

BIRMINGHAM CITY COUNCIL

TRUSTS AND CHARITIES COMMITTEE 14 DECEMBER 2016
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**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON WEDNESDAY 14 DECEMBER 2016
AT 1030 HOURS IN COMMITTEE ROOM 6,
THE COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Habib Rehman in the Chair;

Councillors Ian Cruise; Mick Finnegan; David Pears
and Paul Tilsley.

OFFICERS PRESENT:- Sanjeev Bhopal – Committee Lawyer
Nigel Oliver – Birmingham Property Services
Lesley Poulton – Head of Ladywood District.
Mel Jones – Road Safety Team
Sarah Stride – Committee Manager.

ALSO IN ATTENDANCE:- John Stewart – Friends of Manor Farm Park
Les Sparks – Chair of Trustees, Charity Highbury
Trust (CHT)

NOTICE OF RECORDING

867 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

868 Apologies were submitted on behalf of Councillors John Alden and James McKay for their inability to attend the meeting.

MINUTES AND NOTES OF INFORMAL MEETING

869 **RESOLVED:-**

- i) That the notes of the informal meeting held on 9 November 2016 be noted and signed;

- ii) That part I of the Minutes of the meeting of the Trusts and Charities Committee held on 21 September 2016 were noted.

MATTERS ARISING FROM THE MINUTES AND INFORMAL NOTES

870 There were no matters arising from the Minutes and informal notes.

YOUNG ACTIVE TRAVEL IN BIRMINGHAM CHARITABLE TRUST – MECHANICS OF FUNDING PROTOCOL

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

(See Document No. 1)

Lesley Poulton and Mel Jones introduced the report and highlighted the salient points.

Members welcomed the scheme and stated that anything that can be implemented to encourage children to walk to school and alleviate traffic problems and concerns outside the school gates during peak periods should be encouraged.

It was -

871 **RESOLVED:-**

- i) That the formation of the Young Active Travel in Birmingham Charitable Trust, for which the City Council is sole corporate Trustee be noted;
 - ii) That approval be given to the draft Mechanics of Funding Protocol setting out the process under which the charitable trust will award grants.
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CANNON HILL PARK : EASEMENT FOR NEW SURFACE WATER DRAIN FOR FLOOD ALLEVIATION IN SELLY OAK

The following report of the Director of Corporate Finance was submitted:-

(See Document No. 2)

Nigel Oliver introduced the report and responded appropriately to Members questions.

Members stressed that the River Rea should be kept clear of all rubbish and debris in order to prevent the waters from flooding at pinch points further downstream.

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RESOLVED:-

The Trusts and Charities Committee:-

- i) Noted the action of the Chairman, in consultation with officers, in approving the grant of a new easement to the Environment Agency to enable a new pipe to be installed under the service road at the rear of the Birmingham Wildlife and Conservation Park;
- ii) Authorised the Director of Property to undertake all appropriate actions to negotiate the terms of the easement and related documents;
- iii) Instructed the Acting City Solicitor to prepare, negotiate, execute, seal and complete all necessary documentation to give effect to the above and that the recommendation be referred to a future meeting of Council as Trustee.

SELLY OAK PARK : IN SUPPORT OF A LEGAL INJUNCTION ON PARK LAND IN BIRMINGHAM

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

(See Document No. 3)

Nigel Oliver introduced the report and highlighted the salient points.

Members felt that the injunction will help but not solve the problem. In order to use the legal powers correctly the City Council should provide specific sites to house the travelling community.

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RESOLVED:-

The Trusts and Charities Committee:-

- (i) Noted the action of the Chairman, in consultation with officers, in approving to support Environmental Services and Parks Officers in an application to seek a legal injunction to safeguard Selly Oak Park, Selly Park Recreation Ground and Hazelwell Recreation Ground from further occupants by traveller groups;
- (ii) Authorised the Acting City Solicitor to prepare, negotiate, serve, execute, seal and complete all necessary legal documentation to give effect to the above and that the recommendation be referred to a future meeting of Council as Trustee.

At 1100 hours Councillor Paul Tilsley left the meeting.

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

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

(See Document No. 4)

Nigel Oliver introduced the report and highlighted the salient points.

In response to a question raised by Councillor Ian Cruise, John Stewart, Friends of Manor Farm Park stated that the Friends had been working on the scheme for five years in conjunction with Birmingham City Council, Birmingham Conservation Trust and the Wildlife Trust. The Barn will be restored back to its original form and used as a community commodity/educational use with a cafeteria. The Barn will be rented on a long term lease including the surrounding barns which will be renovated for office accommodation. This will ensure that the whole site is developed at the same time giving the City Council the ability to use the depot to meet its specific needs.

He briefly outlined the history of the Barn and stated that it was an historic building which was used by the Cadbury's for picnic areas and visits by City children from the end of the 19th Century. The Friends Ambulance Service used the Barn during the II World War as a training depot.

He reiterated that there were absolutely no plans to destroy or demolish the Barn and its surrounding buildings. The plans were to restore the buildings to be used by the local community.

Nigel Oliver confirmed that the only demolition on the site would be an unused toilet block. New public convenience facilities would be relocated in the proposed plans for the Barn.

