

BIRMINGHAM CITY COUNCIL

<p>MEETING OF MEMBERS OF THE TRUSTS AND CHARITIES COMMITTEE 19 APRIL 2017</p>
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**MINUTES OF A MEETING OF THE
TRUSTS AND CHARITIES COMMITTEE
HELD ON WEDNESDAY 19 APRIL 2017
AT HIGHBURY HALL, THE DRAWING
ROOM, 4 YEW TREE ROAD, MOSELEY,
BIRMINGHAM, B13 8AG**

PRESENT: - Councillor Habib Rehman in the Chair;

Councillors John Alden, Ian Cruise and Paul Tilsley.

ALSO PRESENT:-

Sanjeev Bhopal – Committee Lawyer
Nigel Oliver – Birmingham Property Services
Alison Jarrett – Assistant Director of Finance
Sarah Stride – Committee Manager
Mike Williams – Trustee, Charity Highbury Trust (CHT)

APOLOGIES

898 Apologies were submitted on behalf of Councillors James McKay, David Pears and Mick Finnegan for their inability to attend the meeting.

MINUTES

899 **RESOLVED:-**

That part 1 of the Minutes of the meeting of the Trusts and Charities Committee held on 1 March 2017 were noted.

MATTERS ARISING FROM THE MINUTES

900 Councillor John Alden made reference to Minute numbers 886 and 887 of the Minutes held on 1 March 2017 and expressed concern that Cabinet Committee should not be involved in taking control over decisions that the Trusts and Charities Committee should be undertaking. He stressed that Cabinet Committee had no right to make any final decisions and he sought legal advice on this issue.

Sanjeev Bhopal, Committee Lawyer stated that the final decision would be

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undertaken by the trusts and Charities Committee but reference should be made to the appropriate Cabinet Members for information.

At 1035 hours the Chairman proposed, and it was agreed that the meeting be adjourned in order that Members and officers undertake a site visit around Highbury Hall to assess the recent refurbishment works.

HIGHBURY TRUST – GRANT AGREEMENT BETWEEN CHAMBERLAIN HIGHBURY TRUST (“CHT”) AND HIGHBURY TRUST

The following report of the City Solicitor and Monitoring Officer was submitted:-

(See Document No. 1)

Mike Williams, Trustee, Charity Highbury Trust introduced the Grant Agreement report and highlighted the salient points.

In response to questions raised he advised that due to the increase of costs it was now unlikely that the café and public conveniences to the rear of Highbury Hall will not be constructed. The envisaged scheme that was would have to be re-visited to ensure that the budget available was not overspent and that all monies available will be concentrated on the refurbishment of the Highbury Hall building.

It was -

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RESOLVED:-

That Councillor Habib Ul Rehman as Chairman of the Committee be authorised on advice from officers within Legal Services and Corporate Finance to enter into a Grant Agreement with Chamberlain Highbury Trust as a result of which it will receive the sum of £43,000 prior to the end of April 2017 and a further £76,000 for the period 1 April 2017 to 31 March 2018 on dates to be agreed by the parties. These payments will be made from the charity's unrestricted trust income/balances.

669 BRISTOL ROAD – FORMER SELLY OAK LIBRARY

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

(See Document No. 2)

Nigel Oliver introduced the report and highlighted the main points.

Member's views varied considerably from between selling the building outright as it was a stand-alone asset and money can be added to the capital receipt to retaining the building as it was built by private donation for public subscription and it was important to retain the building and its heritage.

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The Chairman noted all comments made and stated that a further report will be submitted to a future meeting advising the Committee on the best course of action to be taken.

It was -

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RESOLVED:-

- i) Noted that the Selly Oak Library was closed on 1 April 2017 and neither the Library Service nor Birmingham City Council are seeking to re-use the building;
- ii) Authorised that applications be made to the Charity Commission to obtain either an Order of Scheme for the better management of the trust assets including a power of disposal;
- iii) Authorised the making of applications including a Deed of release from the giftor's family seeking to remove or amend the restrictive covenant limiting the use of the premises;
- iv) Subject to an evaluation of all options for the future use of the building, agreed to the decision in principle that, if this is in the best interests of the charitable trust, the building should be disposed of and where this is the case the recommendation of the Trusts and Charities Committee be advanced to the next available meeting of the Council as Trustee for approval;
- v) Delegated authority to the Assistant Director of Property (Interim) to secure appropriate valuation and marketing advice in line with statutory requirements of the Charities Act 2011 for the disposal of the property and negotiate the terms of any disposal;
- vi) Authorised the 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 and to remove or amend the restrictive covenant and to appraise the Committee of the results of the applications and consultation.

OTHER URGENT BUSINESS

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No items of other urgent business were raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

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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
