the Trusts and Charities Committee Appointments Protocol Panel (the "Panel") as set out in Appendix 1 to the Report.

2. That the Committee authorises Councillor Philip Davis and the (Joint) City Solicitor and Monitoring Officer to Report on all progress and recommendations made by the Panel, to Cabinet and/or Council Business Management Committee ("CBM"), with a view to implementing any agreed revisions to the Council's Constitution, subject to any further recommendations made by the Committee and/or the outcome of any consultation agreed.

3. That the Committee authorises the Joint City Solicitor and Monitoring Officer to prepare, negotiate, execute, seal and complete all necessary documentation to give effect to the above decisions.

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817 **SCHEDULE OF OUTSTANDING MINUTES**

The Committee noted the schedule of outstanding minutes.

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818 **OTHER URGENT BUSINESS**

Councillor Alden raised the issue of licences to sell ice creams in various parks and whether income from trust parks would be coming to this Committee. Nigel Oliver (NGO) undertook to provide a list of relevant parks.

The Chairman stated that this was part of the wider issue of this Committee being consulted at the appropriate time on matters affecting trust land. Sanjeev Bhopal (SKB) referred the Committee to the previous meeting and the issue of delegations being looked at.

Councillor Alden raised the issue of Grove Park and SKB stated this matter was in progress.

Noted.

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819 **AUTHORITY TO CHAIRMAN AND OFFICERS**

The authority to the Chairman was agreed.

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820 **EXCLUSION OF THE PUBLIC**

**RESOLVED:** That due to the nature of the business to be transacted which involves exempt information under paragraph 3 of Schedule 12A Local Government Act 1972 the public be excluded from the meeting.

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