874

RESOLVED:-

The Trusts and Charities Committee:-

- (i) Noted the completion of the Options Appraisal by Birmingham Conservation Trust (BCT) and the preferred option from the stakeholders public meeting proposing to release part of the depot land;
- (ii) Noted that George Cadbury for Public Park Trust did not have sufficient financial funds nor powers to effect the changes;
- (iii) Acknowledged the intention of the Acting Strategic Director of Place to declare a substantial part of the current Depot surplus to requirements to enable change subject to any disposal and also reinstating some essential depot facilities that will be lost;
- (iv) Approved that applications for external funding can be made by the City Council, BCT or others in support of the proposals and subject to compliance with the provisions of the Charities Act 2011 to accept any terms and conditions including possible legal charges;

- (v) Noted that the land held in trust is designated or 'specie' land which means its use is restricted to public open space and approved that, in consultation with the Chairman, an application to seek an Order and/or Scheme from the Charity Commission under the Charities Act to empower the trust to effect the proposed changes and in due course to undertake disposals, subject to compliance with the Charities Act 2011 and to the satisfactory conclusion of necessary public consultation approved that the proposals for the land declared surplus should continue to be developed and the surplus properties marketed with the expectation that changes will assist the funding for the refurbishment and letting of the Cadbury Barn;
- (vi) Recommended to the next available meeting of the Council as Trustee that approval has been given to the matters listed in 2.1 through to 2.6 above;
- (vii) Authorised the Director of Property to negotiate, vary and approve the terms of any disposal of land or other related agreements and to appoint external consultants and valuers as appropriate;
- (viii) Authorised the Acting City Solicitor to prepare, negotiate, execute, seal and complete all necessary legal documentation, including the applications to the Charity Commission to give effect to the above decisions and to place any formal advertisements required under either Section 123(2A) of the Local Government Act 1972 or various statutes as may relate to the charitable status of the land in the securing of more modern powers to better manage the trust land.

RE-ESTABLISHMENT OF A NEW APPOINTMENTS PANEL

Sanjeev Bhopal, Committee Lawyer gave a verbal update and made the following particular points:

- In April 2016 it was reported to Trusts and Charities Committee that an Appointments Panel consisting of Councillor Phil Davis, Councillor John Alden and Councillor Paul Tilsley had been convened and Members had put forward a number of recommendations to the Trusts and Charities Committee on how the City Council dealt with appointments to outside bodies.
- Historically, the City Council make a number of appointments of Trustees to Charitable Bodies outside of the City. The Panel were asked to consider how there was a link to those Charities and how there could be an improvement to those links in terms of appointing Members/Non Members to those organisations with a view to making their meetings more constructive. In the past there has been an issue of the filling vacancies across all the Group Offices and those Members appointed were not in a position in terms of administration and Governance to take part in the decision making process.

- The purpose of the Panel was to consider how the process could be revised and skill match Members to the relevant organisations.
- Officers are currently participating in a wider review about how Members are appointed to outside bodies.
- The review will be available sometime in the future. Until this is achieved current Members of the Trusts and Charities Committee can either establish a new Appointments Panel or go forward and adopt the recommendations previously submitted in April 2016.
- He concluded by stating that in order for the Trusts and Charities Committee to make recommendations and changes to appointments, the Committee's Constitution which adopts the Terms and Reference needed to be amended at Cabinet Committee. The City Solicitor was currently negotiating with Committee Services to formulate a report.

Members requested a copy of the original report and appendices that were submitted to the Trusts and Charities Committee in April 2016.

Following a brief discussion it was –

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RESOLVED:-

That the recommendations submitted by the Appointments Panel in April 2016 be forwarded to the next available meeting of the Trusts and Charities Committee for consideration and implementation.

STRATEGIC BUSINESS PLAN

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Sanjeev Bhopal, Committee Lawyer gave a verbal update and made the following particular points:

- The Business Plan has been adopted by the Trusts and Charities Committee and the following five key tasks had been identified:
 - Capital Asset review.
 - Investment Fund review.
 - Consolidation and merger of other Charities into the Birmingham Municipal Charity. Two Charities have agreed to merge with BMC and a report will be submitted to the next meeting for formal approval.
 - Closure or transfer of assets of Charities which are not commercially viable.
 - Disposal of Grants Awards. How Charities are publicised.
- He confirmed that a written report will be submitted to the next meeting on the review of the Strategic Business Plan.

Members stated that the idea of appointing Champions to carry out the five tasks identified was a positive way forward.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted;-

(See document No. 4)

It was -

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RESOLVED:-

That Outstanding Minute No. 810 (Car Parking Charges on Trust Land) be continued.

OTHER URGENT BUSINESS

A. Draft Protocol for the Interim Management of the Highbury Estate

Les Sparks, Chair of Trustees, Charity Highbury Trust (CHT) gave a verbal report and stated the following:

- At the November meeting of the Trusts and Charities Committee identified parties were requested to draft a protocol in order to provide the means to manage proposals affecting the Highbury Estate during the interim period pending the grant of a lease to The Chamberlain Highbury Trust.
- This has now been completed and a 2nd version of a protocol has been drafted. All parties are in agreement with the amended version.
- A right of appeal has been written into the protocol and all appeals will be submitted to the Trusts and Charities Committee for consideration and final decision.
- All interested parties and groups will meet on a regular basis to share information.
- He stated that if the Trusts and Charities Committee were in agreement with the proposed 2nd draft protocol then all interested parties will meet to formally accept and acknowledge this arrangement.

Members welcomed the draft proposal which was tabled at the meeting and requested that the matter be submitted to the next meeting of The Trusts and Charities Committee in order to give Members sufficient time to comprehend the draft protocol prior to formal approval.

The Chairman noted the concern and it was –

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RESOLVED:-

That the draft protocol and an accompanying report be submitted to the next meeting of the Trusts and Charities for formal approval.

AUTHORITY TO CHAIRMAN AND OFFICERS

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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

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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